State of Wisconsin
1995 - 1996 LEGISLATURE

LRBs0148/3
ALL:all:all

ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1995 ASSEMBLY BILL 150

May 31, 1995 – Offered by JOINT COMMITTEE ON FINANCE.

AN ACT **relating to:** state finances and appropriations, constituting the executive budget act of the 1995 legislature, and making appropriations.

GUIDE TO NONSTATUTORY MATERIAL

As is the case for all other bills, the SECTIONS of the budget bill treating statutory material are displayed in the ascending numerical sequence of the statute units affected. In some parts of the bill, not all consecutive SECTION numbers are used.

Treatments of prior session laws (styled "[year] Wisconsin Act ...." or, before 1983, "laws of [year], chapter ....") are displayed next by year of original enactment and by act number.

Following the treatment of prior session laws, the remaining nonstatutory material is set forth in bill SECTIONS numbered as follows:

9101 to 9159: Nonstatutory provisions; agency name.
9201 to 9259: Appropriation changes; agency name.
9301 to 9359: Initial applicability; agency name.
9400 to 9459: Effective dates; agency name.

In each of the 4 categories, there is a separate SECTION number for every agency. In that number, the last 2 digits correspond to the agencies as shown below. For example, for nonstatutory provisions that are not appropriation changes or initial applicability or effective date provisions affecting the historical society, see SECTION 9128. The agencies are listed in alphabetical sequence by key word. For any agency not yet assigned a 2–digit identification number or any provision that does not relate to the functions of any particular agency, see number "59" (other) in each category.

01 ADMINISTRATION

ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD
AGING AND LONG-TERM CARE BOARD
AGRICULTURE, TRADE AND CONSUMER PROTECTION
ARTS BOARD
BANKING
BOUNDARY AREA COMMISSION, MINNESOTA-WISCONSIN
BUILDING COMMISSION
CHILD ABUSE AND NEGLECT PREVENTION BOARD
CIRCUIT COURTS
CONSERVATION CORPS BOARD
CORRECTIONS
COST CONTAINMENT COMMISSION
COURT OF APPEALS
CREDIT UNIONS
DEVELOPMENT
EDUCATIONAL COMMUNICATIONS BOARD
ELECTIONS BOARD
EMPLOYE TRUST FUNDS
EMPLOYMENT RELATIONS COMMISSION
EMPLOYMENT RELATIONS DEPARTMENT
ETHICS BOARD
GAMING COMMISSION
GOVERNOR
HEALTH AND EDUCATIONAL FACILITIES AUTHORITY
HEALTH AND SOCIAL SERVICES
HIGHER EDUCATIONAL AIDS BOARD
HISTORICAL SOCIETY
HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY
INDUSTRY, LABOR AND HUMAN RELATIONS
INSURANCE
INVESTMENT BOARD
JOINT COMMITTEE ON FINANCE
JUDICIAL COMMISSION
JUDICIAL COUNCIL
JUSTICE
LEGISLATURE
LIEUTENANT GOVERNOR
LOWER WISCONSIN STATE RIVERWAY BOARD
MEDICAL COLLEGE OF WISCONSIN
MILITARY AFFAIRS
NATURAL RESOURCES
PERSONNEL COMMISSION
PUBLIC DEFENDER BOARD
PUBLIC INSTRUCTION
PUBLIC SERVICE COMMISSION

47 REGULATION AND LICENSING
48 REVENUE
49 SAVINGS AND LOAN
50 SECRETARY OF STATE
51 SECURITIES
52 STATE FAIR PARK BOARD
53 SUPREME COURT
54 TECHNICAL COLLEGE SYSTEM
55 TRANSPORTATION
56 TREASURER
57 UNIVERSITY OF WISCONSIN SYSTEM
58 VETERANS AFFAIRS
59 OTHER

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 3. 7.33 (1) (a) of the statutes is amended to read:

7.33 **(1)** (a) "Employe" has the meaning given under s. 101.01 ~~(2) (a)~~ (3).

SECTION 4. 7.33 (1) (b) of the statutes is amended to read:

7.33 **(1)** (b) "Employer" has the meaning given under s. 101.01 ~~(2) (b)~~ (4).

SECTION 5. 7.33 (1) (c) of the statutes is amended to read:

7.33 **(1)** (c) "State agency" has the meaning given under s. 20.001 (1) and includes an authority created under ch. 231, 232, 233 or 234.

SECTION 8. 11.36 (1) of the statutes is amended to read:

11.36 **(1)** No person may solicit or receive from any state officer or employe or from any officer or employe of the University of Wisconsin Hospitals and Clinics Authority any contribution or service for any political purpose while the officer or employe is ~~on state time or is~~ engaged in his or her official duties, except that an elected state official may solicit and receive services not constituting a contribution from a state officer or employe or an officer or employe of the University of Wisconsin Hospitals and Clinics Authority with respect to a referendum only. Agreement to

perform services authorized under this subsection may not be a condition of employment for any ~~state~~ such officer or employe.

SECTION 9. 11.36 (3) and (4) of the statutes are amended to read:

11.36 **(3)** Every person who has charge or control in a building, office or room occupied for any purpose by this state ~~or~~, by any political subdivision thereof or by the University of Wisconsin Hospitals and Clinics Authority shall prohibit the entry of any person into that building, office or room for the purpose of making or receiving a contribution.

(4) No person may enter or remain in any building, office or room occupied for any purpose by the state ~~or~~, by any political subdivision thereof or by the University of Wisconsin Hospitals and Clinics Authority or send or direct a letter or other notice thereto for the purpose of requesting or collecting a contribution.

SECTION 14L. 13.101 (4a) of the statutes is created to read:

13.101 **(4a)** The committee may transfer appropriated moneys from the appropriation account of any state agency, as defined in s. 20.001 (1), under which document production, reproduction or distribution costs are financed, other than a sum sufficient appropriation account, to the appropriation account under s. 20.870 (1) (r), in an amount not exceeding the savings accruing to the state during the fiscal biennium in which the transfer is made resulting from the centralization of document production, reproduction or distribution functions in the department of administration, as documented by the department.

SECTION 14g. 13.101 (4b) of the statutes is created to read:

13.101 **(4b)** The committee may transfer appropriated moneys from the appropriation account of any state agency, as defined in s. 20.001 (1), other than a sum sufficient appropriation account, in an amount not greater than the estimated

savings to the state resulting from the implementation by the agency of an information technology project under s. 16.971 (5), to the appropriation account under s. 20.870 (1) (r). The committee shall not act under this subsection unless the estimated savings to the state are documented by the secretary of administration.

SECTION 15. 13.101 (4g) of the statutes is amended to read:

13.101 **(4g)** At the request of the department of agriculture, trade and consumer protection under s. 92.14 (4r), the committee may transfer funds from the appropriation under s. 20.370 ~~(4) (cq)~~ (6) (aq) to the appropriation under s. 20.115 (7) (q) if necessary to provide grants under s. 92.14 (4) (c).

SECTION 16. 13.101 (6) (a) of the statutes is amended to read:

13.101 **(6)** (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, the university of Wisconsin system or to any other state agency or activity by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (bm), (cg) and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq) and (ar), 20.435 ~~(4) (a), (d) and (e)~~ (1) (c), (6) (a) and (7) (da) and 20.445 (3) (a) and (d) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues

to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

SECTION 16g. 13.101 (10) of the statutes is amended to read:

13.101 **(10)** The committee may approve expenditure of moneys received by this state as a part of a block grant, and may approve a transfer of moneys allocated by the federal government to this state as a part of a block grant for use as a part of another such grant made for different purposes. In this subsection, "block grant" has the meaning given under s. 16.54 (2) (a).

SECTION 16m. 13.101 (13) of the statutes is created to read:

13.101 **(13)** (a) Upon the crediting of proceeds from the sale or lease of a state building or structure or state land to the appropriation account under s. 20.865 (4) (a), the amounts in the schedule for that appropriation are increased by the amount credited for the fiscal biennium in which the crediting occurs.

(b) If the building, structure or land was used by a single agency, as defined in s. 13.48 (14) (a), the committee may, upon request of that agency, transfer not more than 50% of the moneys so credited to any appropriation account of that agency, other than a sum sufficient appropriation account, without finding that an emergency exists under sub. (3) (a) 1. Upon such transfer, the amounts in the schedule for any sum certain appropriation to the agency from the account to which a transfer is made are increased by the amount transferred during the fiscal year or biennium for which the appropriation is made.

(c) The committee may, upon request of the building commission, transfer not more than 50% of the moneys so credited to the building trust fund without finding that an emergency exists under sub. (3) (a) 1.

(d) If the building, structure or land was not used by a single agency, as defined in s. 13.48 (14) (a), or was under the management of the department of administration for use by more than one agency, the committee may, upon request of the building commission, transfer an amount not greater than the amount of the moneys so credited to the building trust fund without finding that an emergency exists under sub. (3) (a) 1.

SECTION 17. 13.172 (1) of the statutes is amended to read:

13.172 **(1)** In this section, "agency" means an office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created in ch. 231, 233 or 234.

SECTION 17m. 13.48 (1m) (e) of the statutes is created to read:

13.48 **(1m)** (e) Notwithstanding par. (b), the building commission may grant waivers under s. 44.39 (5).

SECTION 18m. 13.48 (5) of the statutes is renumbered 13.48 (5) (a).

SECTION 18n. 13.48 (5) (b) of the statutes is created to read:

13.48 **(5)** (b) Whenever the building commission considers any proposal for the construction of a new correctional institution or the expansion of an existing correctional institution, the department of administration shall provide the commission with information concerning annual operating costs, including staffing

costs, that will result from such construction or expansion in connection with consideration of that proposal.

SECTION 22. 13.48 (10) of the statutes, as affected by 1993 Wisconsin Act 288, is amended to read:

13.48 **(10)** APPROVAL BY BUILDING COMMISSION. (a) No state board, agency, officer, department, commission or body corporate may enter into a contract for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, which involves a cost in excess of $100,000, without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. The building commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied with or does not apply. This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative or operating functions, including buildings, land and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

(b) This subsection does not apply to ~~contracts~~ any of the following:

1. Contracts by the department of natural resources for construction work related to hazardous substance spill response under s. 144.76 or environmental repair under s. 144.442. ~~This subsection does not apply to projects~~

2. Projects approved by the governor in response to emergency situations under s. 16.855 (16) (b) or to allocations from the appropriation made under s. 20.867 (2) for special category projects when the building commission has released funds under sub. (3) and has also approved a plan for the expenditure of those funds. "Special category projects" for the purpose of this ~~subsection~~ subdivision include ~~but are not~~

~~limited to~~ projects such as special maintenance, energy conservation, handicapped access and advance property acquisition designated by the building commission.

SECTION 22m. 13.48 (10) (a) of the statutes, as affected by 1993 Wisconsin Act 288 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

13.48 **(10)** (a) No state board, agency, officer, department, commission or body corporate may enter into a contract for the construction, reconstruction, remodeling of or addition to any building, structure, or facility, which involves a cost in excess of $100,000, without completion of final plans and arrangement for supervision of construction and prior approval by the building commission. The building commission may not approve a contract for the construction, reconstruction, renovation or remodeling of or an addition to a state building as defined in s. 44.51 (2) unless it determines that s. 44.57 or 16.846 has been complied with or does not apply. This section applies to the department of transportation only in respect to buildings, structures and facilities to be used for administrative or operating functions, including buildings, land and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

SECTION 23. 13.48 (10) (b) 3. of the statutes is created to read:

13.48 **(10)** (b) 3. Construction or improvement projects of the University of Wisconsin Hospitals and Clinics Authority.

SECTION 24. 13.48 (13) (a) of the statutes is amended to read:

13.48 **(13)** (a) Except as provided in par. (c), every building, structure or facility that is constructed for the benefit of or use of the state or any state agency, board, commission or department or the University of Wisconsin Hospitals and Clinics Authority shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the

municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

SECTION 24c. 13.48 (13) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

13.48 **(13)** (a) Except as provided in par. (b) or (c), every building, structure or facility that is constructed for the benefit of or use of the state or any state agency, board, commission or department or the University of Wisconsin Hospitals and Clinics Authority shall be in compliance with all applicable state laws, rules, codes and regulations and zoning ordinances or regulations of the municipality in which the construction takes place but is not subject to other ordinances or regulations of that municipality, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

SECTION 24f. 13.48 (13) (b) of the statutes is created to read:

13.48 **(13)** (b) Every building, structure or facility that is constructed at state fair park shall be in compliance with all applicable state laws, rules and codes but is not subject to zoning or any other ordinances or regulations of the municipality in which the park is located.

SECTION 24g. 13.48 (14) (a) of the statutes is renumbered 13.48 (14) (am).

SECTION 24h. 13.48 (14) (a) of the statutes is created to read:

13.48 **(14)** (a) In this subsection, "agency" has the meaning given for "state agency" in s. 20.001 (1).

SECTION 24j. 13.48 (14) (c) of the statutes is amended to read:

13.48 **(14)** (c) ~~Net~~ If there is any outstanding public debt used to finance the acquisition of a building, structure or land or the construction of a building or structure that is sold or leased under par. (b), the building commission shall deposit a sufficient amount of the net proceeds from the sale or lease of the ~~lands or buildings under par. (b) shall be deposited~~ building, structure or land in the bond security and redemption fund under s. 18.09 to ~~pay~~ repay the principal and pay the interest on ~~any bonds used to finance those lands or buildings~~ the debt, and any premium due upon refunding any of ~~those bonds~~ that debt. If there ~~are~~ is no such ~~bonds~~ debt outstanding, ~~the net proceeds shall be used to pay the principal and interest on the bond which is from any revenue source from which there were appropriations to support those lands or buildings and which bears the highest true interest costs in comparison to any other bond from such revenue sources~~ or, if the net proceeds exceed the amount required to repay that principal and pay that interest and premium, the building commission shall credit the net proceeds or remaining net proceeds to the appropriation account under s. 20.865 (4) (a).

SECTION 24k. 13.48 (14) (d) 1. of the statutes is amended to read:

13.48 **(14)** (d) 1. In this paragraph, "surplus land" means land under the jurisdiction of the commission and allocated for use by ~~a state~~ an agency, but unused and not needed for the agency's operations or included in the agency's plan for construction or development.

SECTION 24L. 13.48 (14) (d) 2. of the statutes is amended to read:

13.48 **(14)** (d) 2. Biennially, beginning on January 1, 1984, each ~~state~~ agency having surplus land shall submit to the building commission and the joint committee on finance an inventory containing the ~~description,~~ location, description and fair market value of each parcel of surplus land.

SECTION 24m. 13.48 (14) (d) 3. a. to c. of the statutes are amended to read:

13.48 **(14)** (d) 3. a. The location, description and fair market value~~, description and location~~.

b. Whether the commission intends to sell or transfer the use of the parcel ~~will be sold or transferred for use by~~ from one agency to another ~~state~~ agency.

c. ~~Whether~~ If the commission intends to transfer use of the parcel from one agency to another agency, whether transfer of the parcel ~~for use by another state agency~~ is critical or desirable~~, if the commission intends to transfer the parcel~~.

SECTION 25. 13.48 (26) of the statutes is amended to read:

13.48 **(26)** CLEAN WATER ANNUAL FINANCE PLAN APPROVAL. The building commission shall review the versions of the biennial finance plan and any amendments to the biennial finance plan submitted to it by the department of natural resources and the department of administration under s. 144.2415 (3) (bm) and the recommendations of the joint committee on finance and the standing committees to which the versions of the biennial finance plan and any amendments were submitted under s. 144.2415 (3) (bm). The building commission shall consider the extent to which that version of the biennial finance plan that is updated to reflect the adopted biennial budget act will maintain the clean water fund in perpetuity~~, maintain the purchasing power of the clean water fund, meet the requirements of ss. 144.241 and 144.2415 to provide financial assistance for water quality pollution abatement needs and nonpoint source water pollution management needs, and provide a stable and sustainable annual level of financial assistance under ss. 144.241 and 144.2415 proportional to the state's long–term water pollution abatement and management needs and priorities~~. The building commission shall ~~also~~ consider the extent to which the implementation of the clean water fund, as set

forth in ~~that version of~~ the biennial finance plan updated to reflect the adopted biennial budget act, implements legislative intent on the clean water fund program. The building commission shall, no later than 60 days after the date of enactment of the biennial budget act, either approve or disapprove the biennial finance plan that is updated to reflect the adopted biennial budget act, except that the building commission may not disapprove those amounts that the legislature approves under s. 144.2415 (3) (c). If the building commission disapproves the version of the biennial finance plan that is updated to reflect the adopted biennial budget act, it must notify the department of natural resources and the department of administration of its reasons for disapproving the plan, and those departments must revise that version of the biennial finance plan and submit the revision to the building commission.

SECTION 26. 13.48 (28) of the statutes is created to read:

13.48 **(28)** STATE PROPERTY LEASED TO THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. The building commission may not authorize public debt to construct or improve any on–campus facilities, as defined under s. 233.01 (7), if the building commission believes, at the time that the public debt is authorized, that the facilities are or will be leased to the University of Wisconsin Hospitals and Clinics Authority.

SECTION 27. 13.53 (2) (b) of the statutes is amended to read:

13.53 **(2)** (b) Study and review the postaudit or other reports submitted by the legislative audit bureau, confer with the state auditor and assistants and with other legislative committees in regard to such reports and, when necessary, confer with representatives of the ~~state agency~~ entities audited in order to obtain full and complete information in regard to any fiscal transactions and governmental operations within the state.

SECTION 28. 13.53 (2) (c) of the statutes is amended to read:

13.53 **(2)** (c) Refer to the legislature or to an appropriate standing committee information that, in its opinion, warrants action by the legislature or by the committee. It may request from a standing committee information on such action as is taken. The committee shall seek the advice of the appropriate standing committees with respect to the program portion of an audit relating to ~~a state department or agency~~ an entity which is within the purview of such committee.

SECTION 29. 13.53 (3) (a) of the statutes is amended to read:

13.53 **(3)** (a) In any instance in which a postaudit report of the legislative audit bureau cites cases of improper payments; inadequate accounting, operating, or administrative system controls, procedures, or related records; inaccuracies; waste or extravagance; unauthorized or unintended activities or programs; or other deficiencies required by statute to be reported, the head of the ~~state department or agency~~ entity to which the audit report pertains shall, within a time period specified by the committee, advise the cochairpersons of the committee, the chairperson of the joint committee on legislative organization and to each appropriate standing committee of any remedial actions taken or to be taken on matters cited in the report. Where such advice is not forthcoming from the head of the ~~state department or agency~~ entity within the time period specified by the committee, or where the committee determines that suitable action has not been taken, the committee may report the matter immediately to the joint committee on legislative organization and to each appropriate standing committee.

SECTION 30. 13.53 (3) (b) of the statutes is amended to read:

13.53 **(3)** (b) The committee may, in any case, propose specific corrective action to remedy undesirable practices, including changes in applicable laws, rules and

procedures, but with respect to the program portion of audit, it shall first seek the advice of the appropriate standing committees which have purview over the ~~state department or agency~~ entity under review. If the committee introduces a bill, it shall be referred to the appropriate standing committee. The appropriate standing committees may propose corrective legislation wherever they find that the program portion of the audit indicates that a law is not being implemented in the manner intended by the legislature when the law was enacted.

SECTION 31. 13.53 (4) of the statutes is amended to read:

13.53 **(4)** FISCAL AND PERFORMANCE EVALUATIONS. The committee may at any time, without regard to whether the legislature is then in session, request the joint committee on legislative organization to investigate any matter within the scope of a postaudit completed or being conducted by the legislative audit bureau. It may also request investigation and consideration of any matter relative to the expenditures and revenues as well as the fiscal and performance activities of ~~state departments and agencies~~ entities pursuant to the objectives of the committee and the legislative audit bureau.

SECTION 31g. 13.58 (1) (intro.) of the statutes is amended to read:

13.58 **(1)** CREATION. (intro.) There is created a joint standing committee on information policy composed of the following members:

SECTION 31h. 13.58 (1) (c) of the statutes is repealed.

SECTION 31i. 13.58 (1) (d) of the statutes is repealed.

SECTION 31j. 13.58 (5) (a) 1. of the statutes is amended to read:

13.58 **(5)** (a) 1. Review information management and technology systems, plans, practices and policies of state and local units of government, including their responsiveness to the needs of state and local units of government for delivery of

high–quality services on an efficient, effective and economical basis, ~~to ensure~~ their data security and integrity ~~and to protect~~, their protection of the personal privacy of individuals who are subjects of data bases of state and local governmental agencies and their provision of access to public records under s. 19.35 (1).

SECTION 32. 13.58 (5) (a) 4. of the statutes is repealed.

SECTION 32m. 13.58 (5) (a) 5. of the statutes is created to read:

13.58 **(5)** (a) 5. Upon receipt of strategic plans from the department of administration, the board of regents of the University of Wisconsin System, the joint committee on legislative organization and the director of state courts, review and transmit comments concerning the plans to the entities submitting the plans.

SECTION 33. 13.58 (5) (b) 1. of the statutes is amended to read:

13.58 **(5)** (b) 1. Direct ~~the privacy advocate,~~ the council on information technology or the subunit in the department of administration with policy–making responsibility related to information technology to conduct studies or prepare reports on items related to the committee's duties under par. (a).

SECTION 33g. 13.58 (5) (b) 3. of the statutes is created to read:

13.58 **(5)** (b) 3. Direct the board of regents of the University of Wisconsin System to prepare and submit to the committee such reports as the committee requests pursuant to the committee's responsibilities under par. (a).

SECTION 33h. 13.58 (6) of the statutes is repealed.

SECTION 34. 13.62 (2) of the statutes is amended to read:

13.62 **(2)** "Agency" means any board, commission, department, office, society, institution of higher education, council or committee in the state government, or any authority created in ch. 231, 232, 233 or 234, except that the term does not include a council or committee of the legislature.

SECTION 35. 13.625 (8m) of the statutes is created to read:

13.625 **(8m)** Subsection (3) does not apply to the solicitation of anything of pecuniary value to pay the costs of remedying environmental contamination, as defined in s. 144.968 (1), by an agency official of the department of natural resources.

SECTION 36. 13.625 (10) of the statutes is created to read:

13.625 **(10)** This section does not apply to the solicitation, acceptance or furnishing of anything of pecuniary value by the department of tourism, or to a principal furnishing anything of pecuniary value to the department of tourism, under s. 19.56 (3) (em) or (f) for the activity specified in s. 19.56 (3) (em).

SECTION 37. 13.63 (1) of the statutes is amended to read:

13.63 **(1)** LICENSES. An application for a license to act as a lobbyist may be obtained from and filed with the board. The application shall be signed, under the penalty for making false statements under s. 13.69 (6m), by the lobbyist. Upon approval of the application and payment of the applicable license fee under s. 13.75 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to practice lobbying on behalf of ~~one or more~~ each registered ~~principals~~ principal who or which ~~have~~ has filed an authorization under s. 13.65 for that lobbyist and paid the authorization fee under s. 13.75 (4). The license shall expire on December 31 of each even–numbered year. No application may be disapproved by the board except an application for a license by a person who is ineligible for licensure under s. 13.69 (4) or lobbyist whose license has been revoked under s. 13.69 (7) and only for the period of such ineligibility or revocation. Denial of a license may be reviewed under ch. 227.

SECTION 38. 13.75 (1) of the statutes is amended to read:

13.75 **(1)** Obtaining a license under s. 13.63 (1)~~, $200~~ to act on behalf of one principal, $250.

SECTION 39. 13.75 (1m) of the statutes is created to read:

13.75 **(1m)** Obtaining a license under s. 13.63 (1) to act on behalf of 2 or more principals, $400.

SECTION 40. 13.75 (2) of the statutes is amended to read:

13.75 **(2)** Filing the principal registration form under s. 13.64, ~~$300~~ $375.

SECTION 41. 13.75 (4) of the statutes is amended to read:

13.75 **(4)** Filing an authorization statement under s. 13.65, ~~$100~~ $125.

SECTION 41g. 13.81 (7) of the statutes is repealed.

SECTION 41h. 13.81 (8) of the statutes is created to read:

13.81 **(8)** CONFERENCE ON LEGISLATIVE PROCEDURES. Following each general election, the joint legislative council shall sponsor a conference to acquaint new legislators or legislators–elect with legislative procedures. Expenses for the conference shall be paid from the appropriation under s. 20.765 (3) (e).

SECTION 41m. 13.90 (1) (L) of the statutes is created to read:

13.90 **(1)** (L) Determine the method of sale and prices for subscriptions to legislative documents and the operational responsibility for any legislative document subscription services provided under s. 35.87.

SECTION 41p. 13.90 (6) of the statutes is created to read:

13.90 **(6)** The joint committee on legislative organization shall adopt, revise biennially and submit to the cochairpersons of the joint committee on information policy, the governor and the secretary of administration, no later than September 15 of each even–numbered year, a strategic plan for the utilization of information technology to carry out the functions of the legislature and legislative service agencies, as defined in section 16.70 (6) of the statutes. The plan shall address the business needs of the legislature and legislative service agencies and shall identify

all resources relating to information technology which the legislature and legislative service agencies desire to acquire, contingent upon funding availability, the priority for such acquisitions and the justification for such acquisitions. The plan shall also identify any changes in the functioning of the legislature and legislative service agencies under the plan.

SECTION 42. 13.92 (1) (e) 5. of the statutes is amended to read:

13.92 **(1)** (e) 5. Microfilming, ~~or~~ optical imaging or electronic formatting of reference materials and legislative drafting records under par. (a) 1. and 3.

SECTION 42m. 13.92 (2) (h) of the statutes is created to read:

13.92 **(2)** (h) Recommend to the joint committee on legislative organization prices for subscriptions to the legislative document distribution service under s. 35.87, including any portion of the service provided separately.

SECTION 42p. 13.94 (1) (a) of the statutes is amended to read:

13.94 **(1)** (a) Audit the books and accounts of the ~~treasurer~~ secretary of administration, the moneys on hand in the treasury and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for by the ~~treasurer~~ secretary of administration, at least every 2 years; and report the result of such examination in writing to the governor and the joint committee on finance, specifying therein particularly the amount and kind of funds and of all such bonds and securities. The bureau shall transmit a certified copy of such report to the outgoing ~~treasurer~~ and successor secretary of administration.

SECTION 43f. 13.94 (1) (d) 2. of the statutes is amended to read:

13.94 **(1)** (d) 2. If the governor directs that such an examination be conducted, the order from the governor shall provide for reimbursement of the legislative audit bureau's costs in making the examination from the appropriation under s. 20.525 (1)

(a). No order from the governor for an examination under this paragraph may take precedence over any examination already scheduled by the legislative audit bureau without approval of the joint legislative audit committee. If a deficiency is discovered pursuant to an examination under this paragraph, the governor shall require the ~~treasurer~~ secretary of administration to make up the deficiency immediately; and if the ~~treasurer~~ secretary of administration refuses or neglects for 10 days thereafter to have the full sum belonging to said funds in the treasury the attorney general shall institute proceedings to recover the deficiency.

SECTION 43g. 13.94 (1) (eg) of the statutes is created to read:

13.94 **(1)** (eg) Annually conduct a financial audit of the gaming board and biennially conduct a performance evaluation audit of the gaming board. The legislative audit bureau shall file a copy of each audit report under this paragraph with the department of justice and with the distributees specified in par. (b).

SECTION 43r. 13.94 (1) (em) of the statutes is amended to read:

13.94 **(1)** (em) Annually conduct a financial audit ~~of the gaming commission that includes a financial audit~~ of the state lottery, and, to the extent of the ~~gaming commission's~~ department of revenue's participation, of any multistate lotteries in which the state participates, and biennially conduct a performance audit ~~of the gaming commission that includes a performance audit~~ of the state lottery and, to the extent of the ~~gaming commission's~~ department of revenue's participation, of those multistate lotteries, as provided in s. 565.37 (1). The legislative audit bureau shall file a copy of each audit report under this paragraph with the department of justice and with the distributees specified in par. (b).

SECTION 43t. 13.94 (1) (f) of the statutes is amended to read:

13.94 **(1)** (f) ~~Certify~~ Whenever a new secretary of administration takes office, certify to the ~~incoming treasurer~~ secretary the balance in the treasury on the day when he or she came into office and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for and transmit a certified copy thereof to the outgoing ~~treasurer~~ secretary.

SECTION 44. 13.94 (1) (n) of the statutes is amended to read:

13.94 **(1)** (n) Provide periodic performance audits of any division of the department of ~~industry, labor and human relations~~ development that is responsible for inspections of multifamily housing under s. 101.973 (11).

SECTION 44m. 13.94 (1) (o) of the statutes is created to read:

13.94 **(1)** (o) Prior to negotiation of an extension or renewal of the initial lease agreement under s. 233.04 (7) or the initial affiliation agreement under s. 233.04 (7m) between the board of regents of the University of Wisconsin System and the University of Wisconsin Hospitals and Clinics Authority, perform a performance evaluation audit and distribute a report of its findings to the distributees specified in par. (b).

SECTION 44q. 13.94 (1s) (b) of the statutes is amended to read:

13.94 **(1s)** (b) The legislative audit bureau may charge the ~~gaming commission~~ department of revenue for the reasonable costs of the audits required to be performed under sub. (1) (em) and for verification of the odds of winning a lottery game under s. 565.37 (5).

SECTION 44r. 13.94 (1s) (bm) of the statutes is created to read:

13.94 **(1s)** (bm) The legislative audit bureau may charge the gaming board for the cost of the audits required to be performed under sub. (1) (eg).

SECTION 45. 13.94 (4) (a) 1. of the statutes is amended to read:

13.94 **(4)** (a) 1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of state government; any public body corporate and politic created by the legislature; every provider of medical assistance under subch. IV of ch. 49; technical college district boards; development zones designated under s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

SECTION 45m. 13.94 (4) (a) 2. of the statutes is amended to read:

13.94 **(4)** (a) 2. Any foundation, ~~nonstock or nonprofit~~ corporation or partnership created by an entity specified under subd. 1.

SECTION 46. 13.94 (4) (a) 5. of the statutes is amended to read:

13.94 **(4)** (a) 5. A local service agency as defined in s. ~~101.35~~ 106.20 (1) (d).

SECTION 47. 13.94 (4) (b) of the statutes is amended to read:

13.94 **(4)** (b) In performing audits of providers of medical assistance under subch. IV of ch. 49, corporations, institutions, associations, or other organizations, and their subgrantees or subcontractors, the legislative audit bureau shall audit only the records and operations of such providers and organizations which pertain to the receipt, disbursement or other handling of appropriations made by state law.

SECTION 47m. 13.94 (8) of the statutes is created to read:

13.94 **(8)** COUNTY AND MUNICIPAL BEST PRACTICES REVIEWS. (a) In this subsection, "municipality" means a city, village or town.

(b) The state auditor shall undertake periodic reviews to:

1. Examine the procedures and practices used by counties and municipalities to deliver governmental services.

2. Determine the methods of governmental service delivery.

3. Identify variations in costs and effectiveness of such services between counties and municipalities.

4. Recommend practices to save money or provide more effective service delivery.

(c) The state auditor shall determine the frequency, scope and subject of any reviews conducted under par. (b).

(d) To assist the state auditor with the selection of county and municipal practices to be reviewed by the auditor, the auditor shall establish an advisory council consisting of the following members appointed by the auditor:

1. Two members chosen from among 6 names submitted by the Wisconsin Counties Association.

2. One member chosen from among 3 names submitted by the League of Wisconsin Municipalities.

3. One member chosen from among 3 names submitted by the Wisconsin Alliance of Cities.

4. One member chosen from among 3 names submitted by the Wisconsin Towns Association.

(e) The members of the council appointed under par. (d) shall serve without compensation.

SECTION 47n. 13.94 (8) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 47o. 13.95 (intro.) of the statutes is amended to read:

13.95 Legislative fiscal bureau. (intro.) There is created a bureau to be known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's designated employes shall at all times, with or without notice, have access to all state ~~departments~~ agencies and the University of Wisconsin Hospitals and Clinics Authority and to any books, records or other documents maintained by such agencies or the authority and relating to their expenditures, revenues, operations and structure.

SECTION 47p. 14.015 (2) (intro.) of the statutes is renumbered 15.705 (3) (intro.) and amended to read:

15.705 **(3)** WISCONSIN SESQUICENTENNIAL COMMISSION. (intro.) There is created a Wisconsin sesquicentennial commission which is attached to the ~~office of the governor~~ historical society under s. 15.03. The commission shall consist of the following members ~~appointed by the governor~~:

SECTION 47q. 14.015 (2) (a) to (e) of the statutes are renumbered 15.705 (3) (a) to (e).

SECTION 48. 14.017 (2) of the statutes is amended to read:

14.017 **(2)** STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the ~~state superintendent~~ secretary of ~~public instruction~~ education, the secretary of health and social services, the commissioner

of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, with demonstrated professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4–year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin county human service association, inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

SECTION 48m. 14.26 of the statutes is renumbered 44.25.

SECTION 53am. 14.563 (title) of the statutes is created to read:

14.563 (title) **Same; specified divisions.**

SECTION 53b. 14.58 (1) (intro.) of the statutes is renumbered 16.40 (20) (intro.).

SECTION 53c. 14.58 (1) (a) of the statutes is renumbered 16.40 (20) (a) and amended to read:

16.40 **(20)** (a) By the ~~state treasurer~~ secretary personally~~;~~.

SECTION 53d. 14.58 (1) (b) of the statutes is repealed.

SECTION 53e. 14.58 (1) (c) of the statutes is renumbered 16.40 (20) (b) and amended to read:

16.40 **(20)** (b) In the name of the ~~state treasurer~~ secretary, by any ~~clerk in the treasurer's office~~ employe of the department designated by the ~~treasurer; or~~ secretary.

SECTION 53f. 14.58 (1) (d) of the statutes is renumbered 16.40 (20) (c) and amended to read:

16.40 **(20)** (c) By placing on a check, share draft or other draft the facsimile signature of the ~~state treasurer~~ secretary adopted by him or her as a facsimile signature. Any depository shall be fully warranted and protected in making payment on any check, share draft or other draft bearing such facsimile notwithstanding that the facsimile may have been placed on the check, share draft or other draft without the ~~state treasurer's~~ secretary's authority.

SECTION 53g. 14.58 (2) of the statutes is renumbered 16.40 (21) and amended to read:

16.40 **(21)** ISSUE RECEIPTS. Issue receipts for all money paid to the ~~treasurer~~ secretary.

SECTION 53h. 14.58 (3) of the statutes is renumbered 16.40 (22).

SECTION 53i. 14.58 (4) of the statutes is renumbered 16.40 (23) and amended to read:

16.40 **(23)** (title) PAY ~~ON WARRANTS~~ SUMS AUTHORIZED BY LAW. (a) Pay out of the treasury, on demand, ~~upon the warrants of the department of administration,~~ except as provided in s. 20.929, such sums only as are authorized by law to be so paid, if there are appropriate funds therein to pay the same, and, when any sum is required to be paid out of a particular fund, pay it out of such fund only; and ~~upon each such warrant,~~ when payment is made in currency, take the receipt indorsed on or annexed thereto, of the payee therein named or an authorized agent or assignee. The ~~state treasurer~~ secretary shall accept telephone advice believed by ~~the treasurer~~ him or her to be genuine from any public depository, as defined in s. 34.01 (5), stating that a specified amount of money has been deposited with such public depository for the

credit of the ~~state treasurer~~ secretary, and shall act upon such telephone advice as though it had been in writing.

(b) When in the judgment of the ~~state treasurer~~ secretary balances in state public depository accounts are temporarily in excess of that required under par. (a), the ~~treasurer, with the concurrence of the~~ secretary ~~of administration,~~ may ~~authorize the preparation of a warrant in excess of the funds contained in~~ transfer the excess balance to the investment fund for the purpose of investment only. The earnings attributable to the investment of temporary excess balances shall be distributed as provided in sub. ~~(19)~~ (34).

SECTION 53j. 14.58 (5) of the statutes is renumbered 16.40 (24) and amended to read:

16.40 **(24)** ACCOUNT FOR INTEREST. Pay into the treasury and account for all sums directly or indirectly received by the ~~treasurer~~ secretary by virtue of the ~~treasurer's~~ secretary's office, or as interest or compensation for the use, deposit or forbearance of any state moneys in the ~~treasurer's~~ secretary's hands or under ~~the treasurer's~~ his or her control.

SECTION 53k. 14.58 (6) of the statutes is renumbered 16.40 (25) and amended to read:

16.40 **(25)** KEEP CASH AND FUND ACCOUNTS. Keep records showing the number, date and amount of each cash receipt issued by the ~~treasurer's office~~ secretary and classify said receipts by state funds; submit a summary statement of collections by fund together with a copy of each remittance advice in support thereof; keep also records showing the check, share draft or other draft number, date, payee and amount of each cash disbursement and classify said disbursements by state funds; and keep a record of the date, payee and amount of each disbursement made by a

money transfer technique other than a check or draft and classify the disbursement by state fund~~; and verify at the end of each week the amounts shown by the treasurer's records to represent total cash balance and cash balances of individual state funds by comparing said amounts with corresponding balances appearing on records maintained by the department of administration~~.

SECTION 53L. 14.58 (8) of the statutes is renumbered 16.40 (26), and 16.40 (26) (d), as renumbered, is amended to read:

16.40 **(26)** (d) Any other information pertaining to the duties of the ~~state treasurer~~ secretary under this subchapter, as determined by the ~~state treasurer~~ secretary or required by the governor.

SECTION 53m. 14.58 (9) of the statutes is amended to read:

14.58 **(9)** BIENNIAL REPORT. On or before October 15 of each odd–numbered year, submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report containing the same information required of departments and independent agencies under s. 15.04 (1) (d). ~~The report shall also include a statement showing for each of the 2 preceding fiscal years the cash balance in each state fund at the beginning of the fiscal year, the aggregate amount of receipts credited and the aggregate amount of disbursements charged to each said fund during the fiscal year and the resultant cash balance in each state fund at the end of the fiscal year. This statement shall further show as of the end of each said 2 fiscal years, at par, the aggregate value of securities held for each state fund and the aggregate value of securities held in trust or deposited for safekeeping, and shall show the manner in which the total cash balance was accounted for by listing the balances on deposit in each state account in a public depository, deducting from the total of such balances the aggregate amount of checks,~~

~~share drafts or other drafts outstanding and adding thereto the aggregate amount of cash and cash items in office.~~

SECTION 53n. 14.58 (10) of the statutes is renumbered 16.413 and amended to read:

16.413 Report certain payments. Whenever the ~~state treasurer~~ secretary or any state department shall remit to any county, city, town or village any sum in payment of a state aid or other item, the remitter shall transmit a statement of the amount and purpose thereof to the clerk of such municipality. After the receipt thereof, the clerk of such municipality shall present such statement at the next regular meeting of the governing body and shall thereafter file and keep such statement for 6 years.

SECTION 53q. 14.58 (12) of the statutes is renumbered 16.40 (30) and amended to read:

16.40 **(30)** STAMP CHECKS AND DRAFTS. Cause to be plainly printed or stamped upon each check, share draft and other draft issued by the ~~state treasurer~~ secretary the period of time, as determined by the ~~state treasurer~~ secretary but not to exceed one year, during which the check or other draft may be presented for payment. The ~~state treasurer~~ secretary shall cancel on his or her records any check or other draft that is not presented for payment within the prescribed time period and shall credit the amount thereof to the fund upon which it is drawn. ~~Notice of such cancellation and credit shall be immediately submitted by the state treasurer to the department of administration.~~

SECTION 53r. 14.58 (13) of the statutes is renumbered 16.40 (31) and amended to read:

16.40 **(31)** SERVICES IN CONNECTION WITH SECURITIES HELD IN TRUST. Upon request therefor from any company, corporation, society, order or association which has securities on deposit with the ~~treasurer~~ secretary, in trust, mail to its address not to exceed 60 days before the same become due, any or all interest coupons; return to it any or all bonds, notes or other deposits as they become due and are replaced by other securities; cut all interest coupons, make any indorsement of interest or otherwise on any such securities; and collect therefor from the company, corporation, society, order or association making the request, a 25–cent fee for a single coupon cut, or for each entry of interest indorsed on a note or return of a bond, note or other security, and a 10–cent fee for each additional coupon cut, or entry of interest indorsed on a note, bond or other security, and may withhold any and all coupons cut or refuse indorsement of interest on securities until such fee is paid. Such fees shall be paid into the state treasury as a part of the general fund, and an extra charge may be required for postage or registered mail.

SECTION 53s. 14.58 (17) of the statutes is renumbered 16.414 and amended to read:

16.414 Safekeeping receipts for federal securities. Whenever any federal securities are purchased under authority of any law and the ~~state treasurer~~ secretary is custodian thereof the ~~treasurer~~ secretary may accept and hold safekeeping receipts of a federal reserve bank for such securities. Each such receipt shall be identified on its face with the name of the fund to which the securities described in the receipt belong.

SECTION 53t. 14.58 (18) of the statutes is renumbered 16.416 and amended to read:

16.416 Sale of investments. Whenever the department ~~of administration~~ draws a check, share draft or other draft dated the next following business day upon a fund whose investment and collection is under the exclusive control of the investment board pursuant to s. 25.17 (1), and the receipts of the ~~state treasurer~~ secretary are insufficient to permit a disbursement from said fund in the amount of such check, share draft or other draft, the investment board shall sell investments owned by such fund for delivery in time to provide sufficient money to cover such check, share draft or other draft on the date which it bears.

SECTION 53u. 14.58 (19) of the statutes is renumbered 16.40 (34) and amended to read:

16.40 **(34)** APPORTION INTEREST. Apportion at least quarterly the interest earned on state moneys in all depositories among the several funds as provided in s. 25.14 (3), except that earnings attributable to the investment of temporary excess balances under sub. ~~(4)~~ (23) (b) shall be distributed according to a formula prescribed by the depository selection board. To the maximum extent deemed administratively feasible by the depository selection board, the formula shall approximate the distribution of earnings among funds which would occur if earnings were allocated in proportion to each fund's actual contribution to the earnings. Interest so apportioned shall be added to and become a part of such funds.

SECTION 53w. 14.58 (21) of the statutes is renumbered 16.40 (36) and amended to read:

16.40 **(36)** CREDIT CARD USE CHARGES. From moneys received under ss. 59.20 (8) and (8m) and 85.14 (1) (b), pay the charges under ss. 23.49 and 85.14 (1) (b) and (2) from the appropriation under s. ~~20.585~~ 20.505 (1) ~~(km)~~ (kq).

SECTION 59. 14.59 of the statutes is created to read:

14.59 Training conferences. The state treasurer may conduct conferences for the purpose of training county and municipal clerks and treasurers, and employes of their offices, in their official responsibilities. The treasurer may charge participants in any conference a fee for participation which shall not exceed the proportionate cost of conducting the conference. The treasurer shall credit all revenues from fees assessed under this section to the appropriation account under s. 20.585 (1) (h).

SECTION 64m. 14.62 of the statutes is repealed.

SECTION 65. 14.82 (1) (intro.) of the statutes is amended to read:

14.82 **(1)** (intro.) MINNESOTA–WISCONSIN. There is created a commission of 5 citizens nominated by the governor, and with the advice and consent of the senate appointed, for staggered 5–year terms, to represent this state on the joint Minnesota–Wisconsin boundary area commission. Any vacancy shall be filled for the balance of the unexpired term. To assist the commission, there is created a legislative advisory committee comprising 4 senators and 6 representatives to the assembly appointed as are the members of standing committees in their respective houses, and a technical advisory committee of 2 members appointed by the governor and one member each appointed by the governing board or head of the following agencies, to represent such agencies: the department of justice, the department of administration, the department of agriculture, trade and consumer protection, the department of natural resources, the department of health and social services, the public service commission, the department of tourism and the department of development. The members of the commission and the members of its advisory committees shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, from the

appropriation made by s. 20.315 (1), on vouchers approved by the Wisconsin member of the commission selected to serve as its chairperson or vice chairperson. All other expenses incurred by the commission in the course of exercising its powers and duties, unless met in some other manner specifically provided by statute, shall be paid by the commission out of its own funds.

SECTION 66. 14.85 (2) of the statutes is amended to read:

14.85 **(2)** The ~~secretaries~~ secretary of development, the secretary of tourism, the secretary of natural resources ~~and~~, the secretary of transportation~~,~~ and the director of the historical society, or their designees, shall serve as nonvoting members of the commission.

SECTION 67. 14.85 (8) (d) of the statutes is amended to read:

14.85 **(8)** (d) If permitted by law, any state agency or local public body, board, commission or agency may allocate funds under its control to fund programs recommended by the commission. If the department of development determines that a program recommended by the commission to undertake activities relating to the promotion of ~~tourism and~~ economic development is consistent with the department's statewide ~~tourism marketing and~~ economic development plans, priorities and resources, the department shall have primary responsibility to support the activities of the program. If the department of tourism determines that a program recommended by the commission to undertake activities relating to the promotion of tourism is consistent with the department's statewide tourism marketing plans, priorities and resources, the department shall have primary responsibility to support the activities of the program.

SECTION 68. 14.85 (9) of the statutes is amended to read:

14.85 **(9)** The commission may establish a technical committee to advise the commission. The members of the committee shall include at least one employe each from the ~~departments~~ department of transportation, the department of tourism and the department of development. The commission shall request the ~~departments~~ department of transportation, the department of tourism and the department of development to designate employes to serve on the committee and may request any other state agency to designate an employe to serve on the committee.

SECTION 71. Subchapter VI of chapter 14 [precedes 14.91] of the statutes is created to read:

CHAPTER 14

SUBCHAPTER VI

OFFICE OF THE STATE SUPERINTENDENT

OF PUBLIC INSTRUCTION

14.91 Creation of office of the state superintendent of public instruction. There is created an office of the state superintendent of public instruction attached to the department of education under s. 15.03. The office shall be under the direction and supervision of the state superintendent of public instruction.

14.93 Duties of state superintendent of public instruction. (1) The state superintendent of public instruction shall do all of the following:

(a) Visit, ascertain the condition of and stimulate public interest in the public elementary and secondary schools of this state.

(b) Advocate for the needs of the children of this state and the school districts of this state.

(c) Provide information to the public on the public elementary and secondary schools and school districts of this state.

(d) Annually submit to the governor, and to the legislature under s. 13.172 (2), a plan for improving the public elementary and secondary schools of this state and for improving the academic achievement of public elementary and secondary school pupils.

(e) Annually by October 1, report to the legislature under s. 13.172 (2) his or her activities during the previous fiscal year.

(2) The state superintendent of public instruction may do all of the following:

(a) Designate a staff member as the state superintendent's representative on any body on which the state superintendent is required to serve.

(b) Attend such educational meetings and make such investigations as the state superintendent deems important and as will acquaint the state superintendent with the different systems of public schools in the United States.

SECTION 72. 15.01 (2) of the statutes is amended to read:

15.01 **(2)** "Commission" means a 3–member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the ~~sentencing commission which shall consist of 17~~ education commission which shall consist of 11 members, the Wisconsin waterways commission which shall consist of 5 members, the parole commission which shall consist of 5 members ~~and,~~ the Fox river management commission which shall consist of 7 members and the Wisconsin sesquicentennial commission which shall consist of 21 members. A Wisconsin group created for participation in a continuing interstate body shall be known as a "commission", but is not a commission for purposes of s.

15.06. The parole commission created under s. 15.145 (1) shall be known as a "commission", but is not a commission for purposes of s. 15.06.

SECTION 73. 15.01 (4) of the statutes is amended to read:

15.01 **(4)** "Council" means a part–time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee river revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2)~~, the privacy council has the powers specified in s. 19.625~~ and the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24.

SECTION 74. 15.01 (6) of the statutes is amended to read:

15.01 **(6)** "Division," "bureau," "section" and "unit" means the subunits of a department or an independent agency, whether specifically created by law or created by the head of the department or the independent agency for the more economic and efficient administration and operation of the programs assigned to the department or independent agency. The office of justice assistance in the department of administration ~~has~~ and the office of credit unions in the department of financial institutions have the meaning of "division" under this subsection. The office of health care information in the office of the commissioner of insurance, the office of the long–term care ombudsman under the board on aging and long–term care and the office of educational accountability in the department of public instruction have the meaning of "bureau" under this subsection.

SECTION 75. 15.02 (1) of the statutes is amended to read:

15.02 **(1)** SEPARATE CONSTITUTIONAL OFFICES. The governor, lieutenant governor, secretary of state, state superintendent of public instruction and state treasurer each head a staff to be termed the "office" of the respective constitutional officer.

SECTION 76. 15.02 (3) (c) 1. of the statutes is amended to read:

15.02 **(3)** (c) 1. The principal subunit of the department is the "division". Each division shall be headed by an "administrator". The office of justice assistance in the department of administration ~~has~~ and the office of credit unions in the department of financial institutions have the meaning of "division" and the executive staff director of the office of justice assistance in the department of administration ~~has~~ and the director of credit unions have the meaning of "administrator" under this subdivision.

SECTION 76c. 15.02 (3) (c) 2m. of the statutes is created to read:

15.02 **(3)** (c) 2m. Notwithstanding subds. 1. and 2., the principal subunit of the department of tourism is the "bureau", which shall be headed by a "director".

SECTION 77m. 15.04 (1) (c) of the statutes is amended to read:

15.04 **(1)** (c) *Advisory bodies.* In addition to any councils specifically created by law, create and appoint such councils or committees as the operation of the department or independent agency requires. Each council or committee created under this paragraph is terminated upon expiration of the term of office of the governor during whose term the council or committee is created, unless terminated at an earlier date by the head of the department or independent agency in which the council or committee is created. Members of councils and committees created under this general authority shall serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties and, if such reimbursement is made, such reimbursement in the case of an officer or

employe of this state who represents an agency as a member of such a council or committee shall be paid by the agency which pays the officer's or employe's salary.

SECTION 77n. 15.04 (1) (cm) of the statutes is created to read:

15.04 **(1)** (cm) *Termination of certain nonstatutory councils and committees.* Notwithstanding par. (c), each council and committee created under that paragraph that is in existence on January 3, 1999, terminates on that date unless the council or committee is terminated at an earlier date by the head of the department or independent agency in which the council or committee is created.

SECTION 77p. 15.04 (1) (cm) of the statutes, as created by 1995 Wisconsin Act Wisconsin Act .... (this act), is repealed.

SECTION 78. 15.04 (1) (h) of the statutes is amended to read:

15.04 **(1)** (h) (title) *Report of ~~forms and papers used~~ records management.* Annually, no later than September 1, file with the public records ~~and forms~~ board a report which shall include such information relative to records and forms management as may be specified by the board. ~~The report shall cover all previously unsubmitted forms and papers that were required to be filed with the department or independent agency during the preceding fiscal year.~~

SECTION 79. 15.04 (1) (j) of the statutes is amended to read:

15.04 **(1)** (j) *Records and forms officer.* Appoint a records and forms officer, who shall be responsible for ~~reviewing, consolidating, simplifying, designing and filing all records and forms~~ compliance by the department or independent agency with all records and forms management laws and rules and who may prevent any form from being put into use.

SECTION 79h. 15.05 (1) (b) of the statutes is amended to read:

15.05 **(1)** (b) ~~If~~ Except as provided in pars. (c) and (d), if a department is under the direction and supervision of a board, the board shall appoint a secretary to serve at the pleasure of the board outside the classified service. In such departments, the powers and duties of the board shall be regulatory, advisory and policy–making, and not administrative. All of the administrative powers and duties of the department are vested in the secretary, to be administered by him or her under the direction of the board. The secretary, with the approval of the board, shall promulgate rules for administering the department and performing the duties assigned to the department.

SECTION 79r. 15.05 (1) (c) of the statutes is created to read:

15.05 **(1)** (c) The secretary of natural resources shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

SECTION 79s. 15.05 (1) (d) of the statutes is created to read:

15.05 **(1)** (d) The secretary of agriculture, trade and consumer protection shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor.

SECTION 80m. 15.05 (3) of the statutes is repealed.

SECTION 81. 15.05 (3m) of the statutes is created to read:

15.05 **(3m)** FIELD DISTRICT OR FIELD AREA DIRECTORS. Each secretary may appoint a director under the classified service for each district or area office established in his or her department under s. 15.02 (3) (b).

SECTION 81m. 15.05 (5) of the statutes is repealed.

SECTION 82. 15.06 (1) (a) of the statutes is amended to read:

15.06 **(1)** (a) Except as otherwise provided in this subsection and ~~s. 15.105 (17)~~ ss. 15.37 and 15.705 (3), the members of commissions shall be nominated by the governor, and with the advice and consent of the senate appointed, for staggered 6–year terms expiring on March 1 of the odd–numbered years.

SECTION 84. 15.06 (1) (b) of the statutes is amended to read:

15.06 **(1)** (b) The ~~commissioners~~ commissioner of ~~banking, credit unions, savings and loan,~~ insurance ~~and securities~~ shall ~~each~~ be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The governor may remove from office the ~~commissioners~~ commissioner of ~~banking, credit unions, savings and loan,~~ insurance ~~and securities~~ who ~~were~~ was appointed for a fixed term before August 1, 1987.

SECTION 86m. 15.06 (1) (f) of the statutes is repealed.

SECTION 88m. 15.06 (2) (intro.) of the statutes is amended to read:

15.06 **(2)** SELECTION OF OFFICERS. (intro.) ~~Each~~ Except as provided in s. 44.25 (5), each commission may annually elect officers other than a chairperson from among its members as its work requires. Any officer may be reappointed or reelected. At the time of making new nominations to commissions, the governor shall designate a member or nominee of each commission to serve as the commission's chairperson for a 2–year term expiring on March 1 of the odd–numbered year except that:

SECTION 90m. 15.06 (2) (c) of the statutes is created to read:

15.06 **(2)** (c) The state superintendent of public instruction shall serve as the chairperson of the education commission.

SECTION 91L. 15.06 (3) (a) 4m. of the statutes is created to read:

15.06 **(3)** (a) 4m. The members of the Wisconsin sesquicentennial commission.

SECTION 91m. 15.06 (3) (a) 6. of the statutes is created to read:

15.06 **(3)** (a) 6. The members of the education commission who are not the chairperson. The members of the education commission shall be reimbursed for expenses under s. 15.07 (5).

SECTION 92. 15.06 (3) (c) of the statutes is repealed.

SECTION 92e. 15.06 (4) of the statutes is amended to read:

15.06 **(4)** CHAIRPERSON; ADMINISTRATIVE DUTIES. The administrative duties of each commission, other than the education commission, shall be vested in its chairperson, to be administered by the chairperson under the statutes and rules of the commission and subject to the policies established by the commission.

SECTION 92g. 15.06 (4m) of the statutes is repealed.

SECTION 92m. 15.06 (5) of the statutes is amended to read:

15.06 **(5)** FREQUENCY OF MEETINGS; PLACE. Every commission shall meet on the call of the chairperson or a majority of its members, except that the education commission shall meet on the call of the chairperson or a majority of its voting members. Every commission shall maintain its offices in Madison, but may meet or hold hearings at such other locations as will best serve the citizens of this state.

SECTION 92s. 15.06 (6) of the statutes is amended to read:

15.06 **(6)** QUORUM. A majority of the membership of a commission constitutes a quorum to do business, except that a majority of the voting members of the education commission constitutes a quorum to do business and except that vacancies shall not prevent a commission from doing business. This subsection does not apply to the parole commission.

SECTION 92t. 15.06 (9) of the statutes is repealed.

SECTION 93. 15.07 (1) (a) 1. of the statutes is repealed.

SECTION 93e. 15.07 (1) (a) 6. of the statutes is created to read:

15.07 **(1)** (a) 6. Members of the University of Wisconsin Hospitals and Clinics Board appointed under s. 15.96 (8) shall be appointed by the governor without senate confirmation.

SECTION 93m. 15.07 (1) (b) 15. of the statutes is amended to read:

15.07 (1) (b) 15. The 3 members of the lower Wisconsin state riverway board appointed under s. ~~15.345 (6)~~ 15.445 (3) (b) 7.

SECTION 93s. 15.07 (1) (b) 15m. of the statutes is created to read:

15.07 **(1)** (b) 15m. State fair park board.

SECTION 94. 15.07 (1) (b) 20. of the statutes is amended to read:

15.07 **(1)** (b) 20. The 3 members of the Kickapoo valley governing board appointed under s. ~~15.105 (23)~~ 15.445 (2) (b) 3.

SECTION 94c. 15.07 (1) (b) 21. of the statutes is created to read:

15.07 **(1)** (b) 21. The 2 members of the public intervenor board appointed under s. 15.345 (4) (b) 3.

SECTION 95. 15.07 (1) (cm) of the statutes is amended to read:

15.07 **(1)** (cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every even–numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd–numbered year. The terms of the 3 members of the land and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and water conservation board appointed under s. 15.135 (4) (b) 2m shall expire on May 1 of an even–numbered year. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and

auction company representative members of the auctioneer board shall expire on May 1 in an even–numbered year. ~~The terms of the members of the radioactive waste review board shall expire as provided in s. 15.915 (4) (c)~~ The terms of the members of the public intervenor board shall expire as provided in s. 15.345 (4) (b). The terms of the 4 members of the educational technology board appointed under s. 15.105 (26) (a) 1., 3., 6. and 9. shall expire on May 1 in an even–numbered year.

SECTION 95m. 15.07 (1) (cm) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

15.07 **(1)** (cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every even–numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd–numbered year. The terms of the 3 members of the land and water conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the land and water conservation board appointed under s. 15.135 (4) (b) 2m shall expire on May 1 of an even–numbered year. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and auction company representative members of the auctioneer board shall expire on May 1 in an even–numbered year. The terms of the members of the public intervenor board shall expire as provided in s. 15.345 (4) (b). The terms of the 4 members of the educational technology board appointed under s. 15.105 (26) (a) 1., 3., 6. and 9. shall expire on May 1 in an even–numbered year. The terms of 3 members of the gaming board appointed under s. 15.64 shall expire on July 1 of an even–numbered year and the terms of the other 2 members shall expire on July 1 of an odd–numbered year.

SECTION 97. 15.07 (2) (f) of the statutes is amended to read:

15.07 **(2)** (f) The ~~state superintendent~~ secretary of ~~public instruction~~ education or his or her designated representative shall serve as chairperson of the school district boundary appeal board.

SECTION 99. 15.07 (5) (i) of the statutes is repealed.

SECTION 101m. 15.103 (4) of the statutes is renumbered 14.563 (1) and amended to read:

14.563 **(1)** DIVISION OF TRUST LANDS AND INVESTMENTS. There is created a division of trust lands and investments which is attached to the ~~department of administration~~ office of the state treasurer under s. 15.03. This division is under the direction and supervision of the board of commissioners of public lands.

SECTION 102. 15.103 (5) of the statutes is created to read:

15.103 **(5)** DIVISION OF TECHNOLOGY MANAGEMENT. There is created in the department of administration a division of technology management.

SECTION 103. 15.105 (4) of the statutes is amended to read:

15.105 **(4)** (title) PUBLIC RECORDS ~~AND FORMS~~ BOARD. There is created a public records ~~and forms~~ board which is attached to the department of administration under s. 15.03. The public records ~~and forms~~ board shall consist of the governor, the director of the historical society, the attorney general, the state auditor, and the director of the legislative council staff, or their designated representatives, and a representative of the small business community ~~appointed by the governor, a representative of a newspaper published in this state appointed by the governor, a representative of the permit information center appointed by the secretary of development and the director of the legislative council staff or their designated~~

~~representatives~~, a representative of a local unit of government, as defined in s. 16.20 (1) (e), and one other member.

SECTION 103m. 15.105 (4) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

15.105 **(4)** PUBLIC RECORDS BOARD. There is created a public records board which is attached to the department of administration under s. 15.03. The public records board shall consist of the governor, the director of the historical society, the attorney general, the state auditor, and the director of the legislative council staff, or their designated representatives, and a representative of the small business community, a representative of a local unit of government, as defined in s. 106.215 (1) (e), and one other member.

SECTION 103r. 15.105 (8) of the statutes is amended to read:

15.105 **(8)** ARTS BOARD. There is created an arts board which is attached to the department of administration under s. 15.03. The arts board shall consist of 15 members appointed for 3–year terms who are residents of this state and who are known for their concern for the arts. At least 2 members shall be from the northwest portion of this state, at least 2 members shall be from the northeast portion of this state, at least 2 members shall be from the southwest portion of this state and at least 2 members shall be from the southeast portion of this state. This subsection does not apply after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 104. 15.105 (8) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 15.445 (1) and amended to read:

15.445 **(1)** ARTS BOARD. There is created an arts board which is attached to the department of ~~administration~~ tourism under s. 15.03. The arts board shall consist of 15 members appointed for 3–year terms who are residents of this state and who are known for their concern for the arts. At least 2 members shall be from the northwest portion of this state, at least 2 members shall be from the northeast portion of this state, at least 2 members shall be from the southwest portion of this state and at least 2 members shall be from the southeast portion of this state. This subsection does not apply after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 105. 15.105 (12) (a) 1. of the statutes is amended to read:

15.105 **(12)** (a) 1. The ~~secretaries of the departments of industry, labor and human relations,~~ secretary of transportation, the secretary of agriculture, trade and consumer protection and the secretary of development or their formally appointed designees.

SECTION 106. 15.105 (17) of the statutes is repealed.

SECTION 107. 15.105 (18) (title) of the statutes is renumbered 15.225 (2) (title).

SECTION 108. 15.105 (18) (a) of the statutes is renumbered 15.225 (2) (a) and amended to read:

15.225 **(2)** (a) *Creation.* There is created a Wisconsin conservation corps board which is attached to the department of ~~administration~~ industry, labor and human relations under s. 15.03.

SECTION 109m. 15.105 (18) (b) of the statutes is renumbered 15.225 (2) (b).

SECTION 110m. 15.105 (18) (c) of the statutes is renumbered 15.225 (2) (c).

SECTION 111. 15.105 (18) (d) of the statutes is renumbered 15.225 (2) (d).

SECTION 112b. 15.105 (20) (title) and (a) of the statutes are renumbered 15.915 (5) (title) and (a).

SECTION 112c. 15.105 (20) (b) of the statutes is renumbered 15.915 (5) (b) and amended to read:

15.915 **(5)** (b) *Creation.* There is created a recycling market development board which is attached to the ~~department of administration~~ University of Wisconsin System under s. 15.03.

SECTION 112d. 15.105 (20) (c) (intro.) of the statutes is renumbered 15.915 (5) (c) (intro.).

SECTION 112e. 15.105 (20) (c) 1. and 2. of the statutes are repealed.

SECTION 112f. 15.105 (20) (c) 3. of the statutes is renumbered 15.915 (5) (c) 3. and amended to read:

15.915 **(5)** (c) 3. ~~Six~~ Four members representing responsible units.

SECTION 112g. 15.105 (20) (c) 4. of the statutes is renumbered 15.915 (5) (c) 4. and amended to read:

15.915 **(5)** (c) 4. Three members with expertise concerning the marketing of materials recovered from solid waste or the development of markets for these materials, at least one of whom has, or has had, management responsibility in a manufacturing firm that produces a product from material recovered from solid waste.

SECTION 112h. 15.105 (20) (f) of the statutes is renumbered 15.915 (5) (f).

SECTION 113. 15.105 (22) of the statutes is amended to read:

15.105 **(22)** STATE USE BOARD. There is created a state use board which is attached to the department of administration under s. 15.03. The board shall consist of 8 members appointed to serve for 4–year terms, including a representative of the

department of administration; a representative of the subunit of the department of health and social services which administers mental health laws; a representative of the subunit of the department of ~~health and social services~~ industry, labor and human relations which administers vocational rehabilitation laws; 2 representatives of private businesses, one of whom shall represent a small business; one representative of a work center, as defined in s. 16.752; and one member who does not represent any of the foregoing entities. A member vacates his or her office if the member loses the status upon which his or her appointment is based. In this subsection, "small business" means an independently owned and operated business which is not dominant in its field and which has had less than $2,500,000 in gross annual sales for each of the 2 previous calendar years or has 25 or fewer employes.

SECTION 114. 15.105 (23) of the statutes is renumbered 15.445 (2), and 15.445 (2) (a) and (e), as renumbered, are amended to read:

15.445 **(2)** (a) *Creation.* There is created a Kickapoo valley governing board which is attached to the department of ~~administration~~ tourism under s. 15.03.

(e) *Liaison representatives.* The secretary of agriculture, trade and consumer protection, the secretary of natural resources, the secretary of transportation, the secretary of development, the secretary of administration, the director of the state historical society and the chancellor of the university of Wisconsin–extension, or their designees, shall serve as liaison representatives to the board. The board shall request the Winnebago tribal council to appoint a liaison representative to the board. The board may request any other Indian tribal council which expresses an interest in the governance of the Kickapoo valley reserve to appoint a liaison representative to the board. The liaison representatives are not board members and have no voting power.

SECTION 115. 15.105 (24) (title) of the statutes is renumbered 15.225 (3) (title).

SECTION 116. 15.105 (24) (a) of the statutes is renumbered 15.225 (3) (a) and amended to read:

15.225 **(3)** (a) *Creation.* There is created a national and community service board which is attached to the department of ~~administration~~ industry, labor and human relations under s. 15.03.

SECTION 117. 15.105 (24) (b) to (e) of the statutes are renumbered 15.225 (3) (b) to (e).

SECTION 118m. 15.105 (26) of the statutes is created to read:

15.105 **(26)** EDUCATIONAL TECHNOLOGY BOARD. (a) There is created an educational technology board which is attached to the department of administration under s. 15.03. The board shall consist of the following members appointed for 4–year terms:

1. An employe of the division for libraries and community learning in the department of public instruction appointed by the state superintendent of public instruction.

2. An employe of the department of administration appointed by the secretary of administration.

3. A representative of public libraries appointed by the governor.

4. The head of the board of the Wisconsin Advanced Telecommunications Foundation, or his or her designee.

5. A school board member or employe appointed by the governor.

6. A technical college district board member or employe appointed by the director of the state technical college system.

7. An employe of a University of Wisconsin System institution or center appointed by the president of the University of Wisconsin System.

8. An employe of the public service commission appointed by the chairperson of the commission.

9. A representative of a local or regional distance education network appointed by the governor.

(b) Persons appointed to the educational technology board shall have a recognized interest in and demonstrated knowledge of computer technologies, distance learning technologies, educational media and electronic resources, electronic information dissemination or telecommunications technologies.

SECTION 118p. 15.105 (26) (a) 1. of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

15.105 **(26)** (a) 1. An employe of the division for libraries and community learning in the department of education appointed by the secretary of education.

SECTION 119. 15.107 (9) (b) of the statutes is amended to read:

15.107 **(9)** (b) *Application.* This subsection does not apply after ~~July 1, 1996~~ June 30, 2002.

SECTION 120. 15.107 (13) of the statutes is repealed.

SECTION 121x. 15.13 of the statutes is amended to read:

15.13 Department of agriculture, trade and consumer protection; creation. There is created a department of agriculture, trade and consumer protection under the direction and supervision of the board of agriculture, trade and consumer protection. The board shall consist of ~~6~~ 5 members with an agricultural background and ~~one member~~ 2 members who ~~is a~~ are consumer ~~representative~~ representatives, appointed for staggered 6–year terms. Appointments to the board

shall be made without regard to party affiliation, residence or interest in any special organized group.

SECTION 123. 15.135 (5) of the statutes is amended to read:

15.135 **(5)** FARM MEDIATION AND ARBITRATION BOARD. There is created a farm mediation and arbitration board which is attached to the department of agriculture, trade and consumer protection under s. 15.03. The board shall consist of the secretary of agriculture, trade and consumer protection or the secretary's designee, the ~~commissioner of banking or the commissioner's~~ secretary of financial institutions or the secretary's designee and a member appointed by the governor to serve at the pleasure of the governor.

SECTION 126c. 15.153 (2) of the statutes is repealed.

SECTION 126m. 15.153 (3) of the statutes is created to read:

15.153 **(3)** DIVISION OF ENVIRONMENTAL AND REGULATORY SERVICES. There is created in the department of development a division of environmental and regulatory services. The administrator of this division shall be appointed outside the classified service by the secretary and shall serve at the pleasure of the secretary.

SECTION 126mg. 15.153 (4) of the statutes is created to read:

15.153 **(4)** DIVISION OF INTERNATIONAL AND EXPORT DEVELOPMENT. There is created in the department of development a division of international and export development. The administrator of this division shall be appointed outside the classified service by the secretary and shall serve at the pleasure of the secretary.

SECTION 126mn. 15.154 (title) of the statutes is created to read:

15.154 (title) **Same; specified bureaus.**

SECTION 126mp. 15.154 (1) of the statutes is created to read:

15.154 **(1)** PERMIT INFORMATION AND REGULATORY ASSISTANCE BUREAU. There is created a permit information and regulatory assistance bureau in the department of development.

SECTION 127. 15.155 (5) of the statutes is repealed.

SECTION 127m. 15.157 (2) of the statutes is amended to read:

15.157 **(2)** COUNCIL ON TOURISM. There is created in the department of development a council on tourism consisting of 14 members serving 3–year terms, and the secretary of development or the secretary's designee, one member of the majority party in each house and one member of the minority party in each house appointed as are members of standing committees in their respective houses, ~~the executive secretary of the arts board and~~ the director of the historical society and, subject to s. 44.65, the executive secretary of the arts board. Nominations for appointments to the council of members, other than ex officio members, shall be sought from but not limited to multicounty regional associations engaged in promoting tourism, statewide associations of businesses related to tourism, area visitor and convention bureaus, arts organizations, chambers of commerce, the Great Lakes inter–tribal council and other agencies or organizations with knowledge of American Indian tourism activities, and persons engaged in the lodging, restaurant, campground, amusement establishment, recreation establishment or retail liquor or fermented malt beverages business. Nominations shall be sought from throughout this state, to ensure that council members live in different geographical areas of the state and that they reflect the tourism industry's diversity and its distribution throughout both urban and rural areas of the state. Each council member, other than ex officio members, shall have experience in marketing and promotion strategy.

SECTION 128. 15.157 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 15.447 (1) and amended to read:

15.447 **(1)** COUNCIL ON TOURISM. There is created in the department of ~~development~~ tourism a council on tourism consisting of 14 members serving 3–year terms, and the secretary of ~~development~~ tourism or the secretary's designee, one member of the majority party in each house and one member of the minority party in each house appointed as are members of standing committees in their respective houses, the director of the historical society and, subject to s. 44.65, the executive secretary of the arts board. Nominations for appointments to the council of members, other than ex officio members, shall be sought from but not limited to multicounty regional associations engaged in promoting tourism, statewide associations of businesses related to tourism, area visitor and convention bureaus, arts organizations, chambers of commerce, the Great Lakes inter–tribal council and other agencies or organizations with knowledge of American Indian tourism activities, and persons engaged in the lodging, restaurant, campground, amusement establishment, recreation establishment or retail liquor or fermented malt beverages business. Nominations shall be sought from throughout this state, to ensure that council members live in different geographical areas of the state and that they reflect the tourism industry's diversity and its distribution throughout both urban and rural areas of the state. Each council member, other than ex officio members, shall have experience in marketing and promotion strategy.

SECTION 128m. 15.157 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

15.157 **(3)** DWELLING CODE COUNCIL. There is created in the department of development a dwelling code council, consisting of 17 members appointed for

staggered 3–year terms. Four members shall be representatives of building trade labor organizations; 4 members shall be certified building inspectors employed by local units of government; 2 members shall be representatives of building contractors actively engaged in on–site construction of one– and 2–family housing; 2 members shall be representatives of manufacturers or installers of manufactured one– and 2–family housing; one member shall be an architect, engineer or designer actively engaged in the design or evaluation of one– and 2–family housing; 2 members shall represent the construction material supply industry; and 2 members shall represent the public, one of whom shall represent persons with disabilities, as defined in s. 106.04 (1m) (g). An employe of the department designated by the secretary of development shall serve as nonvoting secretary of the council. The council shall meet at least twice a year. Eleven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required.

SECTION 129. 15.157 (5) of the statutes is created to read:

15.157 **(5)** HAZARDOUS POLLUTION PREVENTION COUNCIL. There is created in the department of development a hazardous pollution prevention council consisting of 7 members appointed for 3–year terms.

SECTION 130. 15.157 (7) (a) (intro.) of the statutes is amended to read:

15.157 **(7)** (a) (intro.) There is created in the department of development a council on main street programs, consisting of the following ~~11~~ members appointed for 3–year terms:

SECTION 131. 15.157 (7) (a) 11. of the statutes is created to read:

15.157 **(7)** (a) 11. Four members with expertise or an interest in downtown revitalization.

SECTION 132. 15.157 (7) (b) 3. of the statutes is amended to read:

15.157 **(7)** (b) 3. The members appointed under par. (a) 3. to ~~10.~~ 11. shall be appointed to provide geographic diversity to the council.

SECTION 133. 15.157 (8) (intro.) of the statutes is amended to read:

15.157 **(8)** RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the department of development a rural health development council consisting of 11 members nominated by the governor, and with the advice and consent of the senate appointed, for 5–year terms, and the ~~secretaries~~ secretary of development and the secretary of health and social services~~,~~ or their designees. The appointed members shall include all of the following:

SECTION 134. 15.18 of the statutes is created to read:

15.18 Department of financial institutions. There is created a department of financial institutions under the direction and supervision of the secretary of financial institutions.

SECTION 134m. 15.183 of the statutes is created to read:

15.183 Same; specified divisions. (1) DIVISION OF BANKING. There is created a division of banking. Prior to July 1, 2000, the division is attached to the department of financial institutions under s. 15.03. After June 30, 2000, the division is created in the department of financial institutions. The administrator of the division shall be appointed outside the classified service by the secretary of financial institutions and shall serve at the pleasure of the secretary.

(2) DIVISION OF SAVINGS AND LOAN. There is created a division of savings and loan. Prior to July 1, 2000, the division is attached to the department of financial institutions under s. 15.03. After June 30, 2000, the division is created in the department of financial institutions. The administrator of the division shall be

appointed outside the classified service by the secretary of financial institutions and shall serve at the pleasure of the secretary.

(3) DIVISION OF SECURITIES. There is created a division of securities. Prior to July 1, 2000, the division is attached to the department of financial institutions under s. 15.03. After June 30, 2000, the division is created in the department of financial institutions. The administrator of the division shall be appointed outside the classified service by the secretary of financial institutions and shall serve at the pleasure of the secretary.

SECTION 135. 15.185 (title) of the statutes is created to read:

15.185 (title) **Same; attached boards and offices.**

SECTION 136. 15.185 (7) (title) of the statutes is created to read:

15.185 **(7)** (title) OFFICE OF CREDIT UNIONS.

SECTION 137. 15.193 of the statutes is repealed.

SECTION 138. 15.195 (4) (d) of the statutes is amended to read:

15.195 **(4)** (d) The ~~state superintendent~~ secretary of ~~public instruction~~ education or his or her designee.

SECTION 139. 15.195 (10) of the statutes is repealed.

SECTION 139m. 15.197 (8) of the statutes is amended to read:

15.197 **(8)** (title) COUNCIL FOR THE DEAF AND HARD OF HEARING ~~IMPAIRED~~. There is created in the department of health and social services a council for the deaf and hard of hearing ~~impaired~~ consisting of 9 members appointed for staggered 4–year terms.

SECTION 140. 15.197 (10) of the statutes is repealed.

SECTION 141. 15.197 (11n) (a) 3. of the statutes is amended to read:

15.197 **(11n)** (a) 3. The ~~state superintendent~~ secretary of ~~public instruction~~ education.

SECTION 142. 15.197 (23) (a) 8. of the statutes is amended to read:

15.197 **(23)** (a) 8. The ~~administrator of the division of youth services in the department~~ secretary of health and social services or the secretary's designee, who shall serve as chairperson of the council.

SECTION 143. 15.197 (23) (a) 9. of the statutes is amended to read:

15.197 **(23)** (a) 9. One member who has knowledge of the problems of gang influence and gang violence in public schools, appointed by the ~~state superintendent~~ secretary of ~~public instruction~~ education.

SECTION 144. 15.223 (2) of the statutes is created to read:

15.223 **(2)** DIVISION OF WORKFORCE EXCELLENCE. There is created in the department of industry, labor and human relations a division of workforce excellence.

SECTION 146. 15.225 (3) (title) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 15.227 (23) (title).

SECTION 147. 15.225 (3) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 15.227 (23) (a) and amended to read:

15.227 **(23)** (a) *Creation.* There is created a national and community service board which is attached to the department of industry, labor and ~~human relations~~ job development under s. 15.03.

SECTION 148. 15.225 (3) (b) to (e) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 117 and 148m, are renumbered 15.227 (23) (b) to (e).

SECTION 148m. 15.225 (3) (c) 4. of the statutes, as affected by 1995 Wisconsin Act .... (this act), section 117, is amended to read:

15.225 **(3)** (c) 4. The ~~state superintendent~~ secretary of ~~public instruction~~ education or his or her designee.

SECTION 152. 15.227 (6) of the statutes is renumbered 15.157 (3) and amended to read:

15.157 **(3)** DWELLING CODE COUNCIL. There is created in the department of ~~industry, labor and human relations,~~ development a dwelling code council, consisting of 17 members appointed for staggered 3–year terms. Four members shall be representatives of building trade labor organizations; 4 members shall be certified building inspectors employed by local units of government; 2 members shall be representatives of building contractors actively engaged in on–site construction of one– and 2–family housing; 2 members shall be representatives of manufacturers or installers of manufactured one– and 2–family housing; one member shall be an architect, engineer or designer actively engaged in the design or evaluation of one– and 2–family housing; 2 members shall represent the construction material supply industry; and 2 members shall represent the public, one of whom shall represent persons with disabilities, as defined in s. 101.22 (1m) (g). An employe of the department designated by the secretary of ~~industry, labor and human relations~~ development shall serve as nonvoting secretary of the council. The council shall meet at least twice a year. Eleven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required.

SECTION 153. 15.227 (7) of the statutes is renumbered 15.157 (4) and amended to read:

15.157 **(4)** CONTRACTOR FINANCIAL RESPONSIBILITY COUNCIL. There is created in the department of ~~industry, labor and human relations~~ development a contractor financial responsibility council consisting of 3 members who are representatives of

building contractors actively engaged in on–site construction of one–family and 2–family housing, one member who is a certified building inspector employed by a county, city, village or town and one member who is not a building contractor or a building inspector. Members of the council shall serve for 3–year terms.

SECTION 155. 15.227 (10) of the statutes is renumbered 15.157 (15) and amended to read:

15.157 **(15)** FIRE PREVENTION COUNCIL. There is created in the department of ~~industry, labor and human relations~~ development a fire prevention council appointed by the secretary of ~~industry, labor and human relations~~ development.

SECTION 159. 15.227 (15) of the statutes is renumbered 15.157 (6) and amended to read:

15.157 **(6)** PLUMBERS COUNCIL. There is created in the department of ~~industry, labor and human relations~~ development a plumbers council consisting of 3 members. One member shall be an employe of the department of ~~industry, labor and human relations~~ development, selected by the secretary of ~~industry, labor and human relations~~ development, to serve as the secretary of the council. Two members, one a master plumber and one a journeyman plumber, shall be appointed by the secretary of ~~industry, labor and human relations~~ development for 2–year terms.

SECTION 160. 15.227 (16) of the statutes is renumbered 15.157 (9) and amended to read:

15.157 **(9)** AUTOMATIC FIRE SPRINKLER SYSTEM CONTRACTORS AND JOURNEYMEN COUNCIL. There is created in the department of ~~industry, labor and human relations~~ development an automatic fire sprinkler system contractors and journeymen council consisting of 5 members. One member shall be an employe of the department of ~~industry, labor and human relations~~ development, selected by the secretary of

~~industry, labor and human relations~~ development, to serve as secretary of the council. Two members shall be licensed journeymen automatic fire sprinkler fitters and 2 members shall be persons representing licensed automatic fire sprinkler contractors, all appointed by the secretary of ~~industry, labor and human relations~~ development for staggered 4–year terms.

SECTION 161. 15.227 (18) of the statutes is renumbered 15.157 (11) and amended to read:

15.157 **(11)** PETROLEUM STORAGE ENVIRONMENTAL CLEANUP COUNCIL. There is created in the department of ~~industry, labor and human relations~~ development a petroleum storage environmental cleanup council consisting of 5 members appointed for 4–year terms and the ~~secretaries~~ secretary of natural resources and ~~industry, labor and human relations~~ the secretary of development, or their designees. The governor shall appoint the members, other than ex officio members, to the council from lists of names submitted by the secretary of natural resources and by the secretary of ~~industry, labor and human relations~~ development. In preparing the lists, each secretary shall consider representatives from petroleum product transporters, manufacturers, suppliers, retailers and wholesalers, hydrogeologists and environmental scientists, consultants, contractors and engineers.

SECTION 162. 15.227 (20) of the statutes is renumbered 15.157 (12), and 15.157 (12) (a) (intro.), as renumbered, is amended to read:

15.157 **(12)** (a) (intro.) There is created in the department of ~~industry, labor and human relations~~ development a multifamily dwelling code council consisting of the following members appointed for 3–year terms:

SECTION 163. 15.227 (22) of the statutes is repealed.

SECTION 164. 15.227 (24) of the statutes is created to read:

15.227 **(24)** GOVERNOR'S COUNCIL ON WORKFORCE EXCELLENCE. (a) There is created in the department of industry, labor and human relations a governor's council on workforce excellence consisting of the following members:

1. The secretary of industry, labor and human relations or the secretary's designee.

2. The secretary of administration or the secretary's designee.

3. The secretary of development or the secretary's designee.

4. The state superintendent of public instruction or the state superintendent's designee.

5. The director of the technical college system or the director's designee.

5m. One representative to the assembly appointed by the speaker of the assembly.

5p. One representative to the senate appointed by the senate majority leader.

6. One member who is a representative of the public school system.

7 One member who is a representative of a 4–year postsecondary educational institution.

8. One member who is a representative of a technical college district.

9. One member who is a representative of a nonprofit, community–based organization that provides employment training services.

10. Three members who are representatives of business and industry, including at least one member who is a member of a private industry council under 29 USC 1512.

11. Three members who are representatives of organized labor and who are selected from among individuals nominated by organized labor, except that if organized labor does not nominate a sufficient number of individuals, individual

employes may be included on the council as necessary to meet the number of members required under this subdivision.

(bm) The members of the council appointed under par. (a) 6. to 11. and the chairperson of the council shall be appointed by the governor to serve at the pleasure of the governor.

SECTION 165. 15.227 (24) (a) 4. of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

15.227 **(24)** (a) 4. The secretary of education or the secretary's designee.

SECTION 166c. 15.345 (4) of the statutes is created to read:

15.345 **(4)** PUBLIC INTERVENOR BOARD. (a) There is created a public intervenor board attached to the department of natural resources under s. 15.03.

(b) The board is comprised of members appointed for 4–year terms expiring on July 1. The members shall have backgrounds in or demonstrated experience or records relating to environmental protection or other natural resource conservation and appointed as follows:

1. Two members nominated by the attorney general and with the advice and consent of the senate appointed.

2. One member each appointed by the minority and majority leader of each house.

3. Two other members.

SECTION 166m. 15.345 (6) of the statutes is renumbered 15.445 (3).

SECTION 169. 15.347 (4) (c) of the statutes is amended to read:

15.347 **(4)** (c) One from the department of ~~public instruction~~ education, appointed by the ~~state superintendent~~ secretary of education.

SECTION 170. 15.347 (8) (d) 3. of the statutes is amended to read:

15.347 **(8)** (d) 3. The department of ~~development~~ tourism, appointed by the secretary thereof.

SECTION 172. 15.347 (13) (b) 2. of the statutes is amended to read:

15.347 **(13)** (b) 2. The secretary of ~~industry, labor and human relations~~ development.

SECTION 173. 15.347 (15) (a) 2. of the statutes is amended to read:

15.347 **(15)** (a) 2. The secretary of ~~development~~ tourism or his or her designee.

SECTION 175b. 15.347 (17) (a) of the statutes is amended to read:

15.347 **(17)** (a) *Creation and membership.* There is created a council on recycling, attached to the department of natural resources under s. 15.03, consisting of 7 members selected by the governor.

SECTION 177m. 15.37 of the statutes is repealed and recreated to read:

15.37 Department of education; creation. (1) There is created a department of education under the direction and supervision of the education commission. The powers and duties of the education commission are regulatory, advisory and policy–making, and not administrative. The commission shall consist of the following members:

(a) The state superintendent of public instruction.

(b) Two members appointed by the governor for 4–year terms expiring on January 20 of an odd–numbered year.

(c) Two members appointed by the senate majority leader for 2–year terms expiring on January 20 of an odd–numbered year.

(d) Two members appointed by the speaker of the assembly for 2–year terms expiring on January 20 of an odd–numbered year.

(e) One member appointed by the senate minority leader for a 2–year term expiring on January 20 of an odd–numbered year.

(f) One member appointed by the assembly minority leader for a 2–year term expiring on January 20 of an odd–numbered year.

(g) The president, or by his or her designation another member, of the board of regents of the University of Wisconsin System, who shall serve as a nonvoting member.

(h) The president, or by his or her designation another member, of the technical college system board, who shall serve as a nonvoting member.

(2) The secretary of education shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The administrative powers and duties of the department of education are vested in the secretary of education, to be administered by the secretary of education under the direction of the education commission.

SECTION 178. 15.374 (1) of the statutes is amended to read:

15.374 **(1)** OFFICE OF EDUCATIONAL ACCOUNTABILITY. There is created an office of educational accountability in the department of ~~public instruction~~ education. The director of the office shall be appointed by the ~~state superintendent~~ secretary of ~~public instruction~~ education.

SECTION 179. 15.375 (1) of the statutes is amended to read:

15.375 **(1)** AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION BOARD. There is created an American Indian language and culture education board which is attached to the department of ~~public instruction~~ education under s. 15.03. The board shall consist of 13 members appointed by the governor for staggered 4–year terms from recommendations made by the various Indian tribes, bands and organizations in this

state. The members shall include parents or guardians of American Indian children, American Indian teachers, school administrators, a school board member, persons involved in programs for American Indian children and persons experienced in the training of teachers for American Indian language and culture education programs. Members shall be appointed so as to be representative of all the American Indian tribes, bands and organizations in this state. In addition to its duties under subch. IV of ch. 115, the board shall advise the ~~state superintendent~~ secretary of ~~public instruction~~ education, the board of regents of the university of Wisconsin system, the higher educational aids board and the technical college system board on all matters relating to the education of American Indians. The board does not have rule–making authority.

SECTION 180. 15.375 (2) of the statutes is amended to read:

15.375 **(2)** SCHOOL DISTRICT BOUNDARY APPEAL BOARD. There is created a school district boundary appeal board in the department of ~~public instruction~~ education. The board shall consist of 12 school board members appointed by the ~~state superintendent~~ secretary of ~~public instruction~~ education for staggered 2–year terms and the ~~state superintendent~~ secretary of ~~public instruction~~ education or his or her designee. Four board members shall be school board members of school districts with small enrollments, 4 board members shall be school board members of school districts with medium enrollments and 4 board members shall be school board members of school districts with large enrollments. No 2 school board members of the board may reside within the boundaries of the same cooperative educational service agency.

SECTION 181. 15.375 (3) (b) 1. of the statutes is amended to read:

15.375 **(3)** (b) 1. The ~~state superintendent~~ secretary of ~~public instruction~~ education.

SECTION 182. 15.375 (3) (b) 6. (intro.) of the statutes is amended to read:

15.375 **(3)** (b) 6. (intro.) One member, appointed for a 3–year term by the ~~state superintendent~~ secretary of ~~public instruction~~ education, to represent each of the following:

SECTION 183. 15.377 (1) of the statutes is amended to read:

15.377 **(1)** COUNCIL ON THE EDUCATION OF THE BLIND. There is created in the department of ~~public instruction~~ education a council on the education of the blind consisting of 3 members, who shall be visually handicapped and shall have a recognized interest in and a demonstrated knowledge of the problems of the visually handicapped, appointed by the ~~state superintendent~~ secretary of ~~public instruction~~ education for staggered 6–year terms. "Visually handicapped" means having a) a visual acuity equal to or less than 20/70 in the better eye with correcting lenses, or b) a visual acuity greater than 20/70 in the better eye with correcting lenses, but accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

SECTION 184. 15.377 (3) of the statutes is amended to read:

15.377 **(3)** COUNCIL ON INSTRUCTIONAL TELECOMMUNICATIONS. There is created in the department of ~~public instruction~~ education a council on instructional telecommunications. The ~~state superintendent~~ secretary of ~~public instruction~~ education shall appoint one member to represent each of the cooperative educational service agencies, from nominations made by the boards of control of the cooperative educational service agencies, and 2 members to represent private primary and

secondary educational institutions. Council members shall be appointed for 4–year terms.

SECTION 185. 15.377 (4) of the statutes is amended to read:

15.377 **(4)** COUNCIL ON EXCEPTIONAL EDUCATION. There is created in the department of ~~public instruction~~ education a council on exceptional education consisting of 15 members appointed by the ~~state superintendent~~ secretary of education for 3–year terms. No more than 7 members of the council may be persons who do not have children with exceptional educational needs and who are representatives of the state, school districts, county handicapped children's education boards or cooperative educational service agencies. At least 5 members of the council shall be parents or guardians of a child with exceptional educational needs, at least one member of the council shall be a school board member, at least one member shall be a certified teacher of regular education as defined in s. 115.76 (9) and at least one member shall be a certified teacher of special education.

SECTION 186. 15.377 (6) of the statutes is amended to read:

15.377 **(6)** COUNCIL ON LIBRARY AND NETWORK DEVELOPMENT. There is created in the department of ~~public instruction~~ education a council on library and network development composed of 15 members. Seven of the members shall be library science, audiovisual and informational science professionals representative of various types of libraries and information services, including public libraries, public library systems, school libraries, public and private academic libraries, special libraries and library educators. Eight of the members shall be public members who have demonstrated an interest in libraries or other types of information services. The members of the council shall be appointed for 3–year terms. The council shall meet 6 times annually and shall also meet on the call of the ~~state superintendent~~

secretary of education, and may meet at other times on the call of the chairperson or a majority of its members.

SECTION 187. 15.377 (7m) of the statutes is amended to read:

15.377 **(7m)** COUNCIL ON SUICIDE PREVENTION. There is created a council on suicide prevention in the department of ~~public instruction~~ education. The council shall consist of 2 persons appointed by the ~~state superintendent~~ secretary of ~~public instruction~~ education, at least one of whom is not an employe of the department of ~~public instruction~~ education, 2 persons appointed by the secretary of health and social services, at least one of whom is not an employe of the department of health and social services, one person and one physician appointed jointly by the ~~state superintendent~~ secretary of ~~public instruction~~ education and the secretary of health and social services and one person appointed by the executive staff director of the office of justice assistance in the department of administration. Members shall be appointed for 3–year terms.

SECTION 187m. 15.433 of the statutes is created to read:

15.433 Same; specified divisions. (1) LOTTERY DIVISION. There is created in the department of revenue a lottery division.

SECTION 188. 15.435 (1) (a) 1. of the statutes is amended to read:

15.435 **(1)** (a) 1. The ~~secretaries~~ secretary of development and the secretary of revenue or their designees;

SECTION 189. 15.435 (2) of the statutes is amended to read:

15.435 **(2)** BADGER BOARD. There is created a badger board, attached to the department of revenue under s. 15.03, consisting of the ~~secretaries of development,~~ secretary of tourism, the secretary of revenue and the secretary of natural resources, or their designees, the governor in his or her capacity as chairperson of the building

commission, or his or her designee, and the board of commissioners of public lands under article X, section 7, of the constitution.

SECTION 190. 15.44 of the statutes is created to read:

15.44 Department of tourism. There is created a department of tourism under the direction and supervision of the secretary of tourism.

SECTION 192. 15.445 (title) of the statutes is created to read:

15.445 (title) **Same; attached boards.**

SECTION 193. 15.447 (title) of the statutes is created to read:

15.447 (title) **Same; councils.**

SECTION 194. 15.55 of the statutes is repealed.

SECTION 195. 15.555 (title) of the statutes is repealed.

SECTION 196. 15.555 (1) of the statutes is renumbered 15.185 (1) and amended to read:

15.185 **(1)** BANKING REVIEW BOARD. There is created in the ~~office of the commissioner of banking~~ department of financial institutions a banking review board consisting of 5 persons, appointed for staggered 5–year terms. At least 3 members shall be experienced bankers having at least 5 years' experience in the banking business. No member is qualified to act in any matter involving a bank in which the member is an officer, director or stockholder, or to which the member is indebted.

SECTION 197. 15.555 (2) of the statutes is renumbered 15.185 (2) and amended to read:

15.185 **(2)** CONSUMER CREDIT REVIEW BOARD. There is created in the ~~office of the commissioner of banking~~ department of financial institutions a consumer credit review board consisting of 5 persons, appointed for staggered 5–year terms. One

member shall be an individual holding a license issued under s. 218.01 and 2 members shall be individuals holding a license under s. 138.09 and with 5 years' practical experience in that field or as executive of a similarly qualified corporation. ~~The commissioner of banking may call special meetings of the review board.~~

SECTION 198. 15.57 (1) of the statutes is amended to read:

15.57 **(1)** The secretary of administration, the ~~state superintendent~~ secretary of ~~public instruction~~ education, the president of the university of Wisconsin system and the director of the technical college system board, or their designees.

SECTION 201. 15.59 of the statutes is renumbered 15.185 (7) (a) and amended to read:

15.185 **(7)** (a) *Office of ~~the commissioner of~~ credit unions; creation.* There is created an office of ~~the commissioner of~~ credit unions ~~under the direction and supervision of the commissioner of credit unions~~ which is attached to the department of financial institutions under s. 15.03. The director shall be appointed by the governor to serve at the pleasure of the governor. No person may be appointed ~~commissioner~~ director who has not had at least 3 years of actual experience either in the operation of a credit union, or serving in a credit union supervisory capacity, or a combination of both. Notwithstanding s. 15.03, all personnel and budget requests by the office of credit unions shall be processed and forwarded by the department of financial institutions without change except as requested and concurred in by the office of credit unions.

SECTION 202. 15.595 (title) of the statutes is repealed.

SECTION 203. 15.595 (1) of the statutes is renumbered 15.185 (7) (b) and amended to read:

15.185 **(7)** (b) *Credit union review board.* There is created in the office of ~~the commissioner of~~ credit unions a credit union review board consisting of 5 persons, appointed for staggered 5–year terms. All members shall have at least 5 years' experience in the operations of a credit union. The ~~commissioner~~ office of credit unions may call special meetings of the review board.

SECTION 203c. 15.64 of the statutes is amended to read:

15.64 Gaming ~~commission~~ board; creation. There is created a gaming ~~commission~~ board, consisting of 5 members appointed for 4–year terms. Each member shall be a U.S. citizen and shall be a resident, as described in s. 6.10 (1), of this state. No person who has been convicted of or entered a plea of guilty or no contest to a felony or a gambling–related offense under the laws of this or another state or of the United States may be appointed as a member unless the person has received a pardon under which the person's full civil rights have been restored.

SECTION 203g. 15.643 (1) of the statutes is amended to read:

15.643 **(1)** ADMINISTRATIVE SERVICES DIVISION. There is created in the gaming ~~commission~~ board an administrative services division.

SECTION 203L. 15.643 (2) of the statutes is amended to read:

15.643 **(2)** GAMING SECURITY DIVISION. There is created in the gaming ~~commission~~ board a gaming security division.

SECTION 203p. 15.643 (3) of the statutes is amended to read:

15.643 **(3)** RACING DIVISION. There is created in the gaming ~~commission~~ board a racing division.

SECTION 203t. 15.643 (4) of the statutes is repealed.

SECTION 203x. 15.647 (1) of the statutes is amended to read:

15.647 **(1)** COUNCIL ON CHARITABLE GAMING. There is created in the gaming ~~commission~~ board a council on charitable gaming consisting of 5 residents of this state appointed for 5–year terms. Not more than 3 members of the council may belong to the same political party. Members of the council shall hold office until a successor is appointed and qualified.

SECTION 207. 15.67 of the statutes is repealed.

SECTION 208m. 15.677 of the statutes is repealed.

SECTION 209m. 15.705 (title) of the statutes is amended to read:

15.705 (title) **Same; attached boards and commission.**

SECTION 210. 15.707 (1) of the statutes is amended to read:

15.707 **(1)** HISTORICAL MARKERS COUNCIL. There is created in the historical society a historical markers council. The council shall consist of the director of the historical society, the ~~state superintendent~~ secretary of ~~public instruction~~ education, the secretary of transportation, the secretary of natural resources, the secretary of ~~the department of development~~ tourism, the secretary of veterans affairs, the chairperson of the historic preservation review board, the president of the Wisconsin trust for historic preservation and the president of the Wisconsin council for local history, or their designees. The director of the historical society or a designee shall serve as secretary of the council.

SECTION 211. 15.707 (2) (a) 2g. of the statutes is created to read:

15.707 **(2)** (a) 2g. The secretary of tourism.

SECTION 212bc. 15.707 (2) (a) 5. of the statutes is repealed.

SECTION 212bg. 15.707 (2) (c) of the statutes is amended to read:

15.707 **(2)** (c) The members under par. (a) 1. to ~~5.~~ 4. shall serve as nonvoting members and may appoint designees to serve on the council.

SECTION 214. 15.82 of the statutes is repealed.

SECTION 215. 15.825 (title) of the statutes is repealed.

SECTION 216. 15.825 (1) of the statutes is renumbered 15.185 (3) and amended to read:

15.185 **(3)** SAVINGS AND LOAN REVIEW BOARD. There is created in the ~~office of the commissioner of savings and loan~~ department of financial institutions a savings and loan review board consisting of 7 members, at least 5 of whom shall have not less than 10 years' experience in the savings and loan business in this state, appointed for staggered 4–year terms.

SECTION 217. 15.825 (2) of the statutes is renumbered 15.185 (4) and amended to read:

15.185 **(4)** SAVINGS BANK REVIEW BOARD. There is created in the ~~office of the commissioner of savings and loan~~ department of financial institutions a savings bank review board consisting of 7 members, at least 5 of whom shall have not less than 10 years' experience in the savings bank or savings and loan association business in this state, appointed for 4–year terms.

SECTION 218. 15.85 of the statutes is repealed.

SECTION 218e. 15.87 of the statutes is renumbered 15.445 (4) and amended to read:

15.445 **(4)** STATE FAIR PARK BOARD. There is created a state fair park board attached to the department of tourism under s. 15.03, consisting of ~~7~~ 5 members~~, 5 of whom shall be~~ appointed for 5–year terms. ~~The~~, the secretary of agriculture, trade and consumer protection, or his or her designee, and the secretary of ~~development~~ tourism, or his or her designee~~, shall also serve as voting members of the state fair park board~~.

SECTION 219. 15.91 of the statutes is amended to read:

15.91 Board of regents of the university of Wisconsin system; creation. There is created a board of regents of the university of Wisconsin system consisting of the ~~state superintendent~~ secretary of ~~public instruction~~ education, the president, or by his or her designation another member, of the technical college system board and 14 citizen members appointed for staggered 7–year terms, and a student enrolled at least half–time and in good academic standing at an institution or center within the university of Wisconsin system who is at least 18 years old and a resident of this state, for a 2–year term. The student member may be selected from recommendations made by elected representatives of student governments at institutions and centers within the university of Wisconsin system. The governor may not appoint a student member from the same institution or center in any 2 consecutive terms. If the student member loses the status upon which the appointment was based, he or she shall cease to be a member of the board of regents.

SECTION 220. 15.915 (4) of the statutes is repealed.

SECTION 220g. 15.915 (5) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 15.155 (2), and 15.155 (2) (b), as renumbered, is amended to read:

15.155 **(2)** (b) *Creation.* There is created a recycling market development board which is attached to the ~~University of Wisconsin System~~ department of development under s. 15.03.

SECTION 221. 15.917 of the statutes is repealed.

SECTION 222. 15.94 (1) of the statutes is amended to read:

15.94 **(1)** The ~~state superintendent~~ secretary of ~~public instruction~~ education or the ~~superintendent's~~ secretary's designee.

SECTION 223m. 15.945 (1) of the statutes is repealed.

SECTION 224. 15.947 (1) of the statutes is amended to read:

15.947 **(1)** COUNCIL ON FIRE SERVICE TRAINING PROGRAMS. There is created in the technical college system board a council on fire service training programs consisting of a representative of the division of emergency government designated by the administrator thereof; a representative of the department of ~~industry, labor and human relations~~ development designated by the secretary of ~~industry, labor and human relations~~ development; a representative of the commissioner of insurance designated by the commissioner; and 4 bona fide members of volunteer fire departments and 2 bona fide members of paid fire departments appointed for staggered 6–year terms.

SECTION 224m. 15.96 of the statutes is created to read:

15.96 University of Wisconsin Hospitals and Clinics Board; creation. There is created a University of Wisconsin Hospitals and Clinics Board. The board shall consist of the following members:

(1) Three members nominated by the governor, and with the advice and consent of the senate appointed, for 3–year terms.

(2) Three members of the board of regents appointed by the president of the board of regents.

(3) The chancellor of the University of Wisconsin–Madison or his or her designee.

(4) The dean of the University of Wisconsin–Madison Medical School.

(5) A chairperson of a department at the University of Wisconsin–Madison Medical School, appointed by the chancellor of the University of Wisconsin–Madison.

(6) A faculty member of a University of Wisconsin–Madison health professions school, other than the University of Wisconsin–Madison Medical School, appointed by the chancellor of the University of Wisconsin–Madison.

(7) The secretary of administration or his or her designee.

(8) Two nonvoting members appointed by the governor, one of whom shall be an employe or a representative of a labor organization recognized or certified to represent employes in one of the collective bargaining units specified in s. 111.05 (5) (a) and one of whom shall be an employe or a representative of a labor organization recognized or certified to represent employes in one of the collective bargaining units specified in s. 111.825 (1m).

SECTION 226. 16.004 (4) of the statutes is amended to read:

16.004 **(4)** FREEDOM OF ACCESS. The secretary and such employes of the department as the secretary designates may enter into the offices of state agencies~~,~~ ~~including~~ and authorities created under chs. 231, 233 and 234, and may examine their books and accounts and any other matter which in the secretary's judgment should be examined and may interrogate the agency's employes publicly or privately relative thereto.

SECTION 227. 16.004 (5) of the statutes is amended to read:

16.004 **(5)** AGENCIES AND EMPLOYES TO COOPERATE. All state agencies~~, including~~ and authorities created under chs. 231, 233 and 234, and their officers and employes, shall cooperate with the secretary and shall comply with every request of the secretary relating to his or her functions.

SECTION 228. 16.004 (12) (a) of the statutes is amended to read:

16.004 **(12)** (a) In this subsection, "state agency" means an association, authority, board, department, commission, independent agency, institution, office,

society or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor and the courts, but excluding the University of Wisconsin Hospitals and Clinics Authority.

SECTION 229. 16.008 (2) of the statutes is amended to read:

16.008 **(2)** The state shall pay for extraordinary police services provided directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of a state officer or agency responsible for the operation and preservation of such facilities. The University of Wisconsin Hospitals and Clinics Authority shall pay for extraordinary police services provided to facilities of the authority described in s. 70.11 (38). Municipalities or counties which provide extraordinary police services to state facilities may submit claims to the claims board for actual additional costs related to wage and disability payments, pensions and worker's compensation payments, damage to equipment and clothing, replacement of expendable supplies, medical and transportation expense and other necessary expenses. The clerk of the municipality or county submitting a claim shall also transmit an itemized statement of charges and a statement which identifies the facility served and the person who requested the services. The board shall obtain a review of the claim and recommendations from the agency responsible for the facility prior to proceeding under s. 16.007 (3), (5) and (6).

SECTION 231. 16.01 (1) of the statutes is amended to read:

16.01 **(1)** In this section, "agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, and any authority created under ch. 231, 233 or 234.

SECTION 234. 16.045 (1) (a) of the statutes is amended to read:

16.045 **(1)** (a) "Agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 232, 233, 234 or 235.

SECTION 235. 16.07 of the statutes is renumbered 41.40 and amended to read:

41.40 Kickapoo land acquisition; reserve designation. The department may acquire land from the federal government adjacent to the Kickapoo river, and may determine the boundaries of the Kickapoo valley reserve under s. ~~16.21~~ 41 .41 (2).

SECTION 237. 16.135 (2) of the statutes is amended to read:

16.135 **(2)** This section does not apply after ~~July 1, 1996~~ June 30, 2002.

SECTION 238. 16.15 (1) (ab) of the statutes is amended to read:

16.15 **(1)** (ab) "Authority" has the meaning given under s. 16.70 (2), but excludes the University of Wisconsin Hospitals and Clinics Authority.

SECTION 239d. 16.20 (title) and (1) (intro.) and (a) to (f) of the statutes are renumbered 106.215 (title) and (1) (intro.) and (a) to (f).

SECTION 239f. 16.20 (1) (fm) of the statutes is amended to read:

16.20 **(1)** (fm) "Public assistance" means ~~general relief under s. 49.02, relief of needy Indian persons under s. 49.046~~ relief provided by counties under s. 59.07 (154), aid to families with dependent children under s. 49.19, medical assistance under ss. 49.45 to 49.47, low–income energy assistance under s. 49.80, weatherization assistance under s. 16.39 and the food stamp program under 7 USC 2011 to 2029.

SECTION 239h. 16.20 (1) (fm) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (1) (fm) and amended to read:

106.215 **(1)** (fm) "Public assistance" means relief provided by counties under s. 59.07 (154), aid to families with dependent children under s. 49.19, medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, low–income energy assistance under s. ~~49.80~~ 16.385, weatherization assistance under s. 16.39 and the food stamp program under 7 USC 2011 to 2029.

SECTION 239j. 16.20 (1) (g), (2) and (3) of the statutes are renumbered 106.215 (1) (g), (2) and (3).

SECTION 239m. 16.20 (3m) of the statutes is renumbered 106.215 (3m) and amended to read:

106.215 **(3m)** REPORTING REQUIREMENT FOR DONATIONS. The board shall submit an annual report to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) that identifies, for each gift, grant or bequest credited under s. ~~20.399 (3) (g)~~ 20.445 (6) (jb), the name of the individual or organization making it and the amount of and the manner in which it is utilized.

SECTION 240. 16.20 (4) (title) of the statutes is renumbered 106.215 (4) (title).

SECTION 241m. 16.20 (4) (a) of the statutes is amended to read:

16.20 **(4)** (a) *Executive secretary.* The ~~board~~ governor shall nominate, and with the advice and consent of the senate appoint, an executive secretary of the board outside the classified service to serve at ~~its~~ the pleasure of the governor.

SECTION 241r. 16.20 (4) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (4) (a).

SECTION 242. 16.20 (4) (b) of the statutes is renumbered 106.215 (4) (b).

SECTION 243. 16.20 (5) of the statutes is renumbered 106.215 (5).

SECTION 244. 16.20 (6) (intro.) and (a) to (d) of the statutes are renumbered 106.215 (6) (intro.) and (a) to (d).

SECTION 244m. 16.20 (6) (dm) of the statutes is created to read:

16.20 **(6)** (dm) *Benefits to enrollees.* The extent to which the sponsor will provide to the corps enrollees on the project additional wages or other additional benefits.

SECTION 244r. 16.20 (6) (dm) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (6) (dm).

SECTION 245. 16.20 (6) (e) of the statutes is renumbered 106.215 (6) (e).

SECTION 245g. 16.20 (7) (title) of the statutes is renumbered 106.215 (7) (title).

SECTION 245h. 16.20 (7) (a) and (am) of the statutes are amended to read:

16.20 **(7)** (a) *Conservation activities; appropriations.* Moneys appropriated under s. 20.399 (1) (j), (m) and ~~(q)~~ (u) may be utilized for conservation activities as authorized under those appropriations.

(am) *Human services activities; appropriations.* Moneys appropriated under s. 20.399 (1) ~~(a)~~ (b), (j) and (m) may be utilized for human services activities as authorized under those appropriations.

SECTION 245m. 16.20 (7) (a) and (am) of the statutes, as affected by 1995 Wisconsin Act .... (this act), are renumbered 106.215 (7) (a) and (am) and amended to read:

106.215 **(7)** (a) *Conservation activities; appropriations.* Moneys appropriated under s. ~~20.399 (1)~~ 20.445 (6) (j), (m) and (u) may be utilized for conservation activities as authorized under those appropriations.

(am) *Human services activities; appropriations.* Moneys appropriated under s. ~~20.399 (1)~~ 20.445 (6) (b), (j) and (m) may be utilized for human services activities as authorized under those appropriations.

SECTION 246. 16.20 (7) (b) of the statutes is renumbered 106.215 (7) (b).

SECTION 247g. 16.20 (8) (title), (a) and (b) of the statutes are renumbered 106.215 (8) (title), (a) and (b).

SECTION 247m. 16.20 (8) (c) of the statutes is amended to read:

16.20 **(8)** (c) *Administrative expenses; appropriations; reallocation.* Moneys appropriated under s. 20.399 (2) (j), (m) or (q) may be utilized for the payment of administrative expenses related to the Wisconsin conservation corps program as authorized under those appropriations. If the board determines that these appropriations are not sufficient, it may request the joint committee on finance to take action under s. 13.101 (4) to transfer moneys from the appropriation under s. 20.399 (1) (j), (m) or ~~(q)~~ (u) to the appropriation under s. 20.399 (2) (j), (m) or (q).

SECTION 247r. 16.20 (8) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (8) (c) and amended to read:

106.215 **(8)** (c) *Administrative expenses; appropriations; reallocation.* Moneys appropriated under s. ~~20.399 (2) (j), (m) or (q)~~ 20.445 (6) (ja), (n) or (y) may be utilized for the payment of administrative expenses related to the Wisconsin conservation corps program as authorized under those appropriations. If the board determines that these appropriations are not sufficient, it may request the joint committee on finance to take action under s. 13.101 (4) to transfer moneys from the appropriation under s. ~~20.399 (1)~~ 20.445 (6) (j), (m) or (u) to the appropriation under s. ~~20.399 (2) (j), (m) or (q)~~ 20.445 (6) (ja), (n) or (y).

SECTION 248m. 16.20 (8) (d) of the statutes is amended to read:

16.20 **(8)** (d) *Approval*. ~~Projects~~ Except as provided in sub. (8g), projects shall be selected and approved by the board based on guidelines established under sub. (6).

SECTION 248r. 16.20 (8) (d) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (8) (d).

SECTION 249. 16.20 (8) (e) to (j) of the statutes are renumbered 106.215 (8) (e) to (j).

SECTION 250m. 16.20 (8) (k) of the statutes is amended to read:

16.20 **(8)** (k) *Enrollee supervision*. 1. The board is responsible for the overall supervision and control of corps enrollees.

2. The board may delegate to a sponsor responsibility for enrollee recruitment, training and supervision and for administrative services to be provided for a project in the responsibility agreement.

SECTION 250r. 16.20 (8) (k) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (8) (k).

SECTION 251. 16.20 (8) (L) of the statutes is renumbered 106.215 (8) (L).

SECTION 251d. 16.20 (8g) of the statutes is created to read:

16.20 **(8g)** PARTNERSHIP PROJECTS. (a) If a sponsor pays for the total cost of a project, the board may select and approve a project without using the guidelines established under sub. (6).

(b) If the department of corrections is a sponsor of a project that is approved under this subsection, the corps members on the project shall be prisoners in state prison, probationers or parolees and the members of the project shall receive applicable alcohol or other drug abuse treatment and educational programming services for a portion of each work week, but not to exceed 8 hours per work week.

SECTION 251h. 16.20 (8g) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (8g).

SECTION 251m. 16.20 (8m) of the statutes is created to read:

16.20 **(8m)** ADMINISTRATIVE PROJECT. In addition to the projects authorized under this section, the board may approve one project that provides employment for corps enrollees in an administrative work or training project sponsored by the Wisconsin conservation corps. Subsections (5) (a) to (d), (6) and (8) (d), (g) to (j) and (k) 1. do not apply to a project approved under this subsection.

SECTION 251r. 16.20 (8m) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (8m).

SECTION 252g. 16.20 (9) (title) of the statutes is renumbered 106.215 (9) (title).

SECTION 252r. 16.20 (9) (a) of the statutes is amended to read:

16.20 **(9)** (a) *Work camps.* If necessary for the implementation of a conservation project, the board may establish or utilize residential facilities but the board may not use moneys appropriated under s. 20.399 (1) ~~(q)~~ (u) or (2) (q) for the establishment of new residential facilities.

SECTION 252t. 16.20 (9) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (9) (a) and amended to read:

106.215 **(9)** (a) *Work camps.* If necessary for the implementation of a conservation project, the board may establish or utilize residential facilities but the board may not use moneys appropriated under s. ~~20.399 (1) (u) or (2) (q)~~ 20.445 (6) (u) or (y) for the establishment of new residential facilities.

SECTION 253m. 16.20 (9) (b) of the statutes is amended to read:

16.20 **(9)** (b) *Education and training.* The board shall facilitate arrangements with local schools and institutions of higher education for academic study by corps

enrollees ~~during nonworking hours~~ to upgrade literacy skills, obtain equivalency diplomas or college degrees or enhance employment skills. The board shall encourage the development of training programs for corps enrollees for use during time periods when circumstances do not permit work on a project.

SECTION 253r. 16.20 (9) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (9) (b).

SECTION 254. 16.20 (10) (title) of the statutes is renumbered 106.215 (10) (title).

SECTION 255m. 16.20 (10) (a) of the statutes is amended to read:

16.20 **(10)** (a) *Authorization; classification.* The board may employ corps enrollees. The board shall classify these enrollees as corps members, assistant crew leaders ~~or,~~ crew leaders or regional crew leaders.

SECTION 255r. 16.20 (10) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (10) (a).

SECTION 256. 16.20 (10) (b) of the statutes is renumbered 106.215 (10) (b).

SECTION 257m. 16.20 (10) (c) of the statutes is amended to read:

16.20 **(10)** (c) *Wages.* Corps members shall be paid at the prevailing federal minimum wage or the applicable state minimum wage established under ch. 104, whichever is greater. Assistant crew leaders ~~and,~~ crew leaders and regional crew leaders may be paid more than the prevailing federal minimum wage or applicable state minimum wage but may not be paid more than twice the hourly wage of a corps member. The board may waive the wage limitation of a regional crew leader. Corps enrollees shall receive their pay for the previous pay period on the last working day of the current pay period.

SECTION 257r. 16.20 (10) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (10) (c).

SECTION 257v. 16.20 (10) (cm) of the statutes is created to read:

16.20 **(10)** (cm) *Wages of certain crew leaders.* Notwithstanding par. (c), a corps enrollee who, on the effective date of this paragraph .... [revisor inserts date], is a crew leader and is paid more than twice the hourly wage of a corps member may be paid the greater of the hourly wage that he or she is receiving on the effective date of this paragraph .... [revisor inserts date], or an hourly wage not exceeding twice the hourly wage of a corps member. This paragraph does not apply to assistant crew leaders or regional crew leaders.

SECTION 257x. 16.20 (10) (cm) of the statutes, as created by 1995 Wisconsin Act .... (this act) is renumbered 106.215 (10) (cm).

SECTION 258. 16.20 (10) (d) to (f) of the statutes are renumbered 106.215 (10) (d) to (f).

SECTION 259m. 16.20 (10) (fm) (intro.) of the statutes is amended to read:

16.20 **(10)** (fm) *Group health care coverage.* (intro.) The board may provide group health care coverage, including group health care coverage offered by the state under s. 40.51, to any of the following:

SECTION 259r. 16.20 (10) (fm) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (10) (fm) (intro.).

SECTION 260m. 16.20 (10) (fm) 1. of the statutes is amended to read:

16.20 **(10)** (fm) 1. Corps enrollees who have been crew leaders, regional crew leaders or a combination thereof for at least 2 years.

SECTION 260r. 16.20 (10) (fm) 1. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (10) (fm) 1.

SECTION 261m. 16.20 (10) (fm) 2. of the statutes is amended to read:

16.20 **(10)** (fm) 2. Crew leaders or regional crew leaders who are discharging special responsibilities, as determined by the board.

SECTION 261r. 16.20 (10) (fm) 2. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (10) (fm) 2.

SECTION 262. 16.20 (10) (g) (title) of the statutes is renumbered 106.215 (10) (g) (title).

SECTION 263m. 16.20 (10) (g) 1. of the statutes is amended to read:

16.20 **(10)** (g) 1. A person who is employed as a corps enrollee for a 6–month to one–year period of continuous employment, as determined by standards adopted by the board, and who receives a satisfactory employment evaluation upon termination of employment is entitled to an incentive payment of $500 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours or an education voucher that is worth at least ~~$1,000~~ double the monetary value of the prorated incentive payment, but not more than $2,200 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours. No corps enrollee may receive more than 2 incentive payments or 4 education vouchers.

SECTION 263r. 16.20 (10) (g) 1. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (10) (g) 1. and amended to read:

106.215 **(10)** (g) 1. A person who is employed as a corps enrollee for a 6–month to one–year period of continuous employment, as determined by standards adopted by the board, and who receives a satisfactory employment evaluation upon termination of employment is entitled to an incentive payment of $500 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours or an education voucher that is worth at least double the

monetary value of the prorated incentive payment, but not more than ~~$2,200~~ $2,400 prorated in the same proportion as the number of hours of employment completed by that person bears to 2,080 hours. No corps enrollee may receive more than 2 incentive payments or 4 education vouchers.

SECTION 264. 16.20 (10) (g) 2. of the statutes is renumbered 106.215 (10) (g) 2.

SECTION 265. 16.20 (10) (g) 3. of the statutes is renumbered 106.215 (10) (g) 3.

SECTION 266. 16.20 (10) (h) of the statutes is renumbered 106.215 (10) (h).

SECTION 267. 16.20 (11) (title) of the statutes is renumbered 106.215 (11) (title).

SECTION 268m. 16.20 (11) (a) of the statutes is amended to read:

16.20 **(11)** (a) *Age.* In order to qualify for employment as a corps member or an assistant crew leader, a person is required to have attained the age of 18 years but may not have attained the age of 26 years at the time he or she accepts employment. In order to qualify for employment as a crew leader or a regional crew leader, a person is required to have attained the age of 18 years at the time he or she accepts employment.

SECTION 268r. 16.20 (11) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (11) (a).

SECTION 268t. 16.20 (11) (b) of the statutes is renumbered 106.215 (11) (b).

SECTION 269. 16.20 (11) (c) of the statutes is amended to read:

16.20 **(11)** (c) *Enrollment period.* In order to qualify for employment as a corps enrollee, a person is required to sign a statement of intention to serve in the Wisconsin conservation corps program for a 6–month to one–year period. This statement does not obligate the board to provide employment for the enrollee for that period.

SECTION 269m. 16.20 (11) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (11) (c).

SECTION 270m. 16.20 (11) (d) of the statutes is amended to read:

16.20 **(11)** (d) *Training and skills.* No training or skills are required in order to qualify for employment as a corps member. The board shall establish minimum levels of performance, training and skills required to qualify for employment as or promotion to assistant crew leader ~~or,~~ crew leader or regional crew leader.

SECTION 270r. 16.20 (11) (d) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (11) (d).

SECTION 271. 16.20 (11) (e) of the statutes is renumbered 106.215 (11) (e).

SECTION 272. 16.20 (12) (title) of the statutes is renumbered 106.215 (12) (title).

SECTION 273m. 16.20 (12) (a) of the statutes is amended to read:

16.20 **(12)** (a) *Standards.* The board shall establish standards for the selection of full–time and part–time corps enrollees from among those persons who are qualified and seek employment.

SECTION 273r. 16.20 (12) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (12) (a).

SECTION 274. 16.20 (12) (am) and (b) of the statutes are renumbered 106.215 (12) (am) and (b).

SECTION 275m. 16.20 (12) (c) of the statutes is renumbered 106.215 (12) (c) and amended to read:

106.215 **(12)** (c) *Hiring procedure.* The board shall develop procedures for the hiring of corps enrollees in cooperation with the department ~~of industry, labor and human relations~~. The board shall utilize any appropriate local job service office in the area of a project to distribute applications, conduct interviews and evaluate

applicants and make recommendations concerning the hiring of corps enrollees. The board may utilize project sponsors who are sponsoring long–term projects to conduct interviews, evaluate applicants and make recommendations concerning the hiring of corps enrollees.

SECTION 276. 16.20 (13) (title) of the statutes is renumbered 106.215 (13) (title).

SECTION 277m. 16.20 (13) (a) of the statutes is amended to read:

16.20 **(13)** (a) *Enrollment period.* ~~The normal enrollment period for a corps member who is not promoted to assistant crew leader is one year.~~ The board may authorize the employment of a corps member who is not promoted to assistant crew leader beyond the ~~normal~~ 6–month to one–year enrollment period for a limited time, not to exceed one year, if the corps member has a disability. The normal enrollment period for a corps member who is promoted to assistant crew leader or for a person who is hired as assistant crew leader is 2 years. The board may authorize the employment of a corps member or assistant crew leader beyond the normal enrollment period for a limited time, not to exceed 3 months, under special circumstances where continued employment is required in order to complete a project in progress. The normal enrollment period for a crew leader or a regional crew leader is 2 years. The board may extend the employment of a crew leader beyond the normal enrollment period if the crew leader possesses special experience, training or skills valuable to the program. The board may extend the employment of a regional crew leader for an unlimited time.

SECTION 277r. 16.20 (13) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.215 (13) (a).

SECTION 278. 16.20 (13) (b) of the statutes is renumbered 106.215 (13) (b).

SECTION 279. 16.21 of the statutes is renumbered 41.41, and 41.41 (4) (c), (5) (e) and (12) (a), as renumbered, are amended to read:

41.41 **(4)** (c) The department of agriculture, trade and consumer protection, the department of natural resources, the department of transportation, the department of development, the department of administration, the state historical society and the university of Wisconsin–extension shall cooperate with and assist the board in matters related to its functions.

(5) (e) Consult and cooperate with the department of agriculture, trade and consumer protection, the department of natural resources, the department of transportation, the department of development, the department of administration, the state historical society, the university of Wisconsin–extension, the Winnebago tribe and any other Indian tribe which appoints a liaison representative to the board regarding the management of the Kickapoo valley reserve.

(12) (a) The department ~~of natural resources~~ shall have police supervision over the Kickapoo valley reserve, other land acquired by the board and all publicly owned rights–of–way adjacent thereto, and its duly appointed agents may arrest, with or without warrant, any person on that property committing an offense against the laws of the state or in violation of any rule of the board in force on that property, and deliver the person to circuit court for the county where the offense is committed and make and execute a complaint charging the person with the offense committed. The district attorney of the county where the offense is committed shall appear and prosecute all actions arising under this paragraph. This paragraph does not preclude exercise of concurrent law enforcement jurisdiction in or adjacent to the reserve, or on other land acquired by the board, by any authority to whom jurisdiction is granted by law.

SECTION 280. 16.22 (title), (1) and (2) (intro.) and (a) to (g) of the statutes are renumbered 106.40 (title), (1) and (2) (intro.) and (a) to (g).

SECTION 281. 16.22 (2) (h) of the statutes is renumbered 106.40 (2) (h) and amended to read:

106.40 **(2)** (h) From the appropriations under s. ~~20.505 (4) (j) and (p)~~ 20.445 (1) (jc) and (pe), award grants to persons providing national service programs, giving priority to the greatest extent practicable to persons providing youth corps programs.

SECTION 282. 16.22 (2) (i) to (L) and (3) of the statutes are renumbered 106.40 (2) (i) to (L) and (3).

SECTION 283. 16.352 (5) (a) of the statutes is renumbered 16.352 (5).

SECTION 284. 16.352 (5) (b) of the statutes is repealed.

SECTION 284m. 16.354 of the statutes is repealed.

SECTION 285. 16.39 (3) of the statutes is amended to read:

16.39 **(3)** APPLICATION PROCEDURE. A household may apply after September 30 and before May 16 of any year for weatherization assistance from the county department under s. 46.215 (1) (n) or 46.22 (1) (b) ~~10.~~ 4m. a. to e. and shall have the opportunity to do so on a form prescribed by the department for that purpose.

SECTION 286. 16.39 (4) (b) of the statutes is amended to read:

16.39 **(4)** (b) A household entirely composed of persons receiving aid to families with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2029, or supplemental security income or state supplemental payments under 42 USC 1381 to 1383c or s. ~~49.177~~ 49.77.

SECTION 286r. 16.40 (31m) of the statutes is created to read:

16.40 **(31m)** PERMIT EXAMINATION OF BOOKS. Permit at all times inspection and examination of the books, papers and transactions of the secretary relating to his or

her cash management functions by the governor, attorney general or state auditor, or by either house of the legislature, or any legislative committee.

SECTION 286v. 16.40 (32) of the statutes is created to read:

16.40 **(32)** BIENNIAL REPORT. As part of the report submitted under s. 15.04 (1) (d), include a statement showing for each of the 2 preceding fiscal years the cash balance in each state fund at the beginning of the fiscal year, the aggregate amount of receipts credited and the aggregate amount of disbursements charged to each said fund during the fiscal year and the resultant cash balance in each state fund at the end of the fiscal year. This statement shall further show as of the end of each said 2 fiscal years, at par, the aggregate value of securities held for each state fund and the aggregate value of securities held in trust or deposited for safekeeping, and shall show the manner in which the total cash balance was accounted for by listing the balances on deposit in each state account in a public depository, deducting from the total of such balances the aggregate amount of checks, share drafts or other drafts outstanding and adding thereto the aggregate amount of cash and cash items in office.

SECTION 287. 16.41 (4) of the statutes is amended to read:

16.41 **(4)** In this section, "authority" means a body created under ch. 231, 233 or 234.

SECTION 287m. 16.412 of the statutes is amended to read:

16.412 Agency payments. At the request of any agency, the secretary, ~~with the approval of the state treasurer,~~ may authorize the processing of specified regular periodic payments through the use of money transfer techniques including, without limitation because of enumeration, direct deposit, electronic funds transfer and automated clearinghouse procedures.

SECTION 288m. 16.415 (1) of the statutes is amended to read:

16.415 **(1)** Neither the secretary nor any other fiscal officer of this state may draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on ~~the treasurer or other~~ any disbursing officer of the state to pay any compensation to any person in the classified service of the state unless an estimate, payroll or account for such compensation, containing the names of every person to be paid, bears the certificate of the appointing authority that each person named in the estimate, payroll or account has been appointed, employed or subject to any other personnel transaction in accordance with, and that the pay for the person has been established in accordance with, the law, compensation plan or applicable collective bargaining agreement, and rules of the secretary of employment relations and the administrator of the division of merit recruitment and selection in the department of employment relations then in effect.

SECTION 288r. 16.475 of the statutes is created to read:

16.475 Information technology budget plan. (1) In this section:

(a) "Agency" has the meaning given in s. 16.97 (1).

(b) "Information technology" has the meaning given in s. 16.97 (6).

(2) In March of each odd–numbered year, the governor shall submit to the cochairpersons of the joint committee on finance an information technology budget plan that includes at least the following information:

(a) The amounts anticipated to be expended by each agency in the current fiscal biennium and the amounts requested by each agency for expenditure in the succeeding fiscal biennium for information technology operations and improvements.

(b) An evaluation of how such proposed expenditures would conform with the planning of the agency with respect to its business operations, the strategic plan of the agency for the use and application of information technology and the applicable strategic plan for the use and application of information technology under s. 13.90 (6), 16.971 (2) (m), 36.11 (31) or 758.19 (7).

(c) A recommendation for each agency concerning what amount of each agency's proposed expenditures should be funded in the succeeding fiscal biennium, including the funding sources and methods of financing for each expenditure, based on the appropriateness of the expenditure in relation to the agency's information technology plan and priorities and in relation to proposed total state information technology expenditures, the statewide strategic plan under s. 16.971 (2) (m) and priorities indicated in that plan.

(d) An identification of each information technology system or application in each recommendation that has not been previously funded and the anticipated total cost of designing, implementing and providing continued support for the system or application.

SECTION 290. 16.50 (3) of the statutes is amended to read:

16.50 **(3)** LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except the legislature or the courts, may increase the pay of any employe, expend money or incur any obligation except in accordance with the estimate that is submitted to the secretary as provided in sub. (1) and approved by the secretary or the governor. No change in the number of full–time equivalent positions authorized through the biennial budget process or other legislative act may be made without the approval of the joint committee on finance, except for position changes made by the governor under s. 16.505 (1) (c) or (2)<u>, by the University of Wisconsin Hospitals and Clinics</u>

Board under s. 16.505 (2n) or by the board of regents of the university of Wisconsin system under s. 16.505 (2m). The secretary may withhold, in total or in part, the funding for any position, as defined in s. 230.03 (11), as well as the funding for part–time or limited term employes until such time as the secretary determines that the filling of the position or the expending of funds is consistent with s. 16.505 and with the intent of the legislature as established by law or in budget determinations, or the intent of the joint committee on finance creating or abolishing positions under s. 13.10, the intent of the governor creating or abolishing positions under s. 16.505 (1) (c) or (2) or the intent of the board of regents of the university of Wisconsin system in creating or abolishing positions under s. 16.505 (2m). Until the release of funding occurs, recruitment or certification for the position may not be undertaken. The secretary shall submit a quarterly report to the joint committee on finance of any position changes made by the governor under s. 16.505 (1) (c). No pay increase may be approved unless it is at the rate or within the pay ranges prescribed in the compensation plan or as provided in a collective bargaining agreement under subch. V of ch. 111. At the request of the secretary of employment relations, the secretary of administration may authorize the temporary creation of pool or surplus positions under any source of funds if the secretary of employment relations determines that temporary positions are necessary to maintain adequate staffing levels for high turnover classifications, in anticipation of attrition, to fill positions for which recruitment is difficult. Surplus or pool positions authorized by the secretary shall be reported quarterly to the joint committee on finance in conjunction with the report required under s. 16.54 (8).

SECTION 293. 16.505 (1) (intro.) of the statutes is amended to read:

16.505 **(1)** (intro.) Except as provided in subs. (2) ~~and,~~ (2m) and (2n), no position, as defined in s. 230.03 (11), regardless of funding source or type, may be created or abolished unless authorized by one of the following:

SECTION 294g. 16.505 (2m) of the statutes is amended to read:

16.505 **(2m)** The board of regents of the university of Wisconsin system may create or abolish a full–time equivalent position or portion thereof from revenues appropriated under s. 20.285 (1) (h), (iz), (j) ~~or,~~ (m) or (n) or (3) (iz) or (n). No later than the last day of the month following completion of each calendar quarter, the board of regents shall report to the department and the cochairpersons of the joint committee on finance concerning the number of full–time equivalent positions created or abolished by the board under this subsection during the preceding calendar quarter and the source of funding for each such position.

SECTION 294m. 16.505 (2n) of the statutes is created to read:

16.505 **(2n)** The University of Wisconsin Hospitals and Clinics Board may create or abolish a full–time equivalent position or portion thereof from revenues appropriated under s. 20.285 (1) (kb) or 20.495 (1) (g). No later than the last day of the month following completion of each calendar quarter, the University of Wisconsin Hospitals and Clinics Board shall report to the department and the cochairpersons of the joint committee on finance concerning the number of full–time equivalent positions created or abolished by the board under this subsection during the preceding calendar quarter.

SECTION 294n. 16.505 (2n) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

16.505 **(2n)** The University of Wisconsin Hospitals and Clinics Board may create or abolish a full–time equivalent position or portion thereof from revenues

appropriated under s. ~~20.285 (1) (kb) or~~ 20.495 (1) (g). No later than the last day of the month following completion of each calendar quarter, the University of Wisconsin Hospitals and Clinics Board shall report to the department and the cochairpersons of the joint committee on finance concerning the number of full–time equivalent positions created or abolished by the board under this subsection during the preceding calendar quarter.

SECTION 294o. 16.51 (7) of the statutes is amended to read:

16.51 **(7)** AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND CHILDREN IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and audit claims, duly certified and approved by the department of corrections or the department of health and social services, from the county clerk of any county in behalf of the county, which are presented for payment to reimburse the county for certain expenses incurred or paid by it in reference to all matters growing out of actions and proceedings involving prisoners in state prisons, as defined in s. 302.01, or children in secured correctional facilities, as defined in s. 48.02 (15m), including prisoners or children transferred to a mental health institute for observation or treatment, when the proceedings are commenced in counties in which the prisons or secured correctional facilities are located by a district attorney or by the prisoner or child as a postconviction remedy or a matter involving the prisoner's status as a prisoner or the child's status as a resident of a secured correctional facility and for certain expenses incurred or paid by it in reference to holding those children in secure custody while those actions or proceedings are pending. Expenses shall only include the amounts ~~as~~ that were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein.

SECTION 294p. 16.51 (7) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

16.51 **(7)** AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND CHILDREN IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and audit claims, duly certified and approved by the department of corrections, from the county clerk of any county in behalf of the county, which are presented for payment to reimburse the county for certain expenses incurred or paid by it in reference to all matters growing out of actions and proceedings involving prisoners in state prisons, as defined in s. 302.01, or children in secured correctional facilities, as defined in s. 48.02 (15m), including prisoners or children transferred to a mental health institute for observation or treatment, when the proceedings are commenced in counties in which the prisons or secured correctional facilities are located by a district attorney or by the prisoner or child as a postconviction remedy or a matter involving the prisoner's status as a prisoner or the child's status as a resident of a secured correctional facility and for certain expenses incurred or paid by it in reference to holding those children in secure custody while those actions or proceedings are pending. Expenses shall only include the amounts that were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein.

SECTION 295. 16.517 of the statutes is amended to read:

16.517 Adjustments of program revenue positions and funding levels. No later than 30 days after the effective date of each biennial budget act, the department shall provide to the joint committee on finance a report indicating any initial modifications that are necessary to the appropriation levels established under that act for program revenue and program revenue–service appropriations as

defined in s. 20.001 (2) (b) and (c) or to the number of full–time equivalent positions funded from program revenue and program revenue–service appropriations authorized by that act to account for any additional funding or positions authorized under ~~ss.~~ s. 16.505 (2) or (2m) ~~and~~ or 16.515 in the fiscal year immediately preceding the fiscal biennium of the budget that have not been included in authorizations under the biennial budget act but which should be included as continued budget authorizations in the fiscal biennium of the budget. Such modifications shall be limited to adjustment of the appropriation or position levels to the extent required to account for higher base levels for the fiscal year immediately preceding the fiscal biennium of the budget due to appropriation or position increases authorized under ~~ss.~~ s. 16.505 (2) or (2m) ~~and~~ or 16.515 during the fiscal year immediately preceding the fiscal biennium of the budget. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications within 14 working days after the date of receipt of the department's report, the department may make the modifications ~~may be made~~ specified in the report. If, within 14 working days after the date of the department's report, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications, the department may not make the modifications specified in the report until the committee approves the report.

SECTION 296. 16.52 (6) (a) of the statutes is amended to read:

16.52 **(6)** (a) Except as authorized in s. 16.74, all purchase orders, contracts, or printing orders for any agency as defined in s. 16.70 (1) shall, before any liability is incurred thereon, be submitted to the secretary for his or her approval as to legality of purpose and sufficiency of appropriated and allotted funds therefor. In all cases

the date of the contract or order governs the fiscal year to which the contract or order is chargeable, unless the secretary determines that the purpose of the contract or order is to prevent lapsing of appropriations or to otherwise circumvent budgetary intent. Upon such approval, the secretary shall immediately encumber all contracts or orders, and indicate the fiscal year to which they are chargeable.

SECTION 297. 16.52 (7) of the statutes is amended to read:

16.52 **(7)** PETTY CASH ACCOUNT. With the approval of the secretary, each agency which is authorized to maintain a contingent fund under s. 20.920 may establish a petty cash account from its contingent fund. The procedure for operation and maintenance of petty cash accounts and the character of expenditures therefrom shall be prescribed by the secretary. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 299. 16.528 (1) (a) of the statutes is amended to read:

16.528 **(1)** (a) "Agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 301. 16.53 (1) (d) 1. of the statutes is amended to read:

16.53 **(1)** (d) 1. The secretary, with the approval of the joint committee on employment relations, shall fix the time, except as provided in ~~s. 16.20 (10) (c) and~~

~~101.38~~ ss. 106.21 (9) (c) and 106.215 (10) (c), and frequency for payment of salaries due elective and appointive officers and employes of the state. As determined under this subdivision, the salaries shall be paid either monthly, semimonthly or for each 2–week period.

SECTION 302. 16.53 (2) of the statutes is amended to read:

16.53 **(2)** IMPROPER INVOICES. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 302g. 16.53 (10) (a) of the statutes is amended to read:

16.53 **(10)** (a) If an emergency arises which requires the department to draw vouchers for payments which will be more than available moneys in any state fund, the secretary, ~~in consultation with the state treasurer, and~~ after notifying the joint committee on finance under par. (b), may prorate and establish priority schedules for all payments within each fund, including those payments for which a specific payment date is provided by statute, except as otherwise provided in this paragraph. The secretary shall draw all vouchers according to the preference provided in this paragraph. All direct or indirect payments of principal or interest on state bonds and notes issued under subch. I of ch. 18 have first priority. All direct or indirect payments of principal or interest on state notes issued under subch. III of ch. 18 have 2nd priority. No payment having a 1st or 2nd priority may be prorated or reduced

under this subsection. All state employe payrolls have 3rd priority. The secretary shall draw all remaining vouchers according to a priority determined by the secretary. The secretary shall maintain records of all claims prorated under this subsection ~~and shall provide written notice to the state treasurer when a potential cash flow emergency is anticipated~~.

SECTION 302r. 16.53 (10) (b) of the statutes is amended to read:

16.53 **(10)** (b) Before exercising authority under par. (a) the secretary shall~~,~~ ~~after consultation with the state treasurer,~~ notify the joint committee on finance as to the need for and the procedures under which proration or priority schedules under par. (a) shall occur. If the joint committee on finance has not, within 2 working days after the notification, scheduled a meeting to review the secretary's proposal, the secretary may proceed with the proposed action. If, within 2 working days after the notification, the committee schedules a meeting, the secretary may not proceed with the proposed action until after the meeting is held.

SECTION 303. 16.54 (1) of the statutes is amended to read:

16.54 **(1)** Whenever the United States government shall make available to this state funds for the education, the promotion of health, the relief of indigency, the promotion of agriculture or for any other purpose other than the administration of the tribal or any individual funds of Wisconsin Indians, the governor on behalf of the state is authorized to accept the funds so made available. In exercising the authority herein conferred, the governor may stipulate as a condition of the acceptance of the act of congress by this state such conditions as in the governor's discretion may be necessary to safeguard the interests of this state.

SECTION 303m. 16.54 (2) (a) of the statutes is amended to read:

16.54 **(2)** (a) ~~Whenever~~ Except as provided in this paragraph, whenever funds shall be made available to this state through an act of congress and the funds are accepted as provided in sub. (1), the governor shall designate the state board, commission or department to administer any of such funds, and the board, commission or department so designated by the governor is authorized and directed to administer such funds for the purpose designated by the act of congress making an appropriation of such funds, or by the department of the United States government making such funds available to this state. Whenever a block grant is made to this state, ~~no funds~~ the governor shall not administer and no board, commission or department may encumber or expend moneys received as a part of the block grant unless expenditure of the moneys is first approved by the joint committee on finance. No moneys received as a part of a block grant may be transferred from use as a part of one such grant to use as a part of another such grant, regardless of whether a transfer between appropriations is required, unless the joint committee on finance approves the transfer ~~under s. 13.10~~. In this subsection, "block grant" means a multipurpose federal grant so designated under federal law.

SECTION 304b. 16.54 (2) (b) of the statutes is amended to read:

16.54 **(2)** (b) Upon presentation by the department ~~of health and social services~~ to the joint committee on finance of alternatives to the provisions under s. ~~49.80~~ 16.385, the joint committee on finance may revise the eligibility criteria under s. ~~49.80~~ 16.385 (5), benefit payments under s. ~~49.80~~ 16.385 (6) or the amount allocated for crises under s. ~~49.80~~ 16.385 (3) (e) 2. and the department shall implement those revisions. Benefits or eligibility criteria so revised shall take into account and be consistent with the requirements of federal regulations promulgated under 42 USC 8621 to 8629. If funds received under 42 USC 8621 to 8629 in a federal fiscal year

total less than 90% of the amount received in the previous federal fiscal year, the department ~~of health and social services~~ shall submit to the joint committee on finance a plan for expenditure of the funds. The department ~~of health and social services~~ may not use the funds unless the committee approves the plan.

SECTION 306. 16.54 (8r) (b) of the statutes is amended to read:

16.54 **(8r)** (b) ~~The~~ Annually by October 1 the board of regents shall report to the governor and the cochairpersons of the joint committee on finance ~~no later than the 15th day following completion of each calendar quarter~~ concerning the date, amount and purpose of any federal moneys accepted by the board under par. (a) during the preceding ~~quarter~~ fiscal year.

SECTION 307. 16.54 (9) (a) 1. of the statutes is amended to read:

16.54 **(9)** (a) 1. "Agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 307g. 16.54 (9) (b) of the statutes is amended to read:

16.54 **(9)** (b) ~~An~~ Except as provided in par. (bd), an indirect cost reimbursement may be utilized for administrative purposes, program purposes, funding of positions, payment of federal aid disallowances, or other purposes authorized by law. If an indirect cost reimbursement is not utilized for such a purpose, the head of the agency receiving the reimbursement shall request the department to transfer the reimbursement to the general fund as general purpose revenue — earned. All transfers and other expenditures are subject to approval of the secretary under s. 16.50 (2) and the governor under this section.

SECTION 307h. 16.54 (9) (bd) of the statutes is created to read:

16.54 **(9)** (bd) Unless the joint committee on finance approves, the department of health and social services may not expend, for administrative purposes, program purposes or funding of positions, amounts of indirect cost reimbursement from the appropriation under s. 20.435 (8) (pz) that exceed the estimated amount of expenditures shown for s. 20.435 (8) (pz) in the schedule under s. 20.005 (3) as published in the biennial budget act or as otherwise modified by the legislature.

SECTION 308. 16.545 (9) of the statutes is created to read:

16.545 **(9)** To process applications for grants from the federal government upon request of any agency, as defined in s. 16.70 (1). The department may assess to an agency for whom it processes an application under this subsection a fee for the expenses incurred by the department in performing this service.

SECTION 309. 16.61 (title) of the statutes is amended to read:

16.61 (title) **Records ~~and forms~~ of state offices and other public records.**

SECTION 310. 16.61 (1) of the statutes is amended to read:

16.61 **(1)** (title) PUBLIC RECORDS ~~AND FORMS~~ BOARD. The public records ~~and forms~~ board shall preserve for permanent use important state records, prescribe policies and standards that provide an orderly method for the disposition of other state records and rationalize and make more cost–effective the management of ~~forms and~~ records by state agencies.

SECTION 311. 16.61 (2) (a) of the statutes is amended to read:

16.61 **(2)** (a) "Board" means the public records ~~and forms~~ board.

SECTION 312. 16.61 (2) (ad) of the statutes is renumbered 16.97 (5m).

SECTION 313. 16.61 (2) (af) of the statutes is created to read:

16.61 **(2)** (af) "Form" has the meaning specified in s. 16.97 (5m).

SECTION 314. 16.61 (2) (ah) of the statutes is renumbered 16.97 (5s).

SECTION 315. 16.61 (2) (ao) of the statutes is repealed.

SECTION 316. 16.61 (2) (ap) of the statutes is renumbered 16.97 (8m) and amended to read:

16.97 **(8m)** "Public contact form" means a form generated and used by any ~~state~~ agency in transactions between the ~~state~~ agency and a member of the public.

SECTION 317. 16.61 (2) (b) (intro.) of the statutes is amended to read:

16.61 **(2)** (b) (intro.) "Public records" means all books, papers, maps, photographs, films, recordings, optical disks, electronically formatted documents or other documentary materials, regardless of physical form or characteristics, made, or received by any state agency or its officers or employes in connection with the transaction of public business, and documents of any insurer that is liquidated or in the process of liquidation under ch. 645. "Public records" does not include:

SECTION 318. 16.61 (2) (bm) of the statutes is amended to read:

16.61 **(2)** (bm) "Records and forms officer" means a person designated by a state agency to ~~design, review, analyze, consolidate, simplify and file~~ comply with all ~~public~~ records and forms management laws and rules under s. 15.04 (1) (j) and to act as a liaison between that state agency and the board.

SECTION 319. 16.61 (3) (b) of the statutes is amended to read:

16.61 **(3)** (b) Upon the request of any state agency, county, town, city, village or school district, may order upon such terms as the board finds necessary to safeguard the legal, financial and historical interests of the state in public records, the destruction, reproduction by microfilm or other process, ~~storage by~~ optical disk~~,~~ or electronic storage or the temporary or permanent retention or other disposition of public records.

SECTION 320. 16.61 (3) (c) of the statutes is amended to read:

16.61 **(3)** (c) ~~Shall~~ May promulgate rules to carry out the purposes of this section.

SECTION 321. 16.61 (3) (h) of the statutes is repealed.

SECTION 322. 16.61 (3) (i) of the statutes is repealed.

SECTION 323. 16.61 (3) (j) of the statutes is amended to read:

16.61 **(3)** (j) Shall establish a records ~~and forms~~ management program for this state.

SECTION 324. 16.61 (3) (k) of the statutes is renumbered 16.971 (2) (am) and amended to read:

16.971 **(2)** (am) ~~Shall make~~ Make as cost effective as possible the procurement and use of forms by ~~state~~ agencies.

SECTION 325. 16.61 (3) (L) of the statutes is amended to read:

16.61 **(3)** (L) Shall receive and investigate complaints about forms, except as provided in sub. ~~(3m)~~ (3n).

SECTION 326. 16.61 (3) (p) of the statutes is renumbered 16.61 (3L) and amended to read:

16.61 **(3L)** (title) EXECUTIVE SECRETARY. ~~Shall~~ The department shall, with the consent of the board and based on qualifications approved by the board, appoint an official in the classified service to oversee the day–to–day execution of the board's duties, to serve as the executive secretary of the board~~,~~ and to coordinate the statewide records ~~and forms~~ management program ~~and to have statewide responsibility for limiting paperwork. Except as provided in sub. (3m), the executive secretary shall review and approve, modify or reject all forms approved by a records and forms officer for jurisdiction, authority, standardization of design and~~

~~nonduplication of existing forms and shall report to the board quarterly on the progress of records and forms management within state agencies. Unless the executive secretary rejects for cause or modifies the form within 20 working days after receipt, it is considered approved. The executive secretary's rejection of any form is appealable to the public records and forms board. If the head of a state agency certifies to the executive secretary that the form is needed on a temporary, emergency basis, approval of the executive secretary is not required~~.

SECTION 327. 16.61 (3) (q) of the statutes is repealed.

SECTION 328. 16.61 (3) (tm) of the statutes is created to read:

16.61 **(3)** (tm) Shall recommend to the department qualitative standards for storage of records in electronic format and for copies of documents generated from electronically stored records filed with local governmental units.

SECTION 329. 16.61 (3) (v) of the statutes is repealed.

SECTION 330. 16.61 (3m) (title) of the statutes is repealed.

SECTION 331. 16.61 (3m) of the statutes is renumbered 16.971 (2m), and 16.971 (2m) (intro), as renumbered, is amended to read:

16.971 **(2m)** (intro.) The following forms are not subject to review~~,~~ or approval ~~or complaint investigation by the board or executive secretary~~ by the department:

SECTION 332. 16.61 (3n) of the statutes is created to read:

16.61 **(3n)** EXEMPT FORMS. The board may not receive or investigate complaints about the forms specified in s. 16.971 (2m).

SECTION 333. 16.61 (5) (title) of the statutes is amended to read:

16.61 **(5)** (title) TRANSFER OF PUBLIC RECORDS TO OPTICAL DISK OR ELECTRONIC FORMAT.

SECTION 334. 16.61 (5) (a) of the statutes is amended to read:

16.61 **(5)** (a) Subject to rules promulgated by the department under s. 16.611, any state agency may transfer ~~any public record in its custody~~ to or maintain in optical disk or electronic format any public record in its custody and retain the public record in that format only.

SECTION 335. 16.61 (5) (b) of the statutes is amended to read:

16.61 **(5)** (b) Subject to rules promulgated by the department under s. 16.611, state agencies shall maintain procedures to ensure the authenticity, accuracy, reliability and accessibility of public records transferred to or maintained in optical disk or electronic format under par. (a).

SECTION 336. 16.61 (5) (c) of the statutes is amended to read:

16.61 **(5)** (c) Subject to rules promulgated by the department under s. 16.611, state agencies that transfer ~~public records in their custody~~ to or maintain in optical disk or electronic format public records in their custody shall ensure that the public records stored in that format are protected from unauthorized destruction.

SECTION 337. 16.61 (7) (a) (intro.) of the statutes is amended to read:

16.61 **(7)** (a) (intro.) Any microfilm reproduction of an original record, or a copy generated from an original record stored in optical disk or electronic format, is deemed an original public record if all of the following conditions are met:

SECTION 338. 16.61 (7) (a) 1. of the statutes is amended to read:

16.61 **(7)** (a) 1. Any device used to reproduce the record on film or to transfer the record to optical disk or electronic format and generate a copy of the record from optical disk or electronic format accurately reproduces the content of the original.

SECTION 339. 16.61 (7) (a) 2. of the statutes is amended to read:

16.61 **(7)** (a) 2. The reproduction is on film which complies with the minimum standards of quality for microfilm reproductions, as established by rule of the board,

or the optical disk or electronic copy and the copy generated from optical disk or electronic format comply with the minimum standards of quality for such copies, as established by rule of the department under s. 16.611.

SECTION 340. 16.61 (7) (a) 5. of the statutes is amended to read:

16.61 **(7)** (a) 5. The state agency records and forms officer or other person designated by the head of the state agency or the custodian of any other record executes a statement of intent and purpose describing the record to be reproduced or transferred to optical disk or electronic format, the disposition of the original record, the disposal authorization number assigned by the board for public records of state agencies, the enabling ordinance or resolution for cities, towns, villages or school districts, or the resolution which authorizes the reproduction, ~~or~~ optical imaging or electronic formatting for counties when required, and executes a certificate verifying that the record was received or created and microfilmed or transferred to optical disk or electronic format in the normal course of business and that the statement of intent and purpose is properly recorded as directed by the board.

SECTION 341. 16.61 (8) (a) of the statutes is amended to read:

16.61 **(8)** (a) Any microfilm reproduction of a public record meeting the requirements of sub. (7) or copy of a public record generated from an original record stored in optical disk or electronic format in compliance with this section shall be taken as, stand in lieu of and have all the effect of the original document and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original document is admissible.

SECTION 342. 16.61 (8) (b) of the statutes is amended to read:

16.61 **(8)** (b) Any enlarged copy of a microfilm reproduction of a public record made as provided by this section or any enlarged copy of a public record generated from an original record stored in optical disk or electronic format in compliance with this section that is certified by the custodian as provided in s. 889.08 shall have the same force as an actual–size copy.

SECTION 343. 16.61 (9) of the statutes is amended to read:

16.61 **(9)** PRESERVATION OF REPRODUCTIONS. Provision shall be made for the preservation of any microfilm reproductions of public records and of any public records stored in optical disk or electronic format in conveniently accessible files in the agency of origin or its successor or in the state archives.

SECTION 344. 16.61 (10) of the statutes is amended to read:

16.61 **(10)** CONTRACTS FOR COPYING. Contracts for microfilm reproduction ~~or,~~ optical imaging or electronic storage of public records to be performed as provided in this section shall be made by the secretary as provided in ss. 16.70 to 16.77 and the cost of making such reproductions or optical disks or of electronic storage shall be paid out of the appropriation of the state agency having the reproduction made or the storage performed.

SECTION 345. 16.61 (11) of the statutes is amended to read:

16.61 **(11)** AUTHORITY TO REPRODUCE RECORDS. Nothing in this section shall be construed to prohibit the responsible officer of any state agency from reproducing any document by any method when it is necessary to do so in the course of carrying out duties or functions in any case other than where the original document is to be destroyed; but no original public record may be destroyed after microfilming ~~or,~~ optical imaging or electronic storage without the approval of the board unless authorized under sub. (4) or (5).

SECTION 346. 16.61 (12) of the statutes is amended to read:

16.61 **(12)** ACCESS TO REPRODUCTIONS AND COPIES. All persons may examine and use the microfilm reproductions of public records and copies of public records generated from optical disk or electronic storage subject to such reasonable rules as may be made by the responsible officer of the state agency having custody of the same.

SECTION 347. 16.61 (13) (d) 1. of the statutes is amended to read:

16.61 **(13)** (d) 1. Except as provided in subd. 2., records which have a confidential character while in the possession of the original custodian shall retain their confidential character after transfer to the historical society unless the board of curators of the historical society, with the concurrence of the original custodian or the custodian's legal successor, determines that the records shall be made accessible to the public under such proper and reasonable rules as the historical society promulgates. If the original custodian or the custodian's legal successor is no longer in existence, confidential records formerly in that person's possession may not be released by the board of curators unless the release is first approved by the public records ~~and forms~~ board. For public records and other official materials transferred to the care of the university archival depository under par. (b), the chancellor of the university preserving the records shall have the power and duties assigned to the historical society under this section.

SECTION 348. 16.611 (title) of the statutes is amended to read:

16.611 (title) **State public records; optical disk and electronic storage.**

SECTION 349. 16.611 (2) (a) of the statutes is amended to read:

16.611 **(2)** (a) The department shall prescribe, by rule, procedures for the transfer of public records to optical disk or electronic format and for the maintenance

of public records stored in optical disk or electronic format, including procedures to ensure the authenticity, accuracy, reliability and accessibility of public records so transferred and procedures to ensure that such public records are protected from unauthorized destruction.

SECTION 350. 16.611 (2) (b) of the statutes is amended to read:

16.611 **(2)** (b) The department shall prescribe, by rule, procedures governing the operation of its optical disk and electronic storage facility under s. 16.62 (1) (bm).

SECTION 351. 16.611 (2) (d) of the statutes is created to read:

16.611 **(2)** (d) The department shall prescribe, by rule, qualitative standards for the storage of public records in electronic format and for copies of public records stored in electronic format.

SECTION 352. 16.611 (3) of the statutes is amended to read:

16.611 **(3)** Prior to submitting any proposed rule prescribed under sub. (2) to the legislative council staff under s. 227.15 (1), the department shall refer the proposed rule to the public records ~~and forms~~ board for its recommendations.

SECTION 353. 16.612 (title) of the statutes is amended to read:

16.612 (title) **Local government records; optical disk and electronic storage standards.**

SECTION 354. 16.612 (2) of the statutes is renumbered 16.612 (2) (a) and amended to read:

16.612 **(2)** (a) The department shall prescribe, by rule, qualitative standards for optical disks and for copies of documents generated from optical disks used to store materials filed with local governmental units. Prior to submitting any such rule to the legislative council staff under s. 227.15 (1), the department shall refer the rule to the public records ~~and forms~~ board for its recommendations.

SECTION 355. 16.612 (2) (b) of the statutes is created to read:

16.612 **(2)** (b) The department shall prescribe, by rule, qualitative standards for the storage of public records in electronic format and for copies of documents generated from electronically stored materials filed with local governmental units. Prior to submitting any such rule to the legislative council staff under s. 227.15 (1), the department shall refer the rule to the public records board for its recommendations.

SECTION 356. 16.62 (1) (bm) of the statutes is amended to read:

16.62 **(1)** (bm) To operate ~~an optical disk~~ a storage facility for ~~state agencies~~ storage of public records in optical disk or electronic format in accordance with rules, promulgated by the department under s. 16.611, governing operation of the facility.

SECTION 357. 16.62 (2) of the statutes is amended to read:

16.62 **(2)** The department may establish user charges for records storage and retrieval services, with any moneys collected to be credited to the appropriation account under s. 20.505 (1) (im) or ~~(kg)~~ (kd). Such charges shall be structured to encourage efficient utilization of the services.

SECTION 358. 16.62 (3) of the statutes is amended to read:

16.62 **(3)** The department may establish user fees for the services of the public records ~~and forms~~ board. Any moneys collected shall be credited to the appropriation account under s. 20.505 (1) ~~(kg)~~ (kd).

SECTION 359. 16.70 (2) of the statutes is amended to read:

16.70 **(2)** "Authority" means a body created under ch. 231, 232, 233 or 234.

SECTION 359m. 16.70 (7m) of the statutes is created to read:

16.70 **(7m)** "Mainframe computer" means a large scale, central computer maintained by the division of information technology services for multipurpose functions.

SECTION 360. 16.701 of the statutes is created to read:

16.701 Subscription service. The department may provide a subscription service containing current information of interest to prospective vendors concerning state procurement opportunities. The department shall charge a fee for any such service. The department shall prescribe the amount of the fee by rule.

SECTION 361. 16.702 of the statutes is created to read:

16.702 Contract administration fees. (1) The department shall by rule prescribe a contract administration fee to be paid for each state fiscal year by providers of materials, supplies, equipment or contractual services to agencies. Different contract administration fees may be assessed on the basis of different total dollar volumes of sales by providers to agencies within the fiscal year in which the fee is assessed or the preceding fiscal year.

(2) Except as authorized in sub. (3), no person may provide any materials, supplies, equipment or contractual services to any agency or agencies having an aggregate cost to the state exceeding $500 within any fiscal year unless that person has paid to the department the fee prescribed under sub. (1) for the fiscal year in which the materials, supplies, equipment or services are provided. If different fees are assessed under sub. (1) for different total dollar volumes of sales, no person may provide any materials, supplies, equipment or contractual services to any agency or agencies exceeding the dollar volume applicable to the fee which the person has paid under sub. (1) for the fiscal year in which the materials, supplies, equipment or services are provided.

(3) The department shall promulgate rules providing for:

(a) Administration and collection of the fee prescribed under sub. (1).

(b) Exemption of any class of providers from payment of the fee prescribed under sub. (1) if exemption of that class of providers is in the best interest of the state.

(4) The department shall deposit all revenues received from fees assessed under this section in the information technology investment fund.

SECTION 361m. 16.71 (3) of the statutes is amended to read:

16.71 **(3)** If the department makes or delegates to the ~~gaming commission~~ department of revenue or to any other designated purchasing agent under sub. (1) the authority to make a major procurement, as defined in s. 565.01 (4), for the ~~gaming commission~~ department of revenue, the department, ~~gaming commission~~ department of revenue or designated purchasing agent shall comply with the requirements under s. 565.25.

SECTION 362. 16.72 (2) (e) (intro.) of the statutes is amended to read:

16.72 **(2)** (e) (intro.) In writing the specifications under this subsection, the department and any other designated purchasing agent under s. 16.71 (1) shall incorporate requirements for the purchase of products made from recycled materials and recovered materials if their use is technically and economically feasible. Each authority other than the University of Wisconsin Hospitals and Clinics Authority, in writing specifications for purchasing by the authority, shall incorporate requirements for the purchase of products made from recycled materials and recovered materials if their use is technically and economically feasible. The specifications shall include requirements for the purchase of the following materials:

SECTION 363. 16.72 (2) (f) of the statutes is amended to read:

16.72 **(2)** (f) In writing specifications under this subsection, the department, any other designated purchasing agent under s. 16.71 (1) and each authority other than the University of Wisconsin Hospitals and Clinics Authority shall incorporate requirements relating to the recyclability and ultimate disposition of products and, wherever possible, shall write the specifications so as to minimize the amount of solid waste generated by the state, consistent with the priorities established under s. 159.05 (12). All specifications under this subsection shall discourage the purchase of single–use, disposable products and require, whenever practical, the purchase of multiple–use, durable products.

SECTION 363m. 16.72 (4m) of the statutes is amended to read:

16.72 **(4m)** The department shall provide the ~~gaming commission~~ department of revenue with a copy of each contract for a major procurement, as defined in s. 565.01 (4), for the ~~gaming commission~~ department of revenue.

SECTION 364. 16.72 (7) (intro.) of the statutes is amended to read:

16.72 **(7)** (intro.) Annually, by March 1, the department shall submit to the ~~council on~~ recycling market development board a report regarding the department's resource recovery and recycling activities of the preceding year. The report shall include information concerning the level of compliance by the department and other agencies and authorities, excluding the University of Wisconsin Hospitals and Clinics Authority, with all of the following and reasons for any failure to fully comply with all of the following:

SECTION 365. 16.72 (7) (a) of the statutes is amended to read:

16.72 **(7)** (a) The requirements under s. 16.75 (8) (a) and (9) that the department and other purchasing agents and authorities specified in sub. (2) (e) and (f) make purchasing selections using specifications prescribed under sub. (2) (e) and

(f) and specifically that each such agency and authority ensure that a minimum proportion of its aggregate paper purchases be recycled fiber.

SECTION 366. 16.72 (7) (c) of the statutes is amended to read:

16.72 **(7)** (c) The requirement of s. 16.15 (3) that agencies and authorities to which s. 16.15 (3) applies separate for recycling the materials specified in that subsection.

SECTION 367. 16.73 (5) of the statutes is created to read:

16.73 **(5)** If the department designates the board of regents of the University of Wisconsin System as its purchasing agent for any purpose under s. 16.71 (1), the board may enter into a contract to sell any materials, supplies, equipment or contractual services purchased by the board to the University of Wisconsin Hospitals and Clinics Authority, and may contract with the University of Wisconsin Hospitals and Clinics Authority for the joint purchase of any materials, supplies, equipment or contractual services if the sale or purchase is made consistently with that delegation and with this subchapter.

SECTION 368. 16.75 (1) (a) 1. of the statutes is amended to read:

16.75 **(1)** (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8) and (9) and ss. 16.73 (4) (a), 16.754, 46.265, 50.05 (7) (f) and 159.15 (7), shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

SECTION 368m. 16.75 (1) (a) 1. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

16.75 **(1)** (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8) and (9) and ss. 16.73 (4) (a), 16.754, 50.05 (7) (f), 159.15 (7) and 301.265, shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

SECTION 371. 16.75 (1m) of the statutes is amended to read:

16.75 **(1m)** The department shall award each order or contract for materials, supplies or equipment on the basis of life cycle cost estimates, whenever such action is appropriate. Each authority other than the University of Wisconsin Hospitals and Clinics Authority shall award each order or contract for materials, supplies or equipment on the basis of life cycle cost estimates, whenever such action is appropriate. The terms, conditions and evaluation criteria to be applied shall be incorporated in the solicitation of bids or proposals. The life cycle cost formula may include, but is not limited to, the applicable costs of energy efficiency, acquisition and conversion, money, transportation, warehousing and distribution, training, operation and maintenance and disposition or resale. The department shall prepare documents containing technical guidance for the development and use of life cycle cost estimates, and shall make the documents available to local governmental units.

SECTION 374. 16.75 (3t) (a) of the statutes is amended to read:

16.75 **(3t)** (a) In this subsection, "form" has the meaning given under s. ~~16.61 (2) (ad)~~ 16.97 (5m).

SECTION 375. 16.75 (4) (a) (intro.) of the statutes is amended to read:

16.75 **(4)** (a) (intro.) The department shall encourage the participation of small businesses and veteran–owned businesses in the statewide purchasing program by ensuring that there are no undue impediments to such participation and by actively encouraging small businesses and veteran–owned businesses to play an active role in the solicitation of ~~public~~ purchasing business by agencies. To that end the department shall:

SECTION 380. 16.75 (8) (a) 1. of the statutes is amended to read:

16.75 **(8)** (a) 1. The department, any other designated purchasing agent under s. 16.71 (1), any agency making purchases under s. 16.74 and each authority other than the University of Wisconsin Hospitals and Clinics Authority shall, to the extent practicable, make purchasing selections using specifications developed under s. 16.72 (2) (e) to maximize the purchase of materials utilizing recycled materials and recovered materials.

SECTION 381. 16.75 (8) (a) 2. (intro.) of the statutes is amended to read:

16.75 **(8)** (a) 2. (intro.) Each agency and authority other than the University of Wisconsin Hospitals and Clinics Authority shall ensure that the average recycled or recovered content of all paper purchased by the agency or authority measured as a proportion, by weight, of the fiber content of paper products purchased in a calendar year, is not less than the following:

SECTION 382. 16.75 (9) of the statutes is amended to read:

16.75 **(9)** The department, any other designated purchasing agent under s. 16.71 (1), any agency making purchases under s. 16.74 and any authority other than

the University of Wisconsin Hospitals and Clinics Authority shall, to the extent practicable, make purchasing selections using specifications prepared under s. 16.72 (2) (f).

SECTION 384. 16.752 (8) (e) of the statutes is amended to read:

16.752 **(8)** (e) Comply with applicable occupational health and safety standards prescribed by the U.S. secretary of labor, the federal occupational health and safety administration or the department of ~~industry, labor and human relations~~ development.

SECTION 385. 16.76 (1) of the statutes is amended to read:

16.76 **(1)** All contracts for materials, supplies, equipment or contractual services to be provided to any agency shall run to the state of Wisconsin. Such contracts shall be signed by the secretary or an individual authorized by the secretary, except that contracts entered into directly by the legislature, the courts or a legislative service or judicial branch agency shall be signed by an individual authorized under s. 16.74 (2) (b).

SECTION 386. 16.765 (1) of the statutes is amended to read:

16.765 **(1)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority and the Bradley center sports and entertainment corporation ~~under ch. 232~~ shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employe or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m) or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

SECTION 387. 16.765 (2) (intro.) and (a) of the statutes are consolidated, renumbered 16.765 (2) and amended to read:

16.765 **(2)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority and the Bradley center sports and entertainment corporation shall include the following provision in every contract executed by them: ~~(a)~~ "In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employe or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employes and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

SECTION 388. 16.765 (4) to (7) (intro.) of the statutes are amended to read:

16.765 **(4)** ~~The contracting~~ Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority and the Bradley center sports and entertainment corporation shall take appropriate action to revise the standard government contract forms under this section.

(5) The head of each contracting agency and the ~~board~~ boards of directors of the University of Wisconsin Hospitals and Clinics Authority and the Bradley center sports and entertainment corporation shall be primarily responsible for obtaining

compliance by any contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the ~~board~~ boards of directors of the University of Wisconsin Hospitals and Clinics Authority and the Bradley center sports and entertainment corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

(6) The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority or the Bradley center sports and entertainment corporation for processing in accordance with the department's procedures.

(7) (intro.) When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority or the Bradley center sports and entertainment corporation, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority or the Bradley center sports and entertainment corporation shall:

SECTION 389. 16.765 (7) (d) of the statutes is amended to read:

16.765 **(7)** (d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority or the Bradley center sports and entertainment corporation.

SECTION 390. 16.78 of the statutes is amended to read:

16.78 Purchases from division of information technology services. (1) Every agency other than the board of regents of the university of Wisconsin system or an agency making purchases under s. 16.74 shall purchase all mainframe computer services from the division of information technology services in the department ~~of administration~~, unless the division grants written authorization to the agency to procure the services under s. 16.75 (1), to purchase the services from another agency or to provide the services to itself. The board of regents of the university of Wisconsin system may purchase mainframe computer services from the division of information technology services.

(2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase of mainframe computer services by any agency from the division of information technology services.

SECTION 390m. 16.80 of the statutes is created to read:

16.80 Purchases of computers by teachers. The department shall negotiate with private vendors to facilitate the purchase of computers and other educational technology, as defined in s. 16.922 (1) (c), by public and private elementary and secondary school teachers for their private use. The department shall attempt to make available types of computers and other educational technology under this section that will encourage and assist teachers in becoming knowledgeable about the technology and its uses and potential uses in education.

SECTION 391g. 16.84 (3) of the statutes is created to read:

16.84 **(3)** Contract with the gaming commission for the performance of building and warehouse protection relating to ch. 565, if so requested by the gaming commission.

SECTION 391r. 16.84 (3) of the statutes, as created by 1995 Wisconsin Act ....(this act), is amended to read:

16.84 **(3)** Contract with the ~~gaming commission~~ department of revenue for the performance of building and warehouse protection relating to ch. 565, if so requested by the ~~gaming commission~~ department of revenue.

SECTION 392. 16.84 (5) of the statutes is amended to read:

16.84 **(5)** Have responsibility, subject to approval of the governor, for all functions relating to the leasing, acquisition, allocation and utilization of all real property by the state, except where such responsibility is otherwise provided by the statutes. In this connection, the department shall, with the governor's approval, require physical consolidation of office space utilized by any executive branch agency having fewer than 50 authorized full–time equivalent positions with office space utilized by another executive branch agency, whenever feasible. The department shall lease or acquire office space for legislative offices or legislative service agencies at the direction of the joint committee on legislative organization. In this subsection, "executive branch agency" has the meaning given in s. 16.70 (4).

SECTION 393. 16.84 (14) of the statutes is created to read:

16.84 **(14)** Provide interagency mail delivery service for agencies, as defined in s. 16.70 (1). The department may charge agencies for this service. Any moneys collected shall be credited to the appropriation account under s. 20.505 (1) (kd).

SECTION 394. 16.845 (1) of the statutes is amended to read:

16.845 **(1)** RULE; PENALTY. Except as elsewhere expressly prohibited, the managing authority of any facility owned by the state or by the University of Wisconsin Hospitals and Clinics Authority may permit its use for free discussion of public questions, or for civic, social, recreational or athletic activities. No such use

shall be permitted if it would unduly burden the managing authority or interfere with the prime use of such facility. The applicant for use shall be liable to the state or to the University of Wisconsin Hospitals and Clinics Authority for any injury done to its property, for any expense arising out of any such use and for such sum as the managing authority may charge for such use. All such sums ~~are to~~ payable to the state shall be paid into the general fund and ~~to be~~ credited to the appropriation account for the operation of the facility used. The managing authority may permit such use notwithstanding the fact that a reasonable admission fee may be charged to the public. Whoever does or attempts to do an act for which a permit is required under this section without first obtaining the permit may be fined not more than $100 or imprisoned not more than 30 days or both. This ~~section~~ subsection applies only to those ~~buildings,~~ facilities ~~and grounds~~ for which a procedure for obtaining a permit has been established by the managing authority.

SECTION 394m. 16.846 of the statutes is created to read:

16.846 Fine arts in state buildings program. (1) DEFINITIONS. In this section:

(a) "State building" has the meaning given in s. 44.51 (2).

(b) "Work of art" has the meaning given in s. 44.51 (3).

(2) MINIMUM EXPENDITURE REQUIRED. (a) Except as provided in par. (b), at least 0.02% of the appropriation for the construction, reconstruction, renovation or remodeling of or addition to a state building, including but not limited to amounts appropriated for design and supervision, site preparation, equipment and administrative and personnel costs, shall be utilized to acquire one or more works of art to be incorporated into the structure for which the appropriation was made, or

displayed inside or on the grounds of that structure and to fund all administrative costs that the board incurs in acquiring one or more works of art.

(b) If the state building to which this section applies is located contiguous to other state buildings, the advisory committee acting under sub. (3) may apply the funds set aside under par. (a) to the acquisition, including all associated administrative costs, of one or more works of art to be incorporated into one of the other contiguous buildings or to be displayed on the grounds of one or more of the contiguous state buildings.

(3) ADVISORY COMMITTEE. (a) After selection of the architect for any project subject to this section, the department shall convene an advisory committee for the purpose of reviewing and recommending works of art to be incorporated into the structure.

(b) The advisory committee shall consist of at least 5 members appointed by the secretary, including:

1. At least 2 persons who are artists, art educators, art administrators, museum directors or curators, art critics or art collectors.

2. At least 2 persons who are project managers, architects, users of the building or members of the building commission.

(4) CONTRACTS WITH ARTISTS. (a) After review of the recommendations of the advisory committee convened under sub. (3), the department shall make the final selection of the artist and the work of art to be incorporated into the project. The department shall ensure that the aggregate of works of art selected under this section represent a wide variety of art forms executed by the broadest feasible diversity of artists, except that the department shall give preference to artists who are residents of this state.

(b) 1. The department shall enter into one or more contracts to procure the work of art selected for the project. Except as provided in subd. 2., the contracts shall provide for sole ownership of the works of art acquired under this section in the state of Wisconsin.

2. If the work of art to be acquired is an existing work of art and is no longer subject to the control of the artist originating the work of art, the contract shall provide sole ownership in the state of Wisconsin, subject to the existing obligations, if any, of the owner to the originating artist. If the work of art selected is a work of art which is owned by the artist originating the work of art or if the work of art has not been executed on the date of the contract, the contract shall provide for sole ownership in the state of Wisconsin, subject to the following rights retained by the artist unless limited by written agreement between the department and the artist:

a. The right to claim authorship of the work of art.

b. The right to reproduce the work of art, including all rights secured to the artist under federal copyrights laws.

(5) DEPARTMENT RESPONSIBILITIES. After acquisition of the work of art under sub. (4), the department shall:

(a) Ensure proper execution of the work of art, if the work of art is a new work of art.

(b) Ensure that the work of art acquired under this section is properly installed within the public view.

(c) Consult with the artist or the artist's representative to ensure that each work of art acquired under this section is properly maintained and is not artistically altered without the consent of the artist or the artist's representative.

(d) Ensure that any work of art acquired under this section is maintained and displayed on the grounds of the state building for at least 25 years, unless the department finds that earlier removal is in the public interest. When the department, in consultation with the agency making principal use of the building to which the work of art is appurtenant, determines that the work of art should be removed, the department shall loan the work of art to an accredited museum in the state or to an educational or other appropriate public institution capable of maintaining and exhibiting the work of art.

(6) APPLICABILITY. (a) This section does not apply to any of the following:

1. Any contract for the construction, reconstruction, renovation or remodeling of or addition to any state building if the total construction cost of the project is $250,000 or less.

2. Sheds, warehouses, highways or streets, or other buildings or spaces which are not open for entry by the general public in the normal use of the building or space.

3. Game farms, fish hatcheries, nurseries and other production facilities operated by the department of natural resources.

(b) This section does not apply if the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 396. 16.847 (4) (h) of the statutes is repealed.

SECTION 397m. 16.848 of the statutes is created to read:

16.848 Energy savings performance contracting. (1) DEFINITIONS. In this section:

(a) "Agency" has the meaning given in s. 16.70 (1).

(b) "Energy conservation measure" means a facility alteration or training, service or operations program designed to reduce energy consumption or operating costs or ensure state or local building code compliance.

(c) "Performance contract" means a contract for the evaluation and recommendation of energy conservation and facility improvement measures, and for the implementation of one or more such measures.

(d) "Qualified provider" means a person who is experienced in the design, implementation and installation of energy conservation and facility improvement measures and who has the ability to provide labor and material payment and performance bonds equal to the maximum amount of any payments due under a performance contract entered into by the person.

(2) AUTHORIZATION; REPORT. (a) Any agency may, in accordance with this section, enter into a performance contract under subch. IV with a qualified provider to reduce energy or operating costs, ensure state or local building code compliance or enhance the protection of property of the agency.

(b) Prior to entering into a performance contract for the implementation of any energy conservation or facility improvement measure, an agency shall obtain a report from a qualified provider containing recommendations concerning the amount the agency should spend on energy conservation and facility improvement measures The report shall contain estimates of all costs of installation, modifications, or remodeling, including costs of design, engineering, maintenance, repairs and financing. In addition, the report shall contain a guarantee specifying a minimum amount by which energy or operating costs of the agency will be reduced, if the installation, modification or remodeling is performed by that qualified provider.

(c) If, after review of the report under par. (b), the agency finds that the amount it would spend on the energy conservation and facility improvement measures recommended in the report is not likely to exceed the amount to be saved in energy and operation costs over the remaining useful life of the facility to which the measures apply, the agency may enter into the contract.

(d) Any performance contract for construction work is subject to approval under subch. V and ss. 13.48 (10) and 20.924 (1).

(3) NOTICE. Before entering into a performance contract under this section, an agency shall publish a class 1 notice of its intent to award the performance contract, the names of the parties to the proposed performance contract, and a description of the energy conservation and facility improvement measures included in the performance contract.

(4) INSTALMENT PAYMENT AND LEASE–PURCHASE AGREEMENTS. An agency may enter into an instalment payment contract or lease–purchase agreement for the purchase and installation of energy conservation or facility improvement measures.

(5) PAYMENT SCHEDULE; SAVINGS. Each performance contract shall provide that all payments, except obligations on termination of the contract before its expiration, shall be made over time as energy savings are achieved. Energy savings shall be guaranteed by the qualified provider for the entire term of the performance contract.

(6) TERMS OF CONTRACTS. A performance contract may extend beyond the fiscal year in which it becomes effective, subject to appropriation of moneys for costs incurred in future fiscal years.

(7) ALLOCATION OF OBLIGATIONS. Each agency shall allocate sufficient moneys from its appropriations for each fiscal year to make payment of any amounts payable by the agency under performance contracts during that fiscal year.

(8) BONDS. Each qualified provider under a performance contract shall provide labor and material payment and performance bonds in an amount equivalent to the maximum amount of any payments due under the contract.

(9) USE OF MONEYS. Unless otherwise provided by law, if an agency receives appropriations designated for operating and capital expenditures, the agency may use moneys designated for operating or capital expenditures to make payments under any performance contract, including instalment payments or payments under lease–purchase agreements.

(10) MONITORING; REPORTS. During the entire term of each performance contract, the qualified provider entering into the contract shall monitor the reductions in energy consumption and cost savings attributable to the energy conservation and facility improvement measures installed under the contract, and shall periodically prepare and provide a report to the agency entering into the contract documenting the reductions in energy consumption and cost savings to the agency.

(11) ENERGY CONSERVATION MEASURES. Energy conservation measures under this section may include the following:

(a) Insulation of a building structure or systems within a building.

(b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat–absorbing or heat–reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption.

(c) Automated or computerized energy control and facility management systems or computerized maintenance management systems.

(d) Heating, ventilating or air conditioning system modifications or replacements.

(e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made.

(f) Energy recovery systems.

(g) Utility management systems and services.

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.

(i) Lifesafety systems.

(j) Any other facility improvement measure that is designed to provide long–term energy or operating cost reductions or compliance with state or local building codes.

(12) APPLICATION. No agency may enter into a performance contract except in accordance with this section.

SECTION 398. 16.85 (1) of the statutes is amended to read:

16.85 **(1)** To take charge of and supervise all engineering or architectural services or construction work as defined in s. 16.87 performed by, or for, the state, or any department, board, institution, commission or officer thereof, including nonprofit–sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the engineering, architectural and construction work of the department of

transportation, the engineering service performed by the department of ~~industry, labor and human relations~~ development, department of revenue, public service commission, department of health and social services and other departments, boards and commissions when the service is not related to the maintenance, construction and planning of the physical properties of the state, and energy efficiency projects of the energy efficiency program under s. 16.847. The department shall not authorize construction work for any state office facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a day care center primarily for use by children of state employes.

SECTION 399. 16.85 (2) of the statutes is amended to read:

16.85 **(2)** To furnish engineering, architectural, project management and other building construction services whenever requisitions therefor are presented to the department by any agency. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234.

SECTION 400. 16.85 (14) of the statutes is created to read:

16.85 **(14)** To review and approve the design and specifications of any construction or improvement project of the University of Wisconsin Hospitals and Clinics Authority on state–owned land, to approve the decision to construct any such construction or improvement project and to periodically review the progress of the

project during construction to assure compliance with the approved design and specifications. This subsection does not apply to any construction or improvement project of the authority that costs less than the amount that is required to be specified in the lease agreement between the authority and the board of regents of the University of Wisconsin System under s. 233.04 (7) (d).

SECTION 400m. 16.851 of the statutes is created to read:

16.851 Plans for state buildings, structures or facilities. Except as the department otherwise provides by rule, records of the department containing plans or specifications for any state–owned or state–leased building, structure or facility, or any proposed state–owned or state–leased building, structure or facility, are not subject to the right of public inspection or copying under s. 19.35 (1). If the department transfers any records containing any such plans or specifications to any other authority as defined in s. 19.32 (1), the department shall require the authority to agree in writing not to make the record available for public inspection or copying except as the department otherwise permits by rule.

SECTION 400p. 16.855 (14) (a) of the statutes is amended to read:

16.855 **(14)** (a) ~~On all construction projects requiring the taking of bids under sub. (2)~~ If the estimated construction cost of a project exceeds $100,000, the department shall take both single bids and separate bids on any division of the work that it designates. ~~Contracts shall be awarded~~ If the estimated construction cost of a project does not exceed $100,000 and bids are required to be solicited under sub. (2), the department may take single bids or separate bids on any division of the work that it designates. If the department awards contracts by the division of work, the department shall award the contracts according to the division of work selected for bidding ~~and, except~~. Except as provided in sub. (10m) (a), the department shall

award all contracts to the lowest qualified responsible bidder or bidders that result in the lowest total construction cost for the project.

SECTION 400r. 16.855 (22) of the statutes is created to read:

16.855 **(22)** (a) The department shall by rule prescribe a contract administration fee to be paid for each state fiscal year by persons who contract with the department to provide engineering or architectural services or to perform construction work, as defined in s. 16.87 (1). Different contract administration fees may be assessed on the basis of different total dollar volumes of sales by contractors within the fiscal year in which the fee is assessed or the preceding fiscal year.

(b) Except as authorized in par. (c), no person may contract with any agency, as defined in s. 16.70 (1), to provide engineering or architectural services or other services specified in s. 84.01 (13) or to perform construction work, as defined in s. 16.87 (1), including any highway improvement, having an aggregate cost to the state exceeding $500 within any fiscal year unless that person has paid to the department the fee prescribed under par. (a) for the fiscal year in which the services are provided or the work is performed. If different fees are assessed under par. (a) for different total dollar volumes of sales, no person may provide any such services or work exceeding the dollar volume applicable to the fee which the person has paid under par. (a) for the fiscal year in which the services are provided or work is performed.

(c) The department shall promulgate rules providing for:

1. Administration and collection of the fee prescribed under par. (a).

2. Exemption of any class of contractors from payment of the fee prescribed under par. (a) if exemption of that class of contractors is in the best interest of the state.

(d) The department shall deposit all revenues received from fees assessed under this subsection in the information technology investment fund.

SECTION 401. 16.865 (8) of the statutes is amended to read:

16.865 **(8)** Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs and the cost of insurance contracts under sub. (5). In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 232, 233, 234 or 235.

SECTION 402. 16.955 (1) of the statutes is amended to read:

16.955 **(1)** INFORMATION. If the governor determines that a disruption of energy supplies poses a serious risk to the economic well–being, health or welfare of the citizens of this state, the governor may issue an order declaring an energy alert. Upon declaration of an energy alert by the governor, the department may issue general or special orders, as defined in s. 101.01 ~~(1) (e)~~ (7), or promulgate emergency rules under ch. 227 to compel disclosure of information required for purposes of this section. Any person, or agent of the person, who produces, imports or sells, coal or

other forms of fuel, other than electricity, natural gas or wood, who is subject to an emergency rule or general or special order of the department within reasonable time limits specified in the order shall file or furnish such reports, information, data, copies of extracts of originals as the department deems necessary relating to existing and future energy supplies, including but not limited to record of sales in years for 1970 and thereafter, storage capacity, supplies on hand and anticipated supplies, and anticipated demand. To the extent that the reports and data requested by the department are presently available from other state or federal agencies, the department shall coordinate its data reporting requirements with the agencies to avoid duplication of reporting.

SECTION 403. 16.967 (6) of the statutes is amended to read:

16.967 **(6)** REPORTS. By March 31, 1990, and biennially thereafter, the ~~departments~~ department of administration, the department of agriculture, trade and consumer protection, the department of development, the department of health and social services, ~~industry, labor and human relations,~~ the department of natural resources, the department of tourism, the department of revenue ~~and~~, the department of transportation, ~~and~~ the board of regents of the university of Wisconsin system, the public service commission and the board of curators of the historical society shall each submit to the board a plan to integrate land information to enable such information to be readily translatable, retrievable and geographically referenced for use by any state, local governmental unit or public utility.

SECTION 403m. 16.97 (3) of the statutes is repealed.

SECTION 406. 16.97 (5) of the statutes is repealed.

SECTION 406e. 16.97 (5m) of the statutes is created to read:

16.97 **(5m)** "Executive branch agency" has the meaning given in s. 16.70 (4).

SECTION 406s. 16.97 (7m) of the statutes is created to read:

16.97 **(7m)** "Mainframe computer services" means computer services provided by the division of information technology services utilizing a mainframe computer as defined in s. 16.70 (7m).

SECTION 408. 16.971 (1) of the statutes is renumbered 16.971 (1m) and amended to read:

16.971 **(1m)** The department shall ensure that an adequate level of ~~data processing~~ information technology services is made available to all agencies by providing systems analysis and application programming services to augment agency resources, as requested. The department shall also ensure that executive branch agencies make effective and efficient use of the ~~computing~~ information technology resources of the state. The department shall, in cooperation with agencies, establish policies, procedures and planning processes, for the administration of ~~data processing~~ information technology services, which ~~the~~ executive branch agencies shall follow. The policies, procedures and processes shall address the needs of agencies to carry out their functions. The department shall monitor adherence to these policies, procedures and processes.

SECTION 409. 16.971 (1) of the statutes is created to read:

16.971 **(1)** In this section:

(a) "Division" means the division of technology management of the department.

(b) "Small agency" means an agency having fewer than 50 authorized full–time equivalent positions.

SECTION 410. 16.971 (2) (intro.) of the statutes is amended to read:

16.971 **(2)** (intro.) The ~~department~~ division shall:

SECTION 411. 16.971 (2) (a) of the statutes is created to read:

16.971 **(2)** (a) Except as provided in sub. (2m), review and approve, modify or reject all forms approved by a records and forms officer for jurisdiction, authority, standardization of design and nonduplication of existing forms. Unless the division rejects for cause or modifies the form within 20 working days after receipt, it is considered approved. The division's rejection of any form is appealable to the public records board. If the head of an agency certifies to the division that the form is needed on a temporary basis, approval by the division is not required.

SECTION 412. 16.971 (2) (ap) of the statutes is created to read:

16.971 **(2)** (ap) Prescribe a forms management program for agencies.

SECTION 412g. 16.971 (2) (b) of the statutes is amended to read:

16.971 **(2)** (b) Develop and maintain ~~computing~~ information technology resource planning and budgeting techniques at all levels of state government.

SECTION 412r. 16.971 (2) (c) of the statutes is amended to read:

16.971 **(2)** (c) Develop and maintain ~~techniques~~ procedures to ensure ~~interagency computer~~ information technology resource planning and sharing between executive branch agencies. The procedures shall ensure the interconnection of information technology resources of executive branch agencies, if interconnection is consistent with the strategic plans formulated under pars. (L) and (m).

SECTION 413. 16.971 (2) (e) of the statutes is amended to read:

16.971 **(2)** (e) Collect, analyze and interpret, in cooperation with ~~the state~~ agencies, that data necessary to assist the ~~computer~~ information technology resource planning needs of the governor and legislature.

SECTION 413e. 16.971 (2) (f) of the statutes is amended to read:

16.971 **(2)** (f) Provide advice and assistance during budget preparation concerning ~~computer~~ information technology resource plans and capabilities.

SECTION 413m. 16.971 (2) (g) of the statutes is amended to read:

16.971 **(2)** (g) Ensure that management reviews of ~~data processing~~ information technology organizations are conducted.

SECTION 413s. 16.971 (2) (h) of the statutes is amended to read:

16.971 **(2)** (h) Gather, interpret and disseminate information on new technological developments, management techniques and ~~computing~~ information technology resource capabilities and their possible effect on current and future management plans to all interested parties.

SECTION 414. 16.971 (2) (i) of the statutes is amended to read:

16.971 **(2)** (i) Ensure that a level of ~~computing service is~~ information technology services are provided to all ~~state~~ agencies that ~~is~~ are equitable in regard to resource availability, cost and performance.

SECTION 414g. 16.971 (2) (j) of the statutes is amended to read:

16.971 **(2)** (j) Ensure that all ~~state~~ executive branch agencies develop and operate with clear guidelines and standards in the areas of ~~data processing~~ information technology systems development and that they employ good management practices and cost–benefit justifications.

SECTION 415. 16.971 (2) (L) of the statutes is created to read:

16.971 **(2)** (L) Require each executive branch agency to adopt, revise biennially, and require each executive branch agency other than the board of regents of the University of Wisconsin System to submit for its approval, a strategic plan for the utilization of information technology to carry out the functions of the agency. As a part of each plan, the division shall require each executive branch agency to address

the business needs of the agency and to identify all resources relating to information technology which the agency desires to acquire, contingent upon funding availability, the priority for such acquisitions and the justification for such acquisitions. Each plan shall identify any changes in the functioning of the agency under the plan. The division shall consult with the joint committee on information policy in providing guidance for and scheduling of planning by executive branch agencies.

SECTION 416. 16.971 (2) (m) of the statutes is amended to read:

16.971 **(2)** (m) Assist in coordination and integration of the plans of executive branch agencies relating to information technology ~~to~~ approved under par. (L) and, using these plans and the statewide long–range telecommunications plan under s. 16.99 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the use and application of information technology. The division shall, no later than September 15 of each even–numbered year, submit the statewide strategic plan to the cochairpersons of the joint committee on information technology and the governor.

SECTION 416m. 16.971 (2) (n) of the statutes is created to read:

16.971 **(2)** (n) Maintain an information technology resource center to provide appropriate technical assistance and training to small agencies.

SECTION 417. 16.971 (3) of the statutes is amended to read:

16.971 **(3)** (a) The secretary shall notify the joint committee on finance in writing of the proposed acquisition of any ~~computing~~ information technology resource that the department considers major or that is likely to result in a substantive change of service, and that was not considered in the regular budgeting process and is to be financed from general purpose revenues or corresponding

revenues in a segregated fund. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed acquisition within 14 working days after the date of the secretary's notification, the department may approve acquisition of the resource. If, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed acquisition, the department shall not approve acquisition of the resource unless the acquisition is approved by the committee.

(b) The secretary shall promptly notify the joint committee on finance in writing of the proposed acquisition of any ~~computing~~ information technology resource that the department considers major or that is likely to result in a substantive change in service, and that was not considered in the regular budgeting process and is to be financed from program revenues or corresponding revenues from program receipts in a segregated fund.

SECTION 418. 16.971 (4) (a) of the statutes is amended to read:

16.971 **(4)** (a) The department may license or authorize ~~state~~ executive branch agencies to license computer programs developed by executive branch agencies to the federal government, other states, and municipalities. Any agency other than an executive branch agency may license a computer program developed by that agency to the federal government, other states and municipalities.

SECTION 419. 16.971 (5) of the statutes is created to read:

16.971 **(5)** (a) From the appropriation under s. 20.870 (1) (q), the department may distribute grants to agencies to be used for information technology development projects.

(b) The department shall award grants under par. (a) once during each fiscal year. Grants shall be awarded in accordance with criteria developed annually by the department prior to awarding of grants. No later than September 15 of each year, the department shall submit its proposed criteria for the award of grants in the following fiscal year to the cochairpersons of the joint committee on information policy. The department shall not award any grant under the criteria until the criteria are approved by the committee.

(bd) The department shall distribute applications for grants for each fiscal year under par. (a) to each eligible agency no later than January 1 preceding that fiscal year.

(bh) No later than March 1 of any fiscal year, any eligible agency may file an application for a grant under par. (a) for the succeeding fiscal year.

(bp) If the criteria are approved by the committee under par. (bd), the department shall make grant awards for each fiscal year no later than May 15 preceding that fiscal year.

(bt) Following the award of grants for each fiscal year, the secretary shall notify the cochairpersons of the joint committee on finance under s. 16.515 (1) of any proposed supplementation of appropriations for implementation of projects.

(d) Upon receipt of any gift, grant or bequest made to the state for information technology development purposes the secretary shall report the source, value and purpose to the cochairpersons of the joint committee on finance. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the acceptance of the gift, grant or bequest within 14 working days after the date of the secretary's report, the secretary may accept the gift, grant or bequest on behalf of the state. If, within 14 working days

after the date of the secretary's report, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the acceptance of the gift, grant or bequest, the gift, grant or bequest may be accepted by the secretary only upon approval of the committee. From the appropriation under s. 20.870 (1) (s), the department may distribute moneys received from such gifts, grants or bequests to agencies, within the limits of the amounts shown under s. 20.005 (3) for that appropriation, to be utilized for any information technology development project that is consistent with the purpose for which the moneys were received.

(e) No moneys may be authorized for use by the department under this subsection unless the department determines that such use will permit the effective utilization of information technology by agencies and will be consistent with the department's responsibilities to ensure adequate information technology resources for agencies under sub. (1m) and to implement a statewide strategic plan for information technology purposes under sub. (2) (m). If a grant is distributed to the legislature, a legislative service agency, the courts, a judicial branch agency or the board of regents of the University of Wisconsin System, the use shall be consistent with the appropriate plan under s. 13.90 (6), 36.11 (31) or 758.19 (7). The department shall accord priority to utilization of moneys under this subsection for projects that will effect cost savings, avoid future cost increases or enable improved provision of state services.

(f) No later than September 30 annually, each agency which conducted an information technology development project during the preceding fiscal year, whether individually or in cooperation with another agency, that was funded in whole or in part from the appropriation under s. 20.870 (1) (q), (r) or (s) shall file a

report, in a form prescribed by the secretary, with the secretary and the cochairpersons of the joint committee on information policy. The report shall describe the purpose of each project and the status of the project as of the end of the preceding fiscal year. No later than 13 months following the completion of such a project, each such agency shall file a report, on a form prescribed by the secretary, with the secretary and the cochairpersons of the joint committee on information policy. The report shall describe the purpose of the project and the effect of the project on agency business operations as of the end of the 12–month period following completion of the project.

(g) The department shall promulgate rules governing the administration of this subsection, including criteria for distributing grants under par. (a).

SECTION 420. 16.971 (6) of the statutes is amended to read:

16.971 **(6)** Notwithstanding subs. ~~(1)~~ (1m) and (2), the revisor of statutes shall approve the specifications for preparation and schedule for delivery of computer data bases containing the Wisconsin statutes.

SECTION 422. 16.971 (8) of the statutes is created to read:

16.971 **(8)** (a) In this subsection, "program revenues–service" has the meaning given in s. 20.001 (2) (c).

(b) The secretary may propose to the joint committee on finance that available moneys from any appropriation account under s. 20.505 derived from program–revenues service be temporarily reallocated during the 1995–97 fiscal biennium to the information technology investment fund. The secretary shall notify the cochairpersons of the committee of any such proposal. If the cochairpersons of the committee 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 the secretary's notification, the secretary may reallocate the moneys as proposed by the secretary. If, within 14 working days after the date of the secretary's notification, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed reallocation, the reallocation may be made only upon approval of the committee. No interest is chargeable to the information technology investment fund as a result of any such reallocation. The secretary shall ensure that any amounts reallocated under this subsection are repaid to the account from which they were transferred no later than 5 years after the date of the reallocation.

(c) Temporary reallocations made under this subsection are subject to the procedures under s. 20.002 (11).

SECTION 422m. 16.971 (9) of the statutes is created to read:

16.971 **(9)** In conjunction with the public defender board, the director of state courts, the departments of corrections and justice and district attorneys, the division may maintain, promote and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection, using the moneys appropriated under s. 20.505 (1) (ja). The division shall annually report to the legislature under s. 13.172 (2) concerning the division's efforts to improve and increase the efficiency of integration of justice information systems.

SECTION 423m. 16.971 (11) of the statutes is created to read:

16.971 **(11)** The division may charge executive branch agencies for information technology development and management services provided to them by the division under this section.

SECTION 424. 16.973 (intro.) of the statutes is amended to read:

16.973 (title) **Powers of the division <u>of information technology services</u>.** (intro.) The division <u>of information technology services</u> may:

SECTION 424g. 16.973 (2) of the statutes is amended to read:

16.973 **(2)** Provide such <u>mainframe</u> computer services and telecommunications services to local governmental units as the division considers to be appropriate and as the division can efficiently and economically provide. The division may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The division may charge local governmental units for services provided to them under this subsection in accordance with a methodology determined by the secretary.

SECTION 425. 16.974 (intro.) of the statutes is amended to read:

16.974 (title) **Duties of the division <u>of information technology services</u>.** (intro.) The division <u>of information technology services</u> shall:

SECTION 426. 16.974 (1) of the statutes is amended to read:

16.974 **(1)** Provide or contract with a public or private entity to provide <u>mainframe</u> computer services to agencies. <u>The division may charge agencies for services provided to them under this subsection in accordance with a methodology determined by the secretary.</u>

SECTION 427. 16.975 of the statutes is amended to read:

16.975 Access to information. The division <u>of information technology services</u> shall withhold from access under s. 19.35 (1) all information submitted to the division by agencies, local governmental units or entities in the private sector for the purpose of processing. The ~~authority~~ <u>division</u> may not process such information

without the consent of the agency, unit or other entity which submitted the information and may not withhold such information from the agency, unit or other entity or from any other person authorized by the agency, unit or entity to have access to the information. The agency, unit or other entity submitting the information remains the custodian of the information while it is in the custody of the ~~authority~~ division and access to such information by that agency, unit or entity or any other person shall be determined by that agency, unit or other entity and in accordance with law.

SECTION 428. 16.976 of the statutes is amended to read:

16.976 Council on information technology. The council on information technology shall advise the secretary on matters relating to the operation and performance of the division of information technology services under this subchapter.

SECTION 431. Subchapter IX (title) of chapter 16 [precedes 16.99] of the statutes is amended to read:

CHAPTER 16

SUBCHAPTER IX

TELECOMMUNICATIONS AND

INSTRUCTIONAL TECHNOLOGY

SECTION 436m. 16.992 of the statutes is created to read:

16.992 Pioneering partners grants and loans. (1) In this section:

(a) "Board" means the educational technology board.

(b) "Distance education" means instruction that takes place, regardless of the location of a teacher or student, by means of telecommunications or other means of

communication, including cable, instructional television fixed service, microwave, radio, satellite, computer, telephone or television.

(c) "Educational technology" means technology used in the education or training of any person or in the administration of an elementary or secondary school or a public library.

(2) A school district, municipal library board established under s. 43.54 or county library board established under s. 43.57, either individually or in conjunction with one or more other school districts, municipal library boards or county library boards, may apply to the department for a grant, or for approval of a loan under s. 24.61 (3) (d), or both, to implement, expand or participate in an educational technology or distance education project. The application shall be accompanied by a technology plan that includes all of the following:

(a) An assessment of the needs to be met by the project.

(b) A detailed description of the technology to be employed in the project.

(c) Itemized cost estimates for the project.

(d) A narrative description of the project, including the manner in which the project meets the criteria under sub. (4) (a) and the purpose for which the grant will be awarded or the loan made.

(e) A description of the process that the grant or loan recipient will use to evaluate the project.

(f) A plan for continuing the project beyond the grant or loan period, if appropriate.

(g) Any other information the board determines is necessary to assist in awarding a grant or approving a loan.

(2m) In the case of a county or municipal library board, whether the library board applies individually or in conjunction with other entities, an application for a loan shall be accompanied by a resolution of the governing body of each county or municipality that is served by the library board requesting the loan on behalf of the library board.

(3) The board may approve an application for one or more of the following:

(a) A grant to fund all or a portion of the cost of an educational technology or distance education project.

(b) A loan under s. 24.61 (3) (d), and a grant to subsidize that portion of the interest costs on that loan generated by the first 2 points of the annual interest rate applicable to that loan, to fund all or a portion of the cost of an educational technology or distance education project.

(c) A loan under s. 24.61 (3) (d) to fund all or a portion of the cost of an educational technology or distance education project.

(4) (a) The board shall review all applications for a grant or loan under this section and may make a grant, or approve an application for a loan, if the board finds that the project will do any of the following:

1. Enhance the educational opportunities for residents of this state.

2. Improve the administrative efficiency of public schools in this state.

3. Enhance the training and continuing education opportunities of elementary and secondary school teachers in this state.

(b) The board shall ensure that grants and loans are distributed to eligible applicants from the territory of all of the cooperative educational service agencies from which applications are received.

(c) The board may not make a grant under sub. (3) (a) unless there is a matching fund contribution from the grant recipient, including in–kind contributions, of at least 25% of the cost of the project. Contributions from private sources, including in–kind contributions, may be applied to meet the matching fund requirement.

(5) (a) A grant or loan recipient shall use the grant or loan for one or more of the following purposes:

1. Training teachers, librarians and other staff members in the use and integration of technology for educational purposes.

2. Purchasing or upgrading technology, including computer hardware and software, distance education equipment and other equipment, materials or resources related to the project, and wiring within a school or library building or to connect schools in the same school district if such wiring is directly related to the project.

3. Integrating the use of educational technology and distance education throughout the curriculum.

4. Implementing the use of technology to enhance administrative efficiencies.

5. Offering community education opportunities through distance education or educational technology to school district, municipal or county residents.

(b) Grants may not be used to supplant or replace funds otherwise available for the project.

(6) The board may require a grant or loan recipient to report to the board on the distance education and educational technology used in the school district, municipality or county for the purpose of assisting the state in planning related to distance education and educational technology if the board finds that complying with the requirement will not impose a substantial burden on the grant or loan recipient.

(7) Upon approval of an application for a loan to conduct an educational technology or distance education project, the board shall provide written notice of its approval to the board of commissioners of public lands.

(8) The board shall do all of the following:

(a) Provide consultative services to school boards and library boards to assist them in developing and implementing distance education and educational technology projects and in preparing applications for grants and loans under this section.

(b) Consult and coordinate its activities under par. (a) with the boards of control of the cooperative educational service agencies.

(c) Annually by August 15, submit a report to the joint committee on finance identifying all recipients of grants under this section in the previous fiscal year and all applicants for and recipients of loans approved by the board under this section in the previous fiscal year. The report shall indicate the purpose for which each grant was awarded and for which each loan was approved.

(9) By February 1, 2000, the secretary of administration and the board shall jointly submit to the joint committee on finance a report specifying their recommendations on whether the board and the program under this section should be continued and, if so, what changes should be made.

SECTION 437. 17.07 (3), (4), (5) and (6) of the statutes are amended to read:

17.07 **(3)** State officers ~~appointed by~~ serving in an office that is filled by appointment of the governor for a fixed term by and with the advice and consent of the senate, or ~~appointed by~~ serving in an office that is filled by appointment of any other officer or body for a fixed term subject to the concurrence of the governor, by the governor at any time, for cause.

(4) State officers ~~appointed by~~ serving in an office that is filled by appointment of the governor with the advice and consent of the senate to serve at the pleasure of the governor, or ~~appointed by~~ serving in an office that is filled by appointment of any other officer or body for an indefinite term subject to the concurrence of the governor, by the governor at any time.

(5) State officers ~~appointed~~ serving in an office that is filled by appointment of the governor alone for a fixed or indefinite term or to supply a vacancy in any office, elective or appointive, except justices of the supreme court and judges and the adjutant general, by the governor at pleasure; the adjutant general, by the governor, at any time, for cause or for withdrawal of federal recognition of his or her commission under 32 USC 323; and all officers appointed by the governor during the recess of the legislature whose appointments are required to be later confirmed by the senate shall be deemed to be appointed by the governor alone until so confirmed.

(6) Other state officers ~~appointed by~~ serving in an office that is filled by appointment of any officer or body without the concurrence of the governor, by the officer or body ~~that appointed them~~ having the authority to make appointments to that office, at pleasure, except that officers appointed according to merit and fitness under and subject to ch. 230 or officers whose removal is governed by ch. 230 ~~who~~ may be removed only in conformity with ~~said~~ that chapter.

SECTION 438. 18.06 (10) of the statutes is repealed.

SECTION 439. 18.13 (4) of the statutes is repealed.

SECTION 439m. 18.60 (3) of the statutes is amended to read:

18.60 **(3)** The principal proceeds from the sale of any refunding bonds shall be applied either to the immediate payment and retirement of the bonds or notes being refinanced or, if the bonds or notes have not matured and are not presently

redeemable, to the creation of a trust for and shall be pledged to the payment of the bonds or notes being refinanced. If a trust is created, a separate deposit shall be made for each issue of bonds or notes being refinanced. Each deposit shall be with the ~~state treasurer~~ secretary of administration or a bank or trust company that is then a member of the federal deposit insurance corporation. If the total amount of any deposit, including money other than sale proceeds but legally available for such purpose, is less than the principal amount of the bonds or notes being refinanced and for the payment of which the deposit has been created and pledged, together with applicable redemption premiums and interest accrued and to accrue to maturity or to the date of redemption, then the application of the sale proceeds shall be legally sufficient only if the money deposited is invested in securities issued by the United States or one of its agencies, or securities fully guaranteed by the United States, and only if the principal amount of the securities at maturity and the income therefrom to maturity will be sufficient and available, without the need for any further investment or reinvestment, to pay at maturity or upon redemption the principal amount of the bonds or notes being refinanced together with applicable redemption premiums and interest accrued and to accrue to maturity or to the date of redemption. The income from the principal proceeds of the securities shall be applied solely to the payment of the principal of and interest and redemption premiums on the bonds or notes being refinanced, but provision may be made for the pledging and disposition of any surplus. Nothing in this subsection shall be construed as a limitation on the duration of any deposit in trust for the retirement of bonds or notes being refinanced, but which have not matured and which are not presently redeemable. Nothing in this subsection shall be construed to prohibit reinvestment of the income of a trust if the reinvestments will mature at such times that sufficient

cash will be available to pay interest, applicable premiums and principal on the bonds or notes being refinanced.

SECTION 440. 19.21 (4) (b) of the statutes is amended to read:

19.21 **(4)** (b) The period of time any town, city or village public record is kept before destruction shall be as prescribed by ordinance unless a specific period of time is provided by statute. The period prescribed in the ordinance may not be less than 2 years with respect to water stubs, receipts of current billings and customer's ledgers of any municipal utility, and 7 years for other records unless a shorter period has been fixed by the public records ~~and forms~~ board under s. 16.61 (3) (e) and except as provided under sub. (7). This paragraph does not apply to school records of a 1st class city school district.

SECTION 441. 19.21 (4) (c) of the statutes is amended to read:

19.21 **(4)** (c) Any local governmental unit or agency may provide for the keeping and preservation of public records kept by that governmental unit through the use of microfilm or another reproductive device, ~~or~~ optical imaging or electronic formatting. A local governmental unit or agency shall make such provision by ordinance or resolution. Any such action by a subunit of a local governmental unit or agency shall be in conformity with the action of the unit or agency of which it is a part. Any photographic reproduction of a record authorized to be reproduced under this paragraph is deemed an original record for all purposes if it meets the applicable standards established in ss. 16.61 (7) and 16.612. This paragraph does not apply to public records kept by counties electing to be governed by ch. 228.

SECTION 442. 19.21 (5) (c) of the statutes is amended to read:

19.21 **(5)** (c) The period of time any public record shall be kept before destruction shall be determined by ordinance except that in all counties the specific

period of time expressed within s. 7.23 or 59.715 or any other law requiring a specific retention period shall apply. The period of time prescribed in the ordinance for the destruction of all records not governed by s. 7.23 or 59.715 or any other law prescribing a specific retention period may not be less than 7 years, unless a shorter period is fixed by the public records ~~and forms~~ board under s. 16.61 (3) (e).

SECTION 443. 19.21 (6) of the statutes is amended to read:

19.21 **(6)** A school district may provide for the destruction of obsolete school records. Prior to any such destruction, at least 60 days' notice in writing of such destruction shall be given to the historical society, which shall preserve any records it determines to be of historical interest. The historical society may, upon application, waive the notice. The period of time a school district record shall be kept before destruction shall be not less than 7 years, unless a shorter period is fixed by the public records ~~and forms~~ board under s. 16.61 (3) (e) and except as provided under sub. (7). This section does not apply to pupil records under s. 118.125.

SECTION 444. 19.21 (8) of the statutes is amended to read:

19.21 **(8)** Any metropolitan sewerage commission created under ss. 66.88 to 66.918 may provide for the destruction of obsolete commission records. No record of the metropolitan sewerage district may be destroyed except by action of the commission specifically authorizing the destruction of that record. Prior to any destruction of records under this subsection, the commission shall give at least 60 days' prior notice of the proposed destruction to the state historical society, which may preserve records it determines to be of historical interest. Upon the application of the commission, the state historical society may waive this notice. Except as provided under sub. (7), the commission may only destroy a record under this

subsection after 7 years elapse from the date of the record's creation, unless a shorter period is fixed by the public records ~~and forms~~ board under s. 16.61 (3) (e).

SECTION 445. 19.23 (1) of the statutes is amended to read:

19.23 **(1)** Any public records, in any state office, that are not required for current use may, in the discretion of the public records ~~and forms~~ board, be transferred into the custody of the historical society, as provided in s. 16.61.

SECTION 445m. 19.36 (9) of the statutes is created to read:

19.36 **(9)** RECORDS OF PLANS OR SPECIFICATIONS FOR STATE BUILDINGS. Records containing plans or specifications for any state–owned or state–leased building, structure or facility or any proposed state–owned or state–leased building, structure or facility are not subject to the right of inspection or copying under s. 19.35 (1) except as the department of administration otherwise provides by rule.

SECTION 446m. 19.42 (10) (L) of the statutes is amended to read:

19.42 **(10)** (L) The executive director~~, executive assistant to the executive director~~ and investment directors of the investment board.

SECTION 447. 19.42 (10) (n) of the statutes is created to read:

19.42 **(10)** (n) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

SECTION 448m. 19.42 (13) (k) of the statutes is amended to read:

19.42 **(13)** (k) The executive director~~, executive assistant to the executive director~~ and investment directors of the investment board.

SECTION 449. 19.42 (13) (m) of the statutes is created to read:

19.42 **(13)** (m) The chief executive officer and members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

SECTION 449m. 19.43 (7) of the statutes is amended to read:

19.43 **(7)** If an official required to file fails to make a timely filing, the board shall promptly provide notice of the delinquency to the ~~state treasurer~~ secretary of administration, and to the chief executive of the department of which the official's office or position is a part, or, in the case of a district attorney, to the chief executive of that department and to the county clerk of each county served by the district attorney or in the case of a municipal judge to the clerk of the municipality of which the official's office is a part, or in the case of a justice, court of appeals judge or circuit judge, to the director of state courts. Upon such notification both the ~~state treasurer~~ secretary of administration and the department, municipality or director shall withhold all payments for compensation, reimbursement of expenses and other obligations to the official until the board notifies the officers to whom notice of the delinquency was provided that the official has complied with this section.

SECTION 450. 19.44 (1) (g) of the statutes is amended to read:

19.44 **(1)** (g) The identity of each person from which the individual who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than $50 within the taxable year preceding the time of filing, except that the source of a gift need not be identified if the donation is permitted under s. 19.56 (3) (e), (em) or (f) or if the donor is the donee's parent, grandparent, child, grandchild, brother, sister, parent–in–law, grandparent–in–law, brother–in–law, sister–in–law, uncle, aunt, niece, nephew, spouse, fiance or fiancee.

SECTION 451. 19.45 (11) (intro.) of the statutes is amended to read:

19.45 **(11)** (intro.) The legislature recognizes that all state public officials and employes and all employes of the University of Wisconsin Hospitals and Clinics Authority should be guided by a code of ethics and thus:

SECTION 452. 19.45 (11) (d) of the statutes is created to read:

19.45 **(11)** (d) The board of directors of the University of Wisconsin Hospitals and Clinics Authority shall establish a code of ethics for employes of the authority who are not state public officials.

SECTION 453. 19.48 (4) (intro.) of the statutes is amended to read:

19.48 **(4)** (intro.) Preserve the statements of economic interests filed with it for a period of 6 years from the date of receipt in such form, including microfilming, ~~or~~ optical imaging or electronic formatting, as will facilitate document retention, except that:

SECTION 454. 19.53 (1) of the statutes is amended to read:

19.53 **(1)** In the case of a state public official ~~in the unclassified~~ outside the classified service, a recommendation that the state public official be censured, suspended, or removed from office or employment. Such recommendation shall be made to the appropriate appointing authority who may censure, suspend, or take action to remove the official from office or employment.

SECTION 455. 19.56 (2) (b) 6. of the statutes is amended to read:

19.56 **(2)** (b) 6. Is made available to the official by the department of development or the department of tourism in accordance with sub. (3) (e), (em) or (f).

SECTION 456. 19.56 (3) (em) of the statutes is created to read:

19.56 **(3)** (em) A state public official who is an officer or employe of the department of tourism may solicit, receive and retain on behalf of the state anything of value for the purpose of hosting individuals in order to promote tourism.

SECTION 457. 19.56 (3) (f) of the statutes is amended to read:

19.56 **(3)** (f) A state public official may receive and retain from the department of development anything of value which the department of development is authorized to provide under par. (e) and may receive and retain from the department

of tourism anything of value which the department of tourism is authorized to provide under par. (em).

SECTION 458. 19.575 of the statutes is created to read:

19.575 Tourism activities. The department of tourism shall file a report with the board no later than April 30 annually, specifying the source and amount of anything of value received by the department of tourism during the preceding calendar year for a purpose specified in s. 19.56 (3) (em) and the program or activity in connection with which the thing is received, together with the location and date of that program or activity.

SECTION 459. 19.62 (4) of the statutes is repealed.

SECTION 460. 19.625 of the statutes is repealed.

SECTION 461. 19.63 of the statutes is repealed.

SECTION 462. 19.69 (2) of the statutes is amended to read:

19.69 **(2)** (title) COPY TO PUBLIC RECORDS ~~AND FORMS~~ BOARD. A state authority that prepares a written specification of a matching program under sub. (1) shall provide to the public records ~~and forms~~ board a copy of the specification and any subsequent revision of the specification within 30 days after the state authority prepares the specification or the revision.

SECTION 463. 19.75 of the statutes is repealed.

SECTION 464a. 19.82 (1) of the statutes is amended to read:

19.82 **(1)** "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi–governmental corporation except for the Bradley center sports and entertainment corporation; a local exposition district under subch. II of ch. 229; any

public purpose corporation, as defined in s. 181.79 (1); a nonprofit corporation operating the Olympic ice training center under s. 42.11 (3); or a formally constituted subunit of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. I, IV or V of ch. 111.

SECTION 464d. 19.85 (3) of the statutes is amended to read:

19.85 **(3)** Nothing in this subchapter shall be construed to authorize a governmental body to consider at a meeting in closed session the final ratification or approval of a collective bargaining agreement under subch. I, IV or V of ch. 111 which has been negotiated by such body or on its behalf.

SECTION 464e. 19.86 of the statutes is amended to read:

19.86 Notice of collective bargaining negotiations. Notwithstanding s. 19.82 (1), where notice has been given by either party to a collective bargaining agreement under subch. I, IV or V of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given by the employer's chief officer or such person's designee. This section does not apply to a nonprofit corporation operating the Olympic ice training center under s. 42.11 (3).

SECTION 466g. 20.001 (6) of the statutes is renumbered 20.001 (6) (a) and amended to read:

20.001 **(6)** (a) ~~Applied~~ Except as provided in par. (b), applied receipts are program or segregated revenue the appropriation of which reduces the amounts appropriated under another appropriation. The reduction is indicated in the other appropriation by the phrase "less the amounts appropriated as applied receipts

under". Applied receipts shall be expended and deposited in the same manner as other program or segregated revenue.

SECTION 466j. 20.001 (6) (b) of the statutes is created to read:

20.001 **(6)** (b) If the other appropriation under par. (a) is a sum sufficient appropriation, the reduction reduces the estimate under s. 20.005 of the dollar amounts that will be needed.

SECTION 467. 20.002 (11) (c) of the statutes is amended to read:

20.002 **(11)** (c) ~~The~~ Except as provided in s. 16.971 (8) (b), the secretary may assess a special interest charge against the programs or activities utilizing surplus moneys within the same fund under this subsection in an amount not to exceed the daily interest earnings rate of the state investment fund during the period of transfer of surplus moneys to other accounts or programs. Except as provided in s. 16.465, the secretary shall assess a special interest charge against the fund utilizing surplus moneys under this subsection in an amount equal to the rate of return the state investment fund earnings would have created to the fund from which the reallocation was made. This interest shall be calculated and credited to the appropriate fund at the same time the earnings from the state investment fund are distributed and shall be considered an adjustment to those earnings.

SECTION 467m. 20.002 (11) (g) of the statutes is created to read:

20.002 **(11)** (g) Any reallocation of moneys under this subsection made during the 1995–97 fiscal biennium from an appropriation account under s. 20.505 derived from program revenues–service is subject to the procedures under s. 16.971 (8).

SECTION 468. 20.003 (3) (a) of the statutes is amended to read:

20.003 **(3)** (a) In the schedule of s. 20.005 and in the text in ss. 20.115 to 20.875, all state agencies shall be arranged ~~alphabetically~~ within functional areas. Each

functional area is assigned a subchapter and each state agency shall be assigned a section within that subchapter. Each subsection constitutes a program, and each paragraph constitutes an appropriation.

SECTION 469b. 20.003 (4) of the statutes is amended to read:

20.003 **(4)** REQUIRED GENERAL FUND BALANCE. No bill directly or indirectly affecting general purpose revenues as defined in s. 20.001 (2) (a) may be enacted by the legislature if the bill would cause the estimated general fund balance on June 30 of any fiscal year as projected under s. 20.005 (1) to be an amount equal to less than one percent of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as "Compensation Reserves" for that fiscal year in the summary under s. 20.005 (1).

SECTION 471. 20.005 (1) of the statutes is repealed and recreated to read:

20.005 **(1)** SUMMARY OF ALL FUNDS. The budget governing fiscal operations for the state of Wisconsin for all funds beginning on July 1, 1995, and ending on June 30, 1997, is summarized as follows: [See Figure 20.005 (1) following]

Figure: 20.005 (1)

GENERAL FUND SUMMARY

	1995-96	1996-97
Revenues		
Opening Balance, July 1	$ 324,911,000	$ 403,637,100
Estimated Taxes	8,194,920,000	8,670,710,000
Less Federal Retirees Refunds	-32,379,900	-15,388,900
Departmental Revenues	172,855,400	142,093,500
Total Available	$ 8,660,306,500	$ 9,201,051,700

	1995-96	1996-97
Appropriations, Transfers and Reserves		
Gross Appropriations	$ 8,272,075,500	$ 9,123,607,600
Compensation Reserves	19,391,200	48,763,300
1995 Wisconsin Act 12	1,702,200	–2,762,300
Transfer to Local Government		
Property Insurance Fund	3,653,300	2,330,000
Less Lapses	–41,152,800	–64,630,000
Reserve for Other Legislation	1,000,000	1,000,000
Net Appropriations, Transfers & Reserves	$ 8,256,669,400	$ 9,108,308,600
Balances		
Gross Balance	$ 403,637,100	$ 92,743,100
Less Required Statutory Balance	–82,914,700	–91,723,700
Net Balance, June 30	$ 320,722,400	$ 1,019,400

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	1995-96	1996-97
General Purpose Revenue	$ 8,272,075,500	$ 9,123,607,600
Federal Revenue	(3,504,070,900)	(3,585,430,400)
Program	3,482,242,300	3,563,872,300
Segregated	21,828,600	21,558,100
Program Revenue	(2,175,950,200)	(1,970,615,500)
State	1,823,000,300	1,600,257,600
Service	352,949,900	370,357,900
Segregated Revenue	(757,740,100)	(751,563,700)
State	755,930,900	749,754,500
Service	1,809,200	1,809,200
GRAND TOTAL	$14,709,836,700	$15,431,217,200

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

Fund Source	**1995-96**	**1996-97**
General Purpose Revenue	$ 19,391,200	$ 48,763,300
Federal Revenue	5,978,800	15,035,100
Program Revenue	15,151,700	38,102,300
Segregated Revenue	3,963,700	9,967,400
TOTAL	$ 44,485,400	$ 111,868,100

LOTTERY FUND SUMMARY

	1995-96	**1996-97**
Gross Revenue	$ 509,572,500	$ 514,564,400
Expenses		
Prizes	$ 293,031,900	$ 295,908,900
Administrative Expenses	62,800,300	65,373,400
	$ 355,832,200	$ 361,282,300
Net Proceeds	$ 153,740,300	$ 153,282,100
Total Available for Property Tax Relief		
Opening Balance	$ 20,291,300	$ 10,191,500
Net Proceeds	153,740,300	153,282,100
Interest Earnings	3,300,000	3,400,000
	$ 177,331,600	$ 166,873,600
Property Tax Relief	$ 167,140,100	$ 156,582,300

	1995-96	1996-97
Gross Closing Balance	$ 10,191,500	$ 10,291,300
Reserve	$ 10,191,500	$ 10,291,300
Net Closing Balance	–0–	–0–

SECTION 472. 20.005 (2) of the statutes is repealed and recreated to read:

20.005 **(2)** STATE BORROWING PROGRAM SUMMARY. The following tabulation sets forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b) following]

Figure: 20.005 (2) (a)

SUMMARY OF BONDING AUTHORITY MODIFICATIONS
1995-97 FISCAL BIENNIUM

Source and Purpose	Amount
GENERAL OBLIGATIONS	
Building Commission	
Housing state departments and agencies	$ 29,629,000
Project contingencies	7,475,000
Capital equipment acquisition	11,461,000
Other public purposes, including Wisconsin initiative for state technology and applied research	119,175,000
Refunding building corporation	
Self–amortizing debt	(1,551,600)
Clean Water Fund	
Clean water fund	40,700,000
Corrections	
Correctional facilities	41,020,000
Self–amortizing facilities and equipment	4,703,000

Source and Purpose	**Amount**
Educational Communications Board	
Educational communications facilities	174,000
Health and Social Services	
Mental health facilities	595,000
Juvenile correctional facilities	29,175,000
Historical Society	
Self–amortizing facilities	1,753,000
Historic records	348,000
Military Affairs	
Armories and military facilities	172,000
Natural Resources	
General fund supported administrative facilities	869,000
Nonpoint source grants	(4,000,000)
Environmental repair	4,000,000
Segregated revenue supported dam maintenance	1,000,000
Segregated revenue supported facilities	3,907,000
Stewardship fund	(19,000,000)
State Fair Park	
Self–amortizing housing facilities	11,780,000
Housing facilities	4,347,000
University of Wisconsin	
Academic facilities	41,486,000
Self–amortizing facilities	113,879,000

Source and Purpose	Amount
Veterans Affairs	
Wisconsin veterans home	762,000
Self–amortizing facilities	1,417,000
Self–amortizing wastewater treatment facilities	(5,690,000)
Self–amortizing mortgage loans	170,000,000
TOTAL General Obligation Bonds	$ 609,585,400

Figure: 20.005 (2) (b)

GENERAL OBLIGATION AND BUILDING CORPORATION DEBT SERVICE FISCAL YEARS 1995-96 AND 1996-97

STATUTE, AGENCY AND PUROSE			SOURCE	1995-96	1996-97
20.225 Educational communications board					
(1)	(c)	Principal repayment and interest	GPR	$ 633,600	$ 682,500
20.245 Historical society					
(2)	(e)	Principal repayment and interest	GPR	527,000	497,600
(4)	(e)	Principal repayment and interest	GPR	–0–	–0–
(5)	(e)	Principal repayment and interest	GPR	394,100	417,700
20.250 Medical College of Wisconsin					
(1)	(e)	Principal repayment and interest	GPR	469,000	539,200
20.255 Public instruction, department of					
(1)	(d)	Principal repayment and interest	GPR	858,200	838,100
20.285 University of Wisconsin System					
(1)	(d)	Principal repayment and interest	GPR	65,125,500	62,982,600

STATUTE, AGENCY AND PUROSE			SOURCE	1995-96	1996-97
20.320 Clean water fund					
(1)	(c)	Principal repayment and interest — clean water fund	GPR	18,583,900	23,506,400
20.370 Natual resources, department of					
(7)	(aa)	Resource acquisition and development — principal repayment and interest	GPR	13,962,500	15,791,500
(7)	(ba)	Debt service — remedial action	GPR	773,100	1,354,700
(7)	(ca)	Principal repayment and interest — nonpoint source grants	GPR	768,700	1,780,100
(7)	(cb)	Principal repayment and interest — pollution abatement bonds	GPR	81,793,800	78,877,900
(7)	(cc)	Principal repayment and interest — combined sewer overflow; pollution abatement bonds	GPR	18,787,700	17,783,700
(7)	(cd)	Principal repayment and interest — municipal clean drinking water grants	GPR	967,700	968,900
(7)	(ea)	Administrative facilities — principal repayment and interest	GPR	498,200	572,000
20.410 Corrections, department of					
(1)	(e)	Principal repayment and interest	GPR	38,426,600	41,469,800
(1)	(ec)	Prison industries principal, interest and rebates	GPR	–0–	–0–
(1)	(ef)	Lease rental payments	GPR	–0–	–0–
(3)	(e)	Principal repayment and interest	GPR	–0–	1,902,800
20.435 Health and social services, department of					
(2)	(ee)	Principal repayment and interest	GPR	6,285,600	6,683,000
(2)	(ef)	Lease rental payments	GPR	–0–	–0–

STATUTE, AGENCY AND PUROSE	SOURCE	1995–96	1996–97
(3) (e) Principal repayment and interest	GPR	1,625,400	–0–
(5) (e) Principal repayment and interest	GPR	21,800	–0–
20.465 Military affairs, department of			
(1) (d) Principal repayment and interest	GPR	2,210,900	2,353,000
20.485 Veterans affairs, department of			
(1) (e) Lease rental payments	GPR	–0–	–0–
(1) (f) Principal repayment and interest	GPR	1,032,600	1,058,400
20.867 Building commission			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	–0–	–0–
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	4,021,200	3,993,600
(3) (a) Principal repayment and interest	GPR	20,003,700	31,424,000
(3) (b) Principal repayment and interest	GPR	–0–	–0–
(3) (c) Lease rental payments	GPR	–0–	–0–
TOTAL General Purpose Revenue Debt Service		$277,770,800	$295,477,500
20.190 State fair park board			
(1) (c) Housing facilities principal repayment, interest and rebates	GPR	$ –0–	$ –0–
(1) (j) State fair principal repayment, interest and rebates	PR	1,140,600	1,451,800
20.245 Historical society			
(2) (j) Self–amortizing facilities; principal repayment, interest and rebates	PR	92,000	92,100

STATUTE, AGENCY AND PUROSE			SOURCE	1995-96	1996-97
20.285 University of Wisconsin System					
(1)	(kd)	Principal repayment, interest and rebates	PR	15,194,200	19,041,000
(1)	(ke)	Lease rental payments	PR	209,000	209,000
20.410 Corrections, department of					
(1)	(ko)	Prison industries principal repayment, interest and rebates	PR	84,700	81,100
20.485 Veterans affairs, department of					
(1)	(go)	Self–amortizing housing facilities; principal repayment and interest	PR	–0–	–0–
20.505 Administration, department of					
(5)	(g)	Principal repayment, interest and rebates; parking	PR	1,062,200	1,398,900
(5)	(kb)	Parking	PR	–0–	–0–
(5)	(kc)	Principal repayment, interest and rebates	PR	8,440,900	8,212,400
20.867 Building commission					
(3)	(g)	Principal repayment, interest and rebates; program revenues	PR	–0–	–0–
(3)	(h)	Principal repayment, interest and rebates	PR	–0–	–0–
(3)	(i)	Principal repayment, interest and rebates; capital equipment	PR	–0–	–0–
TOTAL Program Revenue Debt Service				$ 26,223,600	$ 30,486,300
20.320 Clean water fund program					
(1)	(t)	Principal repayment and interest — clean water fund bonds	SEG	$ 4,000,000	$ 4,000,000
(1)	(u)	Principal repayment and interest — clean water fund revenue obligation repayment	SEG	–0–	–0–

STATUTE, AGENCY AND PUROSE			SOURCE	1995–96	1996–97
20.370 Natural resources, department of					
(7)	(aq)	Resource acquisition and development — principal repayment and interest	SEG	228,300	229,200
(7)	(ar)	Dam repair and removal — principal repayment and interest	SEG	260,900	380,200
(7)	(eq)	Administrative facilities — principal repayment and interest	SEG	570,100	729,500
20.485 Veterans affairs, department of					
(3)	(t)	Debt service	SEG	51,164,900	54,533,100
(3)	(v)	Revenue obligation repayment	SEG	–0–	–0–
TOTAL Segregated Revenue Debt Service				$ 56,224,200	$ 59,872,000
GRAND TOTAL All Debt Service				$360,218,600	$385,835,800

SECTION 473. 20.005 (3) of the statutes, except as it affects 20.395 of the statutes, is repealed and recreated to read:

20.005 **(3)** APPROPRIATIONS. The following tabulation lists all annual, biennial and sum certain continuing appropriations and anticipated expenditures from other appropriations for the programs and other purposes indicated. All appropriations are made from the general fund unless otherwise indicated. The letter abbreviations shown designating the type of appropriation apply to both fiscal years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
Commerce						
20.115 Agriculture, trade and consumer protection, department of						
(1)	FOOD SAFETY AND CONSUMER PROTECTION					
	(a)	General program operations	GPR	A	120,300	120,300
		Food inspection	GPR	A	3,405,100	2,518,700
		Meat and poultry inspection	GPR	A	2,593,500	2,593,500
		Trade and consumer protection	GPR	A	1,842,400	2,591,100
		NET APPROPRIATION			7,961,300	7,823,600
	(f)	Food regulation lapse restoration	GPR	S	158,000	–0–
	(g)	Related services	PR	A	25,500	25,500
	(gb)	Food regulation	PR	A	2,978,300	3,349,500
	(gh)	Public warehouse regulation	PR	A	49,500	49,500
	(gm)	Dairy trade regulation; dairy and farm product producer security	PR	A	591,400	591,400
	(hm)	Mobile air conditioner fees	PR	A	291,500	291,500
	(i)	Sale of supplies	PR	A	32,000	32,000
	(j)	Weights and measures inspection	PR	A	578,000	598,800
	(jm)	Warehouse keeper and grain dealer regulation	PR	C	189,300	257,900
	(m)	Federal funds	PR–F	C	2,856,300	2,856,300
	(q)	Automobile repair regulation	SEG	A	334,400	334,400

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(r)	Unfair sales act		SEG	A	94,200	94,200
(s)	Weights and measures; petroleum inspection fund		SEG	A	203,400	203,400
(u)	Recyclable and nonrecyclable products regulation		SEG	A	186,000	186,000
		(1) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			8,119,300	7,823,600
		PROGRAM REVENUE			7,591,800	8,052,400
		FEDERAL			(2,856,300)	(2,856,300)
		OTHER			(4,735,500)	(5,196,100)
		SEGREGATED FUNDS			818,000	818,000
		OTHER			(818,000)	(818,000)
		TOTAL–ALL SOURCES			16,529,100	16,694,000
(2)	ANIMAL HEALTH SERVICES					
(a)	General program operations		GPR	A	75,300	75,300
	Animal health services		GPR	A	2,962,800	2,962,800
		NET APPROPRIATION			3,038,100	3,038,100
(b)	Animal disease indemnities		GPR	S	108,600	108,600
(g)	Related services		PR	A	2,090,300	2,090,300
(gb)	Animal health and disease research; gifts and grants		PR	C	–0–	–0–
(h)	Sale of supplies		PR	A	63,400	63,400
(ha)	Inspection, testing and enforcement		PR	C	125,900	125,900
(i)	Mink research assessments		PR	A	6,000	6,000
(j)	Dog licenses, rabies control and related services		PR	A	128,300	128,300
(k)	Animal health contractual services		PR–S	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(m)	Federal funds	PR–F	C	123,100	123,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,146,700	3,146,700
	PROGRAM REVENUE			2,537,000	2,537,000
	FEDERAL			(123,100)	(123,100)
	OTHER			(2,413,900)	(2,413,900)
	SERVICE			(–0–)	(–0–)
	TOTAL–ALL SOURCES			5,683,700	5,683,700
(3)	MARKETING SERVICES				
(a)	General program operations	GPR	A	27,700	27,700
	Agricultural services	GPR	A	1,536,200	1,536,200
	NET APPROPRIATION			1,563,900	1,563,900
(g)	Related services	PR	A	1,308,400	1,308,400
(ga)	Gifts and grants	PR	C	–0–	–0–
(h)	Grain inspection and certification	PR	C	2,691,800	2,691,800
(i)	Marketing orders and agreements	PR	C	70,700	70,700
(ja)	Marketing services and materials	PR	C	299,000	299,000
(L)	Something special from Wisconsin promotion	PR	A	30,000	30,000
(m)	Federal funds	PR–F	C	7,500	7,500
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,563,900	1,563,900
	PROGRAM REVENUE			4,407,400	4,407,400
	FEDERAL			(7,500)	(7,500)
	OTHER			(4,399,900)	(4,399,900)
	TOTAL–ALL SOURCES			5,971,300	5,971,300
(4)	AGRICULTURAL ASSISTANCE				

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(a)	Aid to Wisconsin livestock breeders association		GPR	A	40,000	40,000
(b)	Aids to county and district fairs		GPR	S	585,000	585,000
(c)	Research and development grants		GPR	B	200,000	200,000
(e)	Aids to world dairy expo, inc.		GPR	A	25,000	25,000
(f)	Exposition center grants		GPR	A	240,000	240,000
(g)	Pari–mutuel racing supplemental aid		PR	C	–0–	–0–
(h)	Pari–mutuel racing supplemental aid to Wisconsin livestock breeders assn.		PR	C	–0–	–0–
	(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				1,090,000	1,090,000
	PROGRAM REVENUE				–0–	–0–
	OTHER				(–0–)	(–0–)
	TOTAL–ALL SOURCES				1,090,000	1,090,000
(7)	AGRICULTURAL RESOURCE MANAGEMENT					
(a)	General program operations		GPR	A	1,819,300	1,819,300
(c)	Soil and water resource management program		GPR	C	2,572,500	2,505,700
(e)	Ag. chem. grants		GPR	C	2,000,000	2,000,000
(g)	Agricultural impact statements		PR	C	122,500	150,700
(ga)	Related services		PR	C	94,400	94,400
(gm)	Seed testing and labeling		PR	C	64,700	64,700
(h)	Fertilizer research assessments		PR	C	160,500	160,500

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(ha)	Liming material research funds		PR	C	25,000	25,000
(ig)	Plat review		PR	C	331,600	–0–
(j)	Gypsy moth eradication; program revenues		PR	C	74,600	74,600
(k)	Agricultural resource management services		PR–S	C	202,100	202,100
(km)	Animal waste management grants		PR–S	C	100,000	100,000
(m)	Federal funds		PR–F	C	2,105,800	2,094,000
(q)	Gypsy moth eradication; conservation fund		SEG	A	832,600	832,600
(qb)	Gypsy moth eradication; segregated revenues		SEG	C	200,000	200,000
(qd)	Soil and water management; environmental fund		SEG	A	1,526,800	1,526,800
(r)	General program operations; agrichemical management		SEG	A	955,200	955,200
(s)	Groundwater — standards; implementation		SEG	A	750,500	681,200
(t)	Fertilizer, additives and commercial feed regulation		SEG	A	718,800	718,800
(u)	Pesticide regulation and admin. of agricultural chemical cleanup program		SEG	A	1,892,500	1,892,500
(v)	Chemical and container disposal		SEG	A	560,400	560,400

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(vm)	Wind erosion control aids	SEG	A	50,000	50,000
(w)	Agricultural chemical cleanup program; reimbursement	SEG	C	2,238,600	2,238,600
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			6,391,800	6,325,000
	PROGRAM REVENUE			3,281,200	2,966,000
	FEDERAL			(2,105,800)	(2,094,000)
	OTHER			(873,300)	(569,900)
	SERVICE			(302,100)	(302,100)
	SEGREGATED FUNDS			9,725,400	9,656,100
	OTHER			(9,725,400)	(9,656,100)
	TOTAL–ALL SOURCES			19,398,400	18,947,100
(8)	CENTRAL ADMINISTRATIVE SERVICES				
(a)	General program operations	GPR	A	3,515,400	3,461,100
(g)	Gifts and grants	PR	C	–0–	–0–
(ga)	Milk standards program	PR	C	362,200	366,300
(gm)	Enforcement cost recovery	PR	A	25,000	25,000
(h)	Sale of material and supplies	PR	C	49,300	49,300
(ha)	General laboratory related services	PR	C	40,000	40,000
(i)	Related services	PR	A	200,500	200,500
(j)	Stray voltage program	PR	A	219,500	219,500
(k)	Computer system equipment, staff and services	PR	A	322,300	333,800
(kL)	Central services	PR–S	C	674,600	674,600
(km)	General laboratory services	PR–S	B	2,219,600	2,184,900
(kp)	General laboratory sevices; other agencies	PR–S	C	40,100	40,100

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(ks)	State contractual services		PR–S	C	–0–	–0–
(kt)	Information technology development projects		PR–S	A	–0–	–0–
(m)	Federal funds		PR–F	C	40,000	40,000
(pz)	Indirect cost reimbursements		PR–F	C	508,300	508,300
		(8) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			3,515,400	3,461,100
		PROGRAM REVENUE			4,701,400	4,682,300
		FEDERAL			(548,300)	(548,300)
		OTHER			(1,218,800)	(1,234,400)
		SERVICE			(2,934,300)	(2,899,600)
		TOTAL–ALL SOURCES			8,216,800	8,143,400
(9)	FARM MEDIATION AND FARMER ASSISTANCE					
(a)	General program operations		GPR	A	208,200	219,300
(m)	Federal funds		PR–F	C	183,700	183,700
		(9) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			208,200	219,300
		PROGRAM REVENUE			183,700	183,700
		FEDERAL			(183,700)	(183,700)
		TOTAL–ALL SOURCES			391,900	403,000
		20.115 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			24,035,300	23,629,600
		PROGRAM REVENUE			22,702,500	22,828,800
		FEDERAL			(5,824,700)	(5,812,900)
		OTHER			(13,641,400)	(13,814,200)
		SERVICE			(3,236,400)	(3,201,700)
		SEGREGATED FUNDS			10,543,400	10,474,100
		OTHER			(10,543,400)	(10,474,100)
		TOTAL–ALL SOURCES			57,281,200	56,932,500

20.124 Banking, office of the commissioner of

(1)	SUPERVISION OF BANKS AND RELATED FINANCIAL INSTITUTIONS					
(a)	Losses on public deposits	GPR	S		–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(g)	General program operations		PR	A	5,205,500	–0–
(h)	Gifts, grants, settlements and publications		PR	C	–0–	–0–
(u)	State deposit fund		SEG	S	–0–	–0–
	20.124 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES				–0–	–0–
	PROGRAM REVENUE				5,205,500	–0–
	OTHER				(5,205,500)	(–0–)
	SEGREGATED FUNDS				–0–	–0–
	OTHER				(–0–)	(–0–)
	TOTAL–ALL SOURCES				5,205,500	–0–
20.141	**Credit unions, office of the commissioner of**					
(1)	SUPERVISION OF CREDIT UNIONS					
(g)	General program operations		PR	A	1,402,900	–0–
(m)	Credit union examinations, federal funds		PR–F	C	–0–	–0–
	20.141 DEPARTMENT TOTALS					
	PROGRAM REVENUE				1,402,900	–0–
	FEDERAL				(–0–)	(–0–)
	OTHER				(1,402,900)	(–0–)
	TOTAL–ALL SOURCES				1,402,900	–0–
20.143	**Development, department of**					
(1)	ECONOMIC AND COMMUNITY DEVELOPMENT					
(a)	General program operations		GPR	A	5,011,800	5,003,100
(b)	Economic development promotion		GPR	A	120,000	120,000
(bm)	Aid to Forward Wisconsin, inc.		GPR	A	250,000	–0–
(c)	Wisconsin development fund, grants and loans		GPR	B	6,832,300	8,682,300

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(cb)	Wis. dev. fund; tech. and pollution control & abate. grants & loans assis.	GPR	B	400,000	–0–
(cf)	Community–based nonprofit organization grant for educational project	GPR	A	–0–	–0–
(df)	American Indian economic development; technical assistance	GPR	A	30,000	25,000
(dg)	American Indian economic development; liaison	GPR	A	50,100	49,300
(dh)	American Indian economic development; liaison — grants	GPR	A	30,000	25,000
(dr)	Main street program	GPR	A	449,400	422,400
(e)	Technology–based economic development	GPR	A	234,600	234,600
(em)	Hazardous pollution prevention contract	GPR	A	75,000	75,000
(en)	Business development initiative	GPR	A	150,000	150,000
(er)	Rural economic development program	GPR	B	209,200	271,500
(ew)	International trade, business and economic development grants	GPR	B	–0–	–0–
(fc)	Health care provider loan assistance program; repayments	GPR	C	35,000	53,000

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(fd)	Physician and health care provider loan assistance programs; contract		GPR	B	18,500	10,000
(fe)	Physician loan assistance program; repayments		GPR	C	355,200	317,200
(fg)	Community–based economic development programs		GPR	A	797,100	797,100
(fm)	Minority business projects; grants and loans		GPR	B	479,200	479,200
(fy)	Women's business incubator grant		GPR	B	–0–	–0–
(g)	Gifts, grants and proceeds		PR	C	312,000	312,000
(h)	Economic development operations		PR	A	–0–	–0–
(ie)	Wisconsin development fund, repayments		PR	C	2,365,500	665,500
(ij)	Plat review		PR	C	–0–	303,400
(im)	Minority business projects; repayments		PR	C	190,000	202,300
(in)	Business development initiative loan repayments		PR	C	30,000	12,700
(ir)	Rural economic development loan repayments		PR	C	131,800	79,500
(jL)	Health care provider loan assistance program; local contributions		PR	C	–0–	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
	(jm)	Physician loan assistance program; local contributions	PR	C	–0–	–0–
	(k)	Sale of materials or services	PR–S	C	–0–	–0–
	(ka)	Sale of materials and services — local assistance	PR–S	C	–0–	–0–
	(kb)	Sale of materials and services — individuals and organizations	PR–S	C	–0–	–0–
	(kc)	Clean air act compliance assistance	PR–S	A	151,800	151,800
	(kf)	Aid to Forward Wisconsin inc.; transfer	PR	A	–0–	250,000
	(km)	Minority business projects, transfer	PR	B	100,000	100,000
	(m)	Federal aid, state operations	PR–F	C	623,600	627,600
	(n)	Federal aid, local assistance	PR–F	C	34,225,000	34,400,000
	(o)	Federal aid, individuals and organizations	PR–F	C	–0–	–0–
	(s)	Wis. develop. fund; tech. & poll. control & abate. grants & loans rec. fund	SEG	B	400,000	–0–
	(sm)	Wis. develop. fund; tech. & poll. control & abate. grants & loans, env. fd.	SEG	B	400,000	–0–
	(x)	Industrial building construction loan fund	SEG	C	–0–	–0–
(1) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES					15,527,400	16,714,700
PROGRAM REVENUE					38,129,700	37,104,800

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		FEDERAL			(34,848,600)	(35,027,600)
		OTHER			(3,129,300)	(1,925,400)
		SERVICE			(151,800)	(151,800)
		SEGREGATED FUNDS			800,000	–0–
		OTHER			(800,000)	(–0–)
		TOTAL–ALL SOURCES			54,457,100	53,819,500
	(2)	TOURISM DEVELOPMENT AND PROMOTION				
	(a)	General program operations	GPR	A	2,244,600	–0–
	(b)	Tourism marketing	GPR	A	7,750,000	–0–
	(bm)	Heritage tourism pilot program	GPR	B	131,700	–0–
	(g)	Gifts, grants and proceeds	PR	C	4,200	–0–
	(k)	Sale of materials or services	PR–S	C	–0–	–0–
	(ka)	Sale of materials and services — local assistance	PR–S	C	–0–	–0–
	(kb)	Sale of materials and services — individuals and organizations	PR–S	C	–0–	–0–
	(m)	Federal aid, state operations	PR–F	C	–0–	–0–
	(n)	Federal aid, local assistance	PR–F	C	–0–	–0–
	(o)	Federal aid, individuals and organizations	PR–F	C	–0–	–0–
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			10,126,300	–0–
		PROGRAM REVENUE			4,200	–0–
		FEDERAL			(–0–)	(–0–)
		OTHER			(4,200)	(–0–)
		SERVICE			(–0–)	(–0–)
		TOTAL–ALL SOURCES			10,130,500	–0–
	(3)	REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
	(a)	General program operations	GPR	A	–0–	113,700

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(de)	Private sewage system replacement and rehabilitation	GPR	C	–0–	3,500,000
(dm)	Storage tank inventory	GPR	A	–0–	–0–
(g)	Gifts and grants	PR	C	–0–	18,000
(ga)	Auxiliary services	PR	C	–0–	25,000
(gb)	Local agreements	PR	C	–0–	–0–
(h)	Local energy resource system fees	PR	A	–0–	–0–
(j)	Safety and buildings operations	PR	A	–0–	13,712,900
(ka)	Interagency agreements	PR–S	C	–0–	89,800
(kc)	Administrative services	PR–S	A	–0–	1,010,500
(ks)	Data processing	PR–S	C	–0–	–0–
(L)	Fire dues distribution	PR	C	–0–	6,500,000
(La)	Fire prevention and fire dues administration	PR	A	–0–	573,800
(m)	Federal funds	PR–F	C	–0–	986,100
(ma)	Federal aid program administration	PR–F	C	–0–	–0–
(pz)	Indirect cost reimbursements	PR–F	C	–0–	–0–
(q)	Groundwater standards; implementation	SEG	A	–0–	–0–
(r)	Safety and buildings operations; petroleum inspection fund	SEG	A	–0–	7,017,900
(v)	Petroleum storage environmental remedial action; awards	SEG	B	–0–	84,031,700

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(w)	Petroleum storage environmental remedial action; administration	SEG	A	–0–	1,759,800
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			–0–	3,613,700
	PROGRAM REVENUE			–0–	22,916,100
	FEDERAL			(–0–)	(986,100)
	OTHER			(–0–)	(20,829,700)
	SERVICE			(–0–)	(1,100,300)
	SEGREGATED FUNDS			–0–	92,809,400
	OTHER			(–0–)	(92,809,400)
	TOTAL–ALL SOURCES			–0–	119,339,200
(4)	EXECUTIVE AND ADMINISTRATIVE SERVICES				
(a)	General program operations	GPR	A	2,582,400	2,381,300
(g)	Gifts, grants and proceeds	PR	C	12,000	12,000
(k)	Sale of materials or services	PR–S	C	43,100	43,100
(ka)	Sale of materials and services — local assistance	PR–S	C	–0–	–0–
(kb)	Sale of materials and services — individuals and organizations	PR–S	C	–0–	–0–
(kc)	Information technology development projects	PR–S	A	–0–	–0–
(m)	Federal aid, state operations	PR–F	C	–0–	–0–
(n)	Federal aid, local assistance	PR–F	C	–0–	–0–
(o)	Federal aid, individuals and organizations	PR–F	C	–0–	–0–
(pz)	Indirect cost reimbursements	PR–F	C	125,400	135,400
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,582,400	2,381,300
	PROGRAM REVENUE			180,500	190,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
FEDERAL			(125,400)	(135,400)
OTHER			(12,000)	(12,000)
SERVICE			(43,100)	(43,100)
TOTAL–ALL SOURCES			2,762,900	2,571,800
(7) INDUSTRY, SAFETY AND BUILDINGS CODE DEVELOPMENT				
(jz) Code development operations	PR	A	497,300	–0–
(7) PROGRAM TOTALS				
PROGRAM REVENUE			497,300	–0–
OTHER			(497,300)	(–0–)
TOTAL–ALL SOURCES			497,300	–0–
20.143 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			28,236,100	22,709,700
PROGRAM REVENUE			38,811,700	60,211,400
FEDERAL			(34,974,000)	(36,149,100)
OTHER			(3,642,800)	(22,767,100)
SERVICE			(194,900)	(1,295,200)
SEGREGATED FUNDS			800,000	92,809,400
OTHER			(800,000)	(92,809,400)
TOTAL–ALL SOURCES			67,847,800	175,730,500
20.144 Financial institutions, department of				
(1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS				
(a) Losses on public deposits	GPR	S	–0–	–0–
(g) General program operations	PR	A	–0–	7,608,300
(h) Gifts, grants, settlements and publications	PR	C	–0–	65,000
(i) Investor education fund	PR	A	–0–	100,000
(u) State deposit fund	SEG	S	–0–	–0–
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			–0–	–0–
PROGRAM REVENUE			–0–	7,773,300
OTHER			(–0–)	(7,773,300)
SEGREGATED FUNDS			–0–	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(–0–)	(–0–)
		TOTAL–ALL SOURCES			–0–	7,773,300
	(2)	OFFICE OF CREDIT UNIONS				
	(g)	General program operations	PR	A	–0–	1,293,500
	(m)	Credit union examinations, federal funds	PR–F	C	–0–	–0–
		(2) PROGRAM TOTALS				
		PROGRAM REVENUE			–0–	1,293,500
		FEDERAL			(–0–)	(–0–)
		OTHER			(–0–)	(1,293,500)
		TOTAL–ALL SOURCES			–0–	1,293,500
		20.144 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			–0–	–0–
		PROGRAM REVENUE			–0–	9,066,800
		FEDERAL			(–0–)	(–0–)
		OTHER			(–0–)	(9,066,800)
		SEGREGATED FUNDS			–0–	–0–
		OTHER			(–0–)	(–0–)
		TOTAL–ALL SOURCES			–0–	9,066,800
20.145	**Insurance, office of the commissioner of**					
	(1)	SUPERVISION OF THE INSURANCE INDUSTRY				
	(g)	General program operations	PR	A	6,836,800	6,411,800
	(gm)	Gifts and grants	PR	C	–0–	–0–
	(m)	Federal funds	PR–F	C	–0–	–0–
		(1) PROGRAM TOTALS				
		PROGRAM REVENUE			6,836,800	6,411,800
		FEDERAL			(–0–)	(–0–)
		OTHER			(6,836,800)	(6,411,800)
		TOTAL–ALL SOURCES			6,836,800	6,411,800
	(2)	PATIENTS COMPENSATION FUND				
	(u)	Administration	SEG	A	532,200	532,200

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(um)	Peer review council	SEG	A	88,000	88,000
(v)	Specified responsibilities, inv. board payments and future medical expenses	SEG	C	55,028,200	55,028,200
	(2) PROGRAM TOTALS				
	SEGREGATED FUNDS			55,648,400	55,648,400
	OTHER			(55,648,400)	(55,648,400)
	TOTAL–ALL SOURCES			55,648,400	55,648,400
(3)	LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
(u)	Administration	SEG	A	238,200	238,200
(v)	Specified payments, fire dues and reinsurance	SEG	C	6,950,000	6,950,000
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			7,188,200	7,188,200
	OTHER			(7,188,200)	(7,188,200)
	TOTAL–ALL SOURCES			7,188,200	7,188,200
(4)	STATE LIFE INSURANCE FUND				
(u)	Administration	SEG	A	405,400	397,400
(v)	Specified payments and losses	SEG	C	2,980,000	2,980,000
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			3,385,400	3,377,400
	OTHER			(3,385,400)	(3,377,400)
	TOTAL–ALL SOURCES			3,385,400	3,377,400
(7)	HEALTH INSURANCE RISK-SHARING PLAN ADMINISTRATION				
(a)	Premium and deductible reduction subsidy	GPR	B	893,000	846,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(g)	Premium and deductible reduction subsidy; insurer assessments and penalties	PR	C	1,996,800	2,043,800
(u)	Administration	SEG	A	92,800	92,800
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			893,000	846,000
	PROGRAM REVENUE			1,996,800	2,043,800
	OTHER			(1,996,800)	(2,043,800)
	SEGREGATED FUNDS			92,800	92,800
	OTHER			(92,800)	(92,800)
	TOTAL–ALL SOURCES			2,982,600	2,982,600
(8)	OFFICE OF HEALTH CARE INFORMATION				
(hg)	General program operations; office of health care information	PR	A	1,407,100	1,407,100
(hi)	Compilations and special reports; office of health care information	PR	C	–0–	–0–
(hj)	Gifts and grants; office of health care information	PR	C	–0–	–0–
(kx)	Interagency and intra–agency programs	PR–S	C	–0–	–0–
(mr)	Federal funds; office of health care information	PR–F	C	–0–	–0–
	(8) PROGRAM TOTALS				
	PROGRAM REVENUE			1,407,100	1,407,100
	FEDERAL			(–0–)	(–0–)
	OTHER			(1,407,100)	(1,407,100)
	SERVICE			(–0–)	(–0–)
	TOTAL–ALL SOURCES			1,407,100	1,407,100
	20.145 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			893,000	846,000
	PROGRAM REVENUE			10,240,700	9,862,700

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
FEDERAL			(–0–)	(–0–)
OTHER			(10,240,700)	(9,862,700)
SERVICE			(–0–)	(–0–)
SEGREGATED FUNDS			66,314,800	66,306,800
OTHER			(66,314,800)	(66,306,800)
TOTAL–ALL SOURCES			77,448,500	77,015,500
20.155 Public service commission				
(1) REGULATION OF PUBLIC UTILITIES				
(g) Utility regulation	PR	A	11,246,600	11,083,500
(h) Holding company and nonutility affiliate regulation	PR	C	509,500	509,500
(j) Intervenor financing	PR	A	250,000	250,000
(L) Stray voltage program	PR	A	190,600	190,600
(Lb) Gifts for stray voltage program	PR	C	–0–	–0–
(m) Federal funds	PR–F	C	80,600	80,600
(n) Indirect costs reimbursement	PR–F	C	16,000	16,000
(1) PROGRAM TOTALS				
PROGRAM REVENUE			12,293,300	12,130,200
FEDERAL			(96,600)	(96,600)
OTHER			(12,196,700)	(12,033,600)
TOTAL–ALL SOURCES			12,293,300	12,130,200
(2) OFFICE OF THE COMMISSIONER OF RAILROADS				
(g) Railroad regulation and general program operations	PR	A	448,300	352,200
(x) Railroad regulation and general program operations; federal funds	SEG–F	C	–0–	–0–
(2) PROGRAM TOTALS				
PROGRAM REVENUE			448,300	352,200
OTHER			(448,300)	(352,200)
SEGREGATED FUNDS			–0–	–0–

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
FEDERAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			448,300	352,200
20.155 DEPARTMENT TOTALS				
PROGRAM REVENUE			12,741,600	12,482,400
FEDERAL			(96,600)	(96,600)
OTHER			(12,645,000)	(12,385,800)
SEGREGATED FUNDS			–0–	–0–
FEDERAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			12,741,600	12,482,400
20.165 Regulation and licensing, department of				
(1) PROFESSIONAL REGULATION				
(g) General program operations	PR	A	7,346,600	7,243,900
(h) Technical assistance; nonstate agencies and organizations	PR	C	–0–	–0–
(i) Examinations; general program operations	PR	C	563,600	572,600
(k) Technical assistance; state agencies	PR–S	C	–0–	–0–
(m) Federal funds	PR–F	C	–0–	–0–
20.165 DEPARTMENT TOTALS				
PROGRAM REVENUE			7,910,200	7,816,500
FEDERAL			(–0–)	(–0–)
OTHER			(7,910,200)	(7,816,500)
SERVICE			(–0–)	(–0–)
TOTAL–ALL SOURCES			7,910,200	7,816,500
20.175 Savings and loan, office of the commissioner of				
(1) SUPERVISION OF SAVINGS INSTITUTIONS				
(g) General program operations	PR	A	1,141,200	–0–
20.175 DEPARTMENT TOTALS				
PROGRAM REVENUE			1,141,200	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(1,141,200)	(–0–)
		TOTAL–ALL SOURCES			1,141,200	–0–
20.185		**Securities, office of the commissioner of**				
(1)		SECURITIES, CORPORATE TAKE-OVER AND FRANCHISE INVESTMENT REGULATION				
	(g)	General program operations	PR	A	2,011,300	–0–
	(h)	Investor education fund	PR	A	100,000	–0–
		20.185 DEPARTMENT TOTALS				
		PROGRAM REVENUE			2,111,300	–0–
		OTHER			(2,111,300)	(–0–)
		TOTAL–ALL SOURCES			2,111,300	–0–
20.190		**State fair park board**				
(1)		STATE FAIR PARK				
	(c)	Housing facilities principal repayment, interest and rebates	GPR	S	–0–	–0–
	(h)	State fair operations	PR	A	11,667,400	12,047,600
	(i)	State fair capital expenses	PR	C	224,000	224,000
	(j)	State fair principal repayment, interest and rebates	PR	S	1,140,600	1,451,800
	(jm)	Gifts and grants	PR	C	–0–	–0–
		20.190 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			–0–	–0–
		PROGRAM REVENUE			13,032,000	13,723,400
		OTHER			(13,032,000)	(13,723,400)
		TOTAL–ALL SOURCES			13,032,000	13,723,400
20.197		**Gaming commission**				
(1)		GAMING AND AGENCY-WIDE OPERATIONS				
	(g)	General program operations; racing	PR	A	3,142,100	3,114,500

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(h)	General program operations; Indian gaming regulation		PR	A	360,200	375,200
(j)	General program operations; charitable and crane games		PR	A	239,600	238,900
(q)	General program operations; lottery		SEG	A	25,113,600	–0–
		(1) PROGRAM TOTALS				
	PROGRAM REVENUE				3,741,900	3,728,600
	OTHER				(3,741,900)	(3,728,600)
	SEGREGATED FUNDS				25,113,600	–0–
	OTHER				(25,113,600)	(–0–)
	TOTAL–ALL SOURCES				28,855,500	3,728,600
(2)	LOTTERY EXPENSES					
(r)	Retailer compensation		SEG	S	28,198,300	–0–
(s)	Prizes		SEG	S	–0–	–0–
(v)	On–line vendor fees		SEG	S	9,078,700	–0–
		(2) PROGRAM TOTALS				
	SEGREGATED FUNDS				37,277,000	–0–
	OTHER				(37,277,000)	(–0–)
	TOTAL–ALL SOURCES				37,277,000	–0–
(3)	RACING SPECIAL PROGRAMS, SUPPLEMENTS AND GRANTS					
(h)	Purse supplements		PR	C	–0–	–0–
(i)	County fair association grants		PR	C	50,000	50,000
		(3) PROGRAM TOTALS				
	PROGRAM REVENUE				50,000	50,000
	OTHER				(50,000)	(50,000)
	TOTAL–ALL SOURCES				50,000	50,000
		20.197 DEPARTMENT TOTALS				
	PROGRAM REVENUE				3,791,900	3,778,600
	OTHER				(3,791,900)	(3,778,600)
	SEGREGATED FUNDS				62,390,600	–0–

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
OTHER			(62,390,600)	(–0–)
TOTAL–ALL SOURCES			66,182,500	3,778,600
Commerce				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			53,164,400	47,185,300
PROGRAM REVENUE			119,091,500	139,770,600
FEDERAL			(40,895,300)	(42,058,600)
OTHER			(74,764,900)	(93,215,100)
SERVICE			(3,431,300)	(4,496,900)
SEGREGATED FUNDS			140,048,800	169,590,300
FEDERAL			(–0–)	(–0–)
OTHER			(140,048,800)	(169,590,300)
SERVICE			(–0–)	(–0–)
LOCAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			312,304,700	356,546,200

Education

20.215 Arts board

(1)	SUPPORT OF ARTS PROJECTS					
(a)	General program operations	GPR	A	290,100	290,100
(b)	State aid for the arts	GPR	A	1,253,200	1,111,500
(c)	Portraits of governors	GPR	A	–0–	–0–
(d)	Challenge grant program	GPR	A	1,000,000	1,000,000
(f)	Wisconsin regranting program	GPR	A	150,000	150,000
(g)	Gifts and grants; state operations	PR	C	4,000	4,000
(h)	Gifts and grants; aids to individuals and organizations	PR	C	–0–	–0–
(k)	Funds received from other state agencies	PR–S	C	–0–	–0–
(ka)	Percent–for–art administration	PR–S	A	49,900	49,900

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(kb)	Information technology development projects		PR–S	A	–0–	–0–
(m)	Federal grants; state operations		PR–F	C	438,400	438,400
(o)	Federal grants; aids to individuals and organizations		PR–F	C	457,600	457,600
	20.215 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES				2,693,300	2,551,600
	PROGRAM REVENUE				949,900	949,900
	FEDERAL				(896,000)	(896,000)
	OTHER				(4,000)	(4,000)
	SERVICE				(49,900)	(49,900)
	TOTAL–ALL SOURCES				3,643,200	3,501,500
20.225	**Educational communications board**					
(1)	INSTRUCTIONAL TECHNOLOGY					
(a)	General program operations		GPR	A	3,994,700	3,797,400
(b)	Energy costs		GPR	A	438,400	443,500
(c)	Principal repayment and interest		GPR	S	633,600	682,500
(d)	Milwaukee area technical college		GPR	A	330,000	330,000
(e)	Distance education projects		GPR	A	107,200	107,200
(eg)	Transmitter construction		GPR	C	–0–	–0–
(er)	Transmitter operation		GPR	A	25,000	25,000
(f)	Programming		GPR	A	1,801,500	1,708,900
(g)	Gifts, grants, contracts and leases		PR	C	5,253,300	5,256,900
(h)	Instructional material		PR	A	325,600	326,500
(k)	Funds received from other state agencies		PR–S	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(ka)	Information technoloogy development projects	PR–S	A	–0–	–0–
(m)	Federal grants	PR–F	C	472,400	472,400
	20.225 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			7,330,400	7,094,500
	PROGRAM REVENUE			6,051,300	6,055,800
	FEDERAL			(472,400)	(472,400)
	OTHER			(5,578,900)	(5,583,400)
	SERVICE			(–0–)	(–0–)
	TOTAL–ALL SOURCES			13,381,700	13,150,300

20.235 Higher educational aids board

(1) STUDENT SUPPORT ACTIVITIES

(b)	Tuition grants	GPR	B	16,050,200	16,050,200
(cg)	Nursing student loans	GPR	A	195,000	100,000
(cr)	Minority teacher loans	GPR	A	30,000	120,000
(d)	Dental education contract	GPR	A	1,167,000	1,167,000
(e)	Minnesota–Wisconsin student reciprocity agreement	GPR	S	–0–	–0–
(fb)	Indian student assistance	GPR	B	779,800	779,800
(fc)	Independent student grants program	GPR	B	200,000	200,000
(fd)	Talent incentive grants	GPR	B	3,933,800	3,933,800
(fe)	Wisconsin higher education grants	GPR	B	25,270,200	14,283,200
(ff)	Wisconsin higher education grants; technical college students	GPR	B	–0–	10,863,200

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(fg)	Minority undergraduate retention grants program		GPR	B	702,100	613,100
(fj)	Handicapped student grants		GPR	B	–0–	123,800
(fy)	Academic excellence higher education scholarship program		GPR	B	2,973,600	3,016,300
(g)	Student loans		PR	A	–0–	–0–
(gg)	Nursing student loan repayments		PR	C	–0–	–0–
(gm)	Indian student assistance; contributions		PR	C	–0–	–0–
(i)	Gifts and grants		PR	C	–0–	–0–
(no)	Federal aid; aids to individuals and organizations		PR–F	C	1,795,100	1,795,100
		(1) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			51,301,700	51,250,400
		PROGRAM REVENUE			1,795,100	1,795,100
		FEDERAL			(1,795,100)	(1,795,100)
		OTHER			(–0–)	(–0–)
		TOTAL–ALL SOURCES			53,096,800	53,045,500
(2)	ADMINISTRATION					
(aa)	General program operations		GPR	A	686,400	–0–
(ba)	Student loan interest		GPR	S	273,800	273,800
(bb)	Student loan interest, loans sold or conveyed		GPR	S	–0–	–0–
(bc)	Write–off of uncollectible student loans		GPR	A	–0–	–0–
(bd)	Purchase of defective student loans		GPR	S	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(ga)	Student interest payments	PR	C	1,000	1,000
(gb)	Student interest payments, loans sold or conveyed	PR	C	–0–	–0–
(ia)	Student loans; collection and administration	PR	C	–0–	–0–
(ja)	Write–off of defaulted student loans	PR	A	–0–	–0–
(ka)	Information technology development projects	PR–S	A	–0–	–0–
(n)	Federal aid; state operations	PR–F	C	2,000	–0–
(qa)	Student loan revenue obligation repayment	SEG	C	–0–	–0–
(qb)	Wisconsin health education loan revenue obligation repayment	SEG	C	184,800	–0–

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	960,200	273,800
PROGRAM REVENUE	3,000	1,000
FEDERAL	(2,000)	(–0–)
OTHER	(1,000)	(1,000)
SERVICE	(–0–)	(–0–)
SEGREGATED FUNDS	184,800	–0–
OTHER	(184,800)	(–0–)
TOTAL–ALL SOURCES	1,148,000	274,800

20.235 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	52,261,900	51,524,200
PROGRAM REVENUE	1,798,100	1,796,100
FEDERAL	(1,797,100)	(1,795,100)
OTHER	(1,000)	(1,000)
SERVICE	(–0–)	(–0–)
SEGREGATED FUNDS	184,800	–0–
OTHER	(184,800)	(–0–)
TOTAL–ALL SOURCES	54,244,800	53,320,300

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
20.245 Historical society						
(1)	ARCHIVES, RESEARCH AND LIBRARY SERVICES					
	(a)	General program operations; archives and research services	GPR	A	1,557,100	1,510,400
	(am)	General program operations; library services	GPR	A	1,866,600	1,816,700
	(b)	Distribution of the history of Wisconsin	GPR	C	35,000	35,000
	(d)	Pilot electronic records program	GPR	A	79,300	79,300
	(e)	Principal repayment, interest and rebates	GPR	S	–0–	–0–
	(g)	Admissions, sales and other receipts	PR	C	402,800	402,800
	(h)	Gifts and grants	PR	C	57,400	57,400
	(k)	Funds received from other state agencies	PR–S	C	–0–	25,000
	(m)	General program operations; federal funds	PR–F	C	149,200	132,800
	(r)	Endowment	SEG	C	116,200	116,200
		(1) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			3,538,000	3,441,400
		PROGRAM REVENUE			609,400	618,000
		FEDERAL			(149,200)	(132,800)
		OTHER			(460,200)	(460,200)
		SERVICE			(–0–)	(25,000)
		SEGREGATED FUNDS			116,200	116,200
		OTHER			(116,200)	(116,200)
		TOTAL–ALL SOURCES			4,263,600	4,175,600

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(2)	HISTORIC SITES					
	(a)	General program operations	GPR	A	321,600	313,000
	(bd)	Stonefield Village	GPR	A	168,100	168,100
	(be)	Pendarvis and First Capitol	GPR	A	162,600	162,600
	(bf)	Villa Louis	GPR	A	120,400	120,400
	(bg)	Old Wade House	GPR	A	178,900	194,400
	(bh)	Madeline Island	GPR	A	6,200	6,200
	(bi)	Old World Wisconsin	GPR	A	572,100	572,100
	(c)	Energy costs	GPR	A	68,000	69,100
	(e)	Principal repayment and interest	GPR	S	527,000	497,600
	(g)	Admissions, sales and other receipts	PR	C	1,488,900	1,488,900
	(h)	Gifts and grants	PR	C	58,000	58,000
	(j)	Self–amortizing facilities; principal repayment, interest and rebates	PR	S	92,000	92,100
	(k)	Funds received from other state agencies	PR–S	C	–0–	–0–
	(m)	General program operations; federal funds	PR–F	C	–0–	–0–
	(r)	Endowment	SEG	C	163,600	163,600

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,124,900	2,103,500
PROGRAM REVENUE	1,638,900	1,639,000
FEDERAL	(–0–)	(–0–)
OTHER	(1,638,900)	(1,639,000)
SERVICE	(–0–)	(–0–)
SEGREGATED FUNDS	163,600	163,600

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(163,600)	(163,600)
		TOTAL–ALL SOURCES			3,927,400	3,906,100
(3)		HISTORIC AND BURIAL SITES PRESERVATION				
	(a)	General program operations	GPR	A	1,067,000	1,038,500
	(d)	Historical markers; state–funded markers and plaques	GPR	A	10,000	10,000
	(g)	Admissions, sales and other receipts	PR	A	1,000	1,000
	(gm)	Excavation and analysis; cataloged burial sites	PR	C	–0–	–0–
	(h)	Gifts and grants	PR	C	16,000	16,000
	(k)	Funds received from other state agencies	PR–S	C	–0–	–0–
	(m)	General program operations; federal funds	PR–F	C	690,300	690,300
	(n)	Federal aids	PR–F	C	–0–	–0–
	(r)	Endowment	SEG	C	–0–	–0–
	(u)	Historic preservation; transportation fund	SEG	C	40,500	40,500
		(3) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			1,077,000	1,048,500
		PROGRAM REVENUE			707,300	707,300
		FEDERAL			(690,300)	(690,300)
		OTHER			(17,000)	(17,000)
		SERVICE			(–0–)	(–0–)
		SEGREGATED FUNDS			40,500	40,500
		OTHER			(40,500)	(40,500)
		TOTAL–ALL SOURCES			1,824,800	1,796,300

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(4)	EXECUTIVE AND ADMINISTRATIVE SERVICES				
(a)	General program operations	GPR	A	1,854,400	1,804,900
(c)	Energy costs	GPR	A	156,400	159,100
(d)	Wisconsin sesquicentennial commission; general program operations	GPR	A	150,000	–0–
(e)	Principal repayment and interest	GPR	S	–0–	–0–
(f)	Humanities grants	GPR	B	–0–	–0–
(g)	Admissions, sales and other receipts	PR	A	232,100	232,100
(h)	Gifts and grants	PR	C	138,400	138,400
(k)	Funds received from other state agencies	PR–S	C	189,400	189,400
(ka)	Information technology development projects	PR–S	A	–0–	–0–
(m)	General program operations; federal funds	PR–F	C	3,000	3,000
(pz)	Indirect cost reimbursements	PR–F	C	95,000	95,000
(q)	Endowment principal	SEG	C	–0–	–0–
(r)	Endowment	SEG	C	120,000	120,000

(4) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,160,800	1,964,000
PROGRAM REVENUE	657,900	657,900
FEDERAL	(98,000)	(98,000)
OTHER	(370,500)	(370,500)
SERVICE	(189,400)	(189,400)
SEGREGATED FUNDS	120,000	120,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
	OTHER			(120,000)	(120,000)
	TOTAL–ALL SOURCES			2,938,700	2,741,900
(5)	MUSEUM				
(a)	General program operations	GPR	A	893,300	869,500
(c)	Energy costs	GPR	A	95,000	96,300
(e)	Principal repayment and interest	GPR	S	394,100	417,700
(g)	Admissions, sales and other receipts	PR	C	209,600	209,600
(h)	Gifts and grants	PR	C	14,600	14,600
(k)	Funds received from other state agencies	PR–S	C	1,054,200	1,054,200
(m)	General program operations; federal funds	PR–F	C	15,300	15,300
(r)	Endowment	SEG	C	11,600	11,600
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,382,400	1,383,500
	PROGRAM REVENUE			1,293,700	1,293,700
	FEDERAL			(15,300)	(15,300)
	OTHER			(224,200)	(224,200)
	SERVICE			(1,054,200)	(1,054,200)
	SEGREGATED FUNDS			11,600	11,600
	OTHER			(11,600)	(11,600)
	TOTAL–ALL SOURCES			2,687,700	2,688,800
	20.245 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			10,283,100	9,940,900
	PROGRAM REVENUE			4,907,200	4,915,900
	FEDERAL			(952,800)	(936,400)
	OTHER			(2,710,800)	(2,710,900)
	SERVICE			(1,243,600)	(1,268,600)
	SEGREGATED FUNDS			451,900	451,900
	OTHER			(451,900)	(451,900)
	TOTAL–ALL SOURCES			15,642,200	15,308,700

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
20.250 Medical college of Wisconsin						
(1)	TRAINING OF HEALTH MANPOWER					
(a)		General program operations	GPR	A	4,171,600	4,105,100
(b)		Department of family and community medicine	GPR	A	3,273,900	3,190,000
(c)		Area health education centers and projects	GPR	A	235,000	235,000
(e)		Principal repayment and interest	GPR	S	469,000	539,200
		20.250 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			8,149,500	8,069,300
		TOTAL–ALL SOURCES			8,149,500	8,069,300
20.255 Public instruction, department of						
(1)	EDUCATIONAL LEADERSHIP					
(a)		General program operations	GPR	A	12,870,400	9,807,100
(b)		General program operations; residential schools	GPR	A	10,040,000	10,044,800
(c)		Energy costs	GPR	A	297,200	302,600
(d)		Principal repayment and interest	GPR	S	858,200	838,100
(dt)		Educational assessment program	GPR	A	1,275,000	1,372,000
(dw)		Pupil assessment	GPR	A	2,575,000	4,140,000
(g)		Student activity therapy	PR	A	6,500	6,500
(gt)		Residential schools; pupil transportation	PR	A	700,000	700,000
(hf)		Administrative leadership academy	PR	A	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(hg)	Personnel licensure, supply, information & improve. & lic. revoc. proceedings	PR	A	2,216,200	2,216,200
(hm)	Services for drivers	PR	A	225,200	225,200
(hr)	Alcohol and other drug abuse program	PR	C	651,900	651,900
(i)	Publications	PR	A	526,100	526,100
(im)	Library products and services	PR	C	580,000	580,000
(jg)	School lunch handling charges	PR	A	2,281,200	2,281,200
(jm)	Professional services center charges	PR	A	117,000	117,000
(jr)	Gifts, grants and trust funds	PR	C	395,000	395,000
(js)	State–owned housing maintenance	PR	A	5,000	5,300
(jz)	School district boundary appeal proceedings	PR	C	10,500	10,500
(ke)	Funds transferred from other state agencies; program operations	PR–S	C	2,049,900	2,049,900
(km)	State agency library processing center	PR–S	A	84,500	84,500
(ks)	Data processing	PR–S	C	1,550,000	1,550,000
(kt)	Information technology development projects	PR–S	A	–0–	–0–
(me)	Federal aids; program operations	PR–F	C	15,227,300	15,227,300
(pz)	Indirect cost reimbursements	PR–F	C	704,000	704,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(u)	Wisconsin health education loan revenue obligation repayment	SEG	C	–0–	100,100
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			27,915,800	26,504,600
	PROGRAM REVENUE			27,330,300	27,330,600
	FEDERAL			(15,931,300)	(15,931,300)
	OTHER			(7,714,600)	(7,714,900)
	SERVICE			(3,684,400)	(3,684,400)
	SEGREGATED FUNDS			–0–	100,100
	OTHER			(–0–)	(100,100)
	TOTAL–ALL SOURCES			55,246,100	53,935,300
(2)	AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
(ac)	General equalization aids	GPR	A	2,321,907,100	3,149,515,800
(b)	Aids for handicapped education	GPR	A	275,548,700	275,548,700
(bc)	Aid for children–at–risk programs	GPR	A	3,500,000	3,500,000
(bh)	Aid to county handicapped children's education boards	GPR	A	2,316,300	2,316,300
(bm)	Minimum state aid and general equalization aids	GPR	A	22,200,000	–0–
(cc)	Bilingual–bicultural education aids	GPR	A	8,291,400	8,291,400
(cg)	Tuition payments	GPR	A	6,620,700	6,620,700
(ci)	Alternative school American Indian language and culture education aid	GPR	A	136,900	136,900
(cm)	Grants for school breakfast programs	GPR	C	150,000	150,000
(cn)	Aids for school lunches and nutritional improvement	GPR	A	4,320,600	4,320,600

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(cp)	Wisconsin morning milk program		GPR	A	325,000	325,000
(cr)	Aid for pupil transportation		GPR	A	17,742,500	17,742,500
(cu)	Achievement guarantee contracts		GPR	A	196,000	4,591,000
(cw)	Aid for transportation to institutions of higher education		GPR	A	20,000	20,000
(d)	Youth initiatives program		GPR	A	500,000	–0–
(dc)	Professional development		GPR	A	400,000	–0–
(dm)	Grants for early alcohol & other drug abuse prevention & intervention prog.		GPR	A	2,720,000	2,720,000
(do)	Grants for preschool to grade 5 programs		GPR	A	6,670,000	6,670,000
(ds)	Management restructuring programs		GPR	A	–0–	–0–
(ec)	Aid to Milwaukee public schools		GPR	A	8,000,000	8,000,000
(ed)	Youth service centers, truancy abatement and burglary suppression		GPR	A	585,000	–0–
(ee)	Environmental education grants		GPR	A	200,000	200,000
(ef)	Collaborative projects		GPR	A	300,000	–0–
(eg)	Collaborative service programs		GPR	A	325,000	–0–
(eh)	Head start supplement		GPR	A	4,950,000	4,950,000
(fg)	Aid for cooperative educational service agencies		GPR	A	607,200	607,200

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(fu)	Milwaukee parental choice program		GPR	S	17,000,000	39,000,000
(fy)	Youth alcohol and other drug abuse programs		GPR	A	2,000,000	1,800,000
(g)	Aid for alcohol and other drug abuse programs		PR	C	1,234,500	1,296,200
(k)	Funds transferred from other state agencies; local aids		PR–S	C	10,005,200	10,005,200
(m)	Federal aids; local aid		PR–F	C	263,233,400	263,233,400
(r)	Driver education; local assistance		SEG	A	4,734,000	5,006,300
(ra)	Environmental education; environmental assessments		SEG	C	2,000	30,000
(s)	School library aids		SEG	C	14,200,000	14,300,000
(t)	School aids from the badger fund		SEG	C	–0–	–0–
(u)	Aid for handicapped education transportation		SEG	A	–0–	–0–
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			2,707,532,400	3,537,026,100
		PROGRAM REVENUE			274,473,100	274,534,800
		FEDERAL			(263,233,400)	(263,233,400)
		OTHER			(1,234,500)	(1,296,200)
		SERVICE			(10,005,200)	(10,005,200)
		SEGREGATED FUNDS			18,936,000	19,336,300
		OTHER			(18,936,000)	(19,336,300)
		TOTAL–ALL SOURCES			3,000,941,500	3,830,897,200
(3)	AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS					
(e)	Aid to public library systems		GPR	A	11,772,200	11,772,200
(ea)	Library service contracts		GPR	A	865,100	865,100

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(eb)	Youth village program	GPR	A	232,000	232,000
(ec)	Wisconsin geography alliance	GPR	A	40,000	–0–
(ed)	Wisconsin institute for school executives	GPR	A	–0–	–0–
(fa)	Very special arts	GPR	A	75,000	75,000
(fg)	Special olympics	GPR	A	75,000	75,000
(fz)	Minority group pupil scholarships	GPR	A	1,000,000	1,000,000
(mm)	Federal funds; local assistance	PR–F	C	1,009,000	1,009,000
(ms)	Federal funds; individuals and organizations	PR–F	C	34,937,900	39,274,400
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			14,059,300	14,019,300
	PROGRAM REVENUE			35,946,900	40,283,400
	FEDERAL			(35,946,900)	(40,283,400)
	TOTAL–ALL SOURCES			50,006,200	54,302,700
(4)	PROPRIETARY SCHOOLS				
(g)	Proprietary school operations	PR	A	–0–	253,300
(m)	Federal aid	PR–F	C	–0–	295,200
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			–0–	548,500
	FEDERAL			(–0–)	(295,200)
	OTHER			(–0–)	(253,300)
	TOTAL–ALL SOURCES			–0–	548,500
	20.255 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,749,507,500	3,577,550,000
	PROGRAM REVENUE			337,750,300	342,697,300
	FEDERAL			(315,111,600)	(319,743,300)
	OTHER			(8,949,100)	(9,264,400)
	SERVICE			(13,689,600)	(13,689,600)
	SEGREGATED FUNDS			18,936,000	19,436,400

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(18,936,000)	(19,436,400)
		TOTAL–ALL SOURCES			3,106,193,800	3,939,683,700
20.265		**Office of the state superintendent of public instruction**				
(1)		ADMINISTRATION				
	(a)	General program operations	GPR	A	196,700	393,300
		20.265 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			196,700	393,300
		TOTAL–ALL SOURCES			196,700	393,300
20.285		**University of Wisconsin system**				
(1)		UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
	(a)	General program operations	GPR	A	690,022,500	670,847,700
	(ab)	Student aid	GPR	A	1,315,300	1,315,300
	(am)	Distinguished professorships	GPR	A	622,800	622,800
	(as)	Industrial and economic development research	GPR	A	1,392,300	1,392,300
	(b)	Area health education centers	GPR	A	235,000	235,000
	(c)	Energy costs	GPR	A	40,456,700	41,681,100
	(d)	Principal repayment and interest	GPR	S	65,125,500	62,982,600
	(da)	Lease rental payments	GPR	S	–0–	–0–
	(db)	Self–amortizing facilities principal and interest	GPR	S	–0–	–0–
	(em)	Schools of business	GPR	A	1,360,000	1,360,000
	(eo)	Extension outreach	GPR	A	278,300	278,300

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(fc)	Department of family medicine and practice		GPR	A	6,345,100	6,345,100
(fd)	State laboratory of hygiene; general program operations		GPR	A	5,767,200	5,470,400
(fh)	State laboratory of hygiene; principal repayment and interest		GPR	S	–0–	–0–
(fm)	Laboratories		GPR	A	4,183,200	4,183,200
(fs)	Farm safety program grants		GPR	A	20,000	20,000
(fx)	Alcohol and other drug abuse prevention and intervention		GPR	A	86,400	86,400
(g)	Physical plant service departments		PR	C	–0–	–0–
(ga)	Surplus auxiliary funds		PR	C	–0–	–0–
(gm)	Auxiliary enterprises building projects		PR	C	11,598,000	11,598,000
(gr)	Center for urban land economics research		PR	A	175,000	175,000
(h)	Auxiliary enterprises		PR	C	291,175,300	291,211,800
(ha)	Stores		PR	C	5,553,600	5,553,600
(hm)	Extension outreach		PR	C	167,700	167,700
(i)	State laboratory of hygiene		PR	C	14,097,800	14,097,800
(ia)	State laboratory of hygiene, drivers		PR	C	594,700	603,100
(ih)	State laboratory of hygiene; principal repayment and interest		PR	S	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(im)	Degree credit instruction		PR	A	376,556,500	384,506,900
(iz)	General operations receipts		PR	C	59,701,800	59,701,800
(j)	Gifts and donations		PR	C	189,227,600	202,171,600
(ja)	Gifts; student loans		PR	C	3,398,600	3,398,600
(jm)	Distinguished professorships		PR	C	417,800	417,800
(jp)	License plate scholarship programs		PR	C	–0–	–0–
(k)	Funds transferred from other state agencies		PR–S	C	–0–	–0–
(ka)	Sale of real property		PR	C	–0–	–0–
(kb)	University of Wisconsin Hospitals and Clinics		PR	A	268,937,100	–0–
(kc)	Information technology development projects		PR–S	A	–0–	–0–
(kd)	Principal repayment, interest and rebates		PR–S	S	15,194,200	19,041,000
(ke)	Lease rental payments		PR–S	S	209,000	209,000
(L)	Recycling market development; repayments		PR	C	–0–	–0–
(Lm)	Laboratories		PR	A	4,405,400	4,405,400
(Ls)	Schools of business		PR	A	592,300	592,300
(m)	Federal aid		PR–F	C	299,390,400	321,705,400
(ma)	Federal aid; loans and grants		PR–F	C	148,427,000	152,434,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(n)	Federal indirect cost reimbursement	PR–F	C	67,448,700	72,574,700
(s)	Recycling market development board; operations	SEG	A	317,200	317,200
(t)	Recycling market development board; assistance	SEG	B	7,980,800	8,343,000
(tb)	Extension recycling education	SEG	A	820,000	857,800
(u)	Trust fund income	SEG	C	15,503,300	15,503,300
(w)	Trust fund operations	SEG	C	–0–	–0–
(x)	Driver education teachers	SEG	C	61,000	61,000
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			817,210,300	796,820,200
	PROGRAM REVENUE			1,757,268,500	1,544,565,500
	FEDERAL			(515,266,100)	(546,714,100)
	OTHER			(1,226,599,200)	(978,601,400)
	SERVICE			(15,403,200)	(19,250,000)
	SEGREGATED FUNDS			24,682,300	25,082,300
	OTHER			(24,682,300)	(25,082,300)
	TOTAL–ALL SOURCES			2,599,161,100	2,366,468,000
(3)	UNIVERSITY SYSTEM ADMINISTRATION				
(a)	General program operations	GPR	A	9,156,500	8,517,600
(iz)	General operations receipts	PR	C	233,200	233,200
(ka)	Information technology development projects; system administration	PR–S	A	–0–	–0–
(n)	Federal indirect cost reimbursement	PR–F	C	1,469,300	1,675,000
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,156,500	8,517,600

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		PROGRAM REVENUE			1,702,500	1,908,200
		FEDERAL			(1,469,300)	(1,675,000)
		OTHER			(233,200)	(233,200)
		SERVICE			(–0–)	(–0–)
		TOTAL–ALL SOURCES			10,859,000	10,425,800
(4)		MINORITY AND DISADVANTAGED PROGRAMS				
	(a)	Minority and disadvantaged programs	GPR	A	7,046,600	7,046,600
	(b)	Advanced opportunity program	GPR	A	3,798,800	3,798,800
	(dc)	Minority teacher loans	GPR	A	100,000	–0–
	(dd)	Lawton minority undergraduate grants program	GPR	A	2,006,900	2,006,900
	(de)	Pilot minority student tuition award program	GPR	A	–0–	–0–
		(4) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			12,952,300	12,852,300
		TOTAL–ALL SOURCES			12,952,300	12,852,300
(5)		UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				
	(a)	General program operations	GPR	A	561,700	561,700
	(h)	Auxiliary enterprises	PR	A	19,989,500	20,131,700
	(i)	Nonincome sports	PR	C	250,100	250,100
	(j)	Gifts and grants	PR	C	3,108,400	3,108,400
		(5) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			561,700	561,700
		PROGRAM REVENUE			23,348,000	23,490,200
		OTHER			(23,348,000)	(23,490,200)
		TOTAL–ALL SOURCES			23,909,700	24,051,900
(6)		UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(a)	Services received from authority	GPR	A	–0–	–0–
(g)	Services provided to authority	PR	C	–0–	–0–
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			–0–	–0–
	PROGRAM REVENUE			–0–	–0–
	OTHER			(–0–)	(–0–)
	TOTAL–ALL SOURCES			–0–	–0–
	20.285 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			839,880,800	818,751,800
	PROGRAM REVENUE			1,782,319,000	1,569,963,900
	FEDERAL			(516,735,400)	(548,389,100)
	OTHER			(1,250,180,400)	(1,002,324,800)
	SERVICE			(15,403,200)	(19,250,000)
	SEGREGATED FUNDS			24,682,300	25,082,300
	OTHER			(24,682,300)	(25,082,300)
	TOTAL–ALL SOURCES			2,646,882,100	2,413,798,000
20.292	**Technical college system**				
(1)	TECHNICAL COLLEGE SYSTEM				
(a)	General program operations	GPR	A	2,684,800	2,592,600
(b)	Displaced homemakers' program	GPR	A	851,700	851,700
(bm)	Workplace literacy resource center	GPR	A	–0–	–0–
(c)	Minority student participation and retention grants	GPR	A	617,000	617,000
(ce)	Basic skills grants	GPR	A	100,000	100,000
(cm)	Technical preparation aid	GPR	A	–0–	–0–
(d)	State aid for technical colleges	GPR	A	110,199,200	110,199,200
(dc)	Incentive grants	GPR	C	7,888,100	7,888,100
(dd)	Farm training program tuition grants	GPR	A	150,000	150,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(de)	Services for handicapped students; local assistance	GPR	A	200,000	200,000
(dm)	Aid for special collegiate transfer programs	GPR	A	1,124,300	1,124,300
(e)	Technical college instructor occupational competency program	GPR	A	71,300	71,300
(em)	Apprenticeship curriculum development	GPR	A	75,000	75,000
(f)	Alcohol and other drug abuse prevention and intervention	GPR	A	525,000	525,000
(fm)	Supplemental aid	GPR	A	1,500,000	1,500,000
(g)	Text materials	PR	A	123,000	123,000
(gm)	Fire schools; state operations	PR	A	267,800	267,800
(gr)	Fire schools; local assistance	PR	A	500,000	500,000
(gt)	Telecommunications retraining	PR	C	–0–	–0–
(h)	Gifts and grants	PR	C	20,600	20,600
(i)	Conferences	PR	C	85,900	85,900
(j)	Personnel certification	PR	A	199,900	199,900
(k)	Gifts and grants	PR	C	30,200	30,200
(ka)	Interagency projects; local assistance	PR–S	A	3,414,700	3,414,700
(kb)	Interagency projects; state operations	PR–S	A	768,200	768,200

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(kc)	Information technology development projects	PR–S	A	–0–	–0–
(L)	Services for district boards	PR	A	40,300	40,300
(m)	Federal aid, state operations	PR–F	C	2,658,800	2,659,300
(n)	Federal aid, local assistance	PR–F	C	26,074,300	26,074,300
(o)	Federal aid, aids to individuals and organizations	PR–F	C	200,000	200,000
(pz)	Indirect cost reimbursements	PR–F	C	36,000	36,000
(r)	Emergency medical technician — basic training; state operations	SEG	A	180,400	180,400
(u)	Driver education, local assistance	SEG	A	322,000	322,000
(v)	Chauffeur training grants	SEG	C	200,000	200,000

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	125,986,400	125,894,200
PROGRAM REVENUE	34,419,700	34,420,200
FEDERAL	(28,969,100)	(28,969,600)
OTHER	(1,267,700)	(1,267,700)
SERVICE	(4,182,900)	(4,182,900)
SEGREGATED FUNDS	702,400	702,400
OTHER	(702,400)	(702,400)
TOTAL–ALL SOURCES	161,108,500	161,016,800

(2) EDUCATIONAL APPROVAL BOARD

(a)	General program operations	GPR	A	–0–	–0–
(g)	Proprietary school programs	PR	A	243,500	–0–
(m)	Federal aid	PR–F	C	285,400	–0–

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	–0–	–0–
PROGRAM REVENUE	528,900	–0–
FEDERAL	(285,400)	(–0–)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
OTHER			(243,500)	(–0–)
TOTAL–ALL SOURCES			528,900	–0–
20.292 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			125,986,400	125,894,200
PROGRAM REVENUE			34,948,600	34,420,200
FEDERAL			(29,254,500)	(28,969,600)
OTHER			(1,511,200)	(1,267,700)
SERVICE			(4,182,900)	(4,182,900)
SEGREGATED FUNDS			702,400	702,400
OTHER			(702,400)	(702,400)
TOTAL–ALL SOURCES			161,637,400	161,016,800
Education FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			3,796,289,600	4,601,769,800
PROGRAM REVENUE			2,168,724,400	1,960,799,100
FEDERAL			(865,219,800)	(901,201,900)
OTHER			(1,268,935,400)	(1,021,156,200)
SERVICE			(34,569,200)	(38,441,000)
SEGREGATED FUNDS			44,957,400	45,673,000
FEDERAL			(–0–)	(–0–)
OTHER			(44,957,400)	(45,673,000)
SERVICE			(–0–)	(–0–)
LOCAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			6,009,971,400	6,608,241,900

Environmental Resources

20.315 Boundary area commission, Minnesota-Wisconsin

(1)	BOUNDARY AREA COOPERATION					
(a)	General program operations	GPR	A	68,300	68,400
(g)	Gifts or grants	PR	C	90,000	90,000
(ka)	Information technology development projects	PR–S	A	–0–	–0–
(q)	General program operations — conservation fund	SEG	A	81,600	81,600
20.315 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				68,300	68,400

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
PROGRAM REVENUE			90,000	90,000
OTHER			(90,000)	(90,000)
SERVICE			(–0–)	(–0–)
SEGREGATED FUNDS			81,600	81,600
OTHER			(81,600)	(81,600)
TOTAL–ALL SOURCES			239,900	240,000
20.320 Clean water fund program				
(1) CLEAN WATER FUND OPERATIONS				
(a) Environmental aids — clean water fund	GPR	A	–0–	–0–
(c) Principal repayment and interest — clean water fund	GPR	S	18,583,900	23,506,400
(d) Clean water fund loan capital	GPR	A	2,141,700	1,649,400
(r) Clean water fund repayment of revenue obligations	SEG	S	–0–	–0–
(s) Clean water fund financial assistance	SEG	S	–0–	–0–
(t) Principal repayment and interest — clean water fund bonds	SEG	C	4,000,000	4,000,000
(u) Principal repay. & interest – clean water fd. revenue obligation repayment	SEG	C	–0–	–0–
20.320 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			20,725,600	25,155,800
SEGREGATED FUNDS			4,000,000	4,000,000
OTHER			(4,000,000)	(4,000,000)
TOTAL–ALL SOURCES			24,725,600	29,155,800

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
20.360 Lower Wisconsin state riverway board						
(1)	CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY					
	(a)	General program operations	GPR	A	29,200	29,200
	(g)	Gifts and grants	PR	C	–0–	–0–
	(ka)	Information technology development projects	PR–S	A	–0–	–0–
	(q)	General program operations — conservation fund	SEG	A	77,400	77,400
20.360 DEPARTMENT TOTALS						
GENERAL PURPOSE REVENUES					29,200	29,200
PROGRAM REVENUE					–0–	–0–
OTHER					(–0–)	(–0–)
SERVICE					(–0–)	(–0–)
SEGREGATED FUNDS					77,400	77,400
OTHER					(77,400)	(77,400)
TOTAL–ALL SOURCES					106,600	106,600
20.370 Natural resources, department of						
(1)	RESOURCE MANAGEMENT					
	(cq)	Forestry — reforestation	SEG	C	100,000	100,000
	(cr)	Forestry — recording fees	SEG	C	69,300	80,000
	(cs)	Forestry — forest fire emergencies	SEG	C	–0–	–0–
	(ea)	Parks — general program operations	GPR	A	5,597,500	5,341,300
	(eq)	Parks and forests – operation and maintenance	SEG	S	–0–	–0–
	(er)	Parks and state forests – recycling activities	SEG	A	68,800	68,800

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(fb)	Endangered resources — general program operations	GPR	A	–0–	–0–
(fc)	Endangered resources — Wisconsin stewardship program	GPR	A	–0–	–0–
(fd)	Endangered resources — natural heritage inventory program	GPR	A	195,100	193,300
(fe)	Endangered resources — general fund	GPR	S	500,000	500,000
(fs)	Endangered resources — voluntary payments and fees	SEG	C	816,500	697,000
(gg)	Ice age trail — gifts and grants	PR	C	–0–	–0–
(gh)	State trails — gifts and grants	PR	C	–0–	–0–
(gr)	Endangered resources program — gifts and grants	SEG	C	–0–	–0–
(hq)	Resource acquisition & develop. — Mississippi & St. Croix rivers management	SEG	C	62,500	62,500
(hr)	Resource acquisition and development — pheasant restoration	SEG	C	340,000	340,000
(hs)	Resource acquisition and development — fish and wildlife habitat projects	SEG	C	283,300	283,300

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(ht)	Resource acquisition and development – wild turkey restoration		SEG	C	135,000	150,000
(ib)	Shoreline protection study		GPR	C	–0–	–0–
(is)	Lake research; voluntary contributions		SEG	C	15,000	15,000
(it)	Atlas revenues		SEG	C	–0–	–0–
(jr)	Rental property and equipment — maintenance and replacement		SEG	C	–0–	–0–
(kb)	Resource maintenance and development — state funds		GPR	C	1,349,200	1,278,200
(kp)	Resource acquisition and development — boating access		SEG	C	200,000	200,000
(kq)	Resource acquisition and development — taxes and assessments		SEG	A	300,000	300,000
(kr)	Resource acquisition and development — nonmotorized boating improvements		SEG	C	–0–	–0–
(ks)	Resource acquisition and development — state funds		SEG	C	333,500	404,500
(kt)	Resource acquisition and development — wetlands habitat improvement		SEG	C	256,600	256,700

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(ku)	Resource acquisition and development — Great Lakes trout and salmon	SEG	C	917,600	917,600
(kv)	Resource acquisition and development — trout habitat improvement	SEG	C	954,800	954,800
(ky)	Resource acquisition and development — federal funds	SEG–F	C	2,620,500	2,620,500
(kz)	Resource acquisition & development — boating access to southeastern lakes	SEG	C	100,000	100,000
(Lq)	Trapper education program	SEG	C	13,200	13,200
(Lr)	Beaver control; fish and wildlife account	SEG	C	100,000	100,000
(Ls)	Control of wild animals	SEG	C	100,000	100,000
(Lu)	Handling fees	SEG	C	–0–	380,000
(ma)	General program operations — state funds	GPR	A	1,846,200	1,823,800
(mg)	General program operations — endangered resources	PR	C	–0–	–0–
(mi)	General program operations — private and public sources	PR	C	1,209,000	1,209,000
(mk)	General program operations — service funds	PR–S	C	479,700	479,700

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(mq)	General program operations — state snowmobile trails and areas	SEG	A	153,800	153,800
(mr)	General program operations — state park, forest and riverway roads	SEG	C	1,900,000	1,900,000
(ms)	General program operations — state all–terrain vehicle projects	SEG	A	40,000	40,000
(mt)	General program operations — environmental fund	SEG	A	277,100	277,100
(mu)	General program operations — state funds	SEG	A	–0–	–0–
	License administration	SEG	A	2,182,000	2,093,500
	Fisheries management	SEG	A	12,802,000	12,826,100
	Wildlife management	SEG	A	8,762,400	8,762,400
	Forestry	SEG	A	25,972,800	25,972,800
	Southern forests	SEG	A	2,921,900	2,921,900
	Parks and recreation	SEG	A	5,453,100	5,618,800
	Aeronautics and communications	SEG	A	900,400	900,400
	Research	SEG	A	2,137,900	2,067,900
	Property management	SEG	A	4,162,600	4,081,800
	NET APPROPRIATION			65,295,100	65,245,600
(my)	General program operations — federal funds	SEG–F	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
	Fisheries management	SEG–F	C	4,013,200	4,013,200
	Wildlife management	SEG–F	C	2,520,500	2,520,500
	Forestry	SEG–F	C	715,500	679,600
	Southern forests	SEG–F	C	127,700	127,700
	Parks and recreation	SEG–F	C	464,200	464,200
	Endangered resources	SEG–F	C	308,000	308,000
	Research	SEG–F	C	2,328,400	2,328,400
	Property management	SEG–F	C	932,800	932,800
	NET APPROPRIATION			11,410,300	11,374,400
(mz)	Forest fire emergencies — federal funds	SEG–F	C	–0–	–0–
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,488,000	9,136,600
	PROGRAM REVENUE			1,688,700	1,688,700
	OTHER			(1,209,000)	(1,209,000)
	SERVICE			(479,700)	(479,700)
	SEGREGATED FUNDS			86,862,900	87,134,800
	FEDERAL			(14,030,800)	(13,994,900)
	OTHER			(72,832,100)	(73,139,900)
	TOTAL–ALL SOURCES			98,039,600	97,960,100
(2)	ENVIRONMENTAL QUALITY				
(af)	Water resources — remedial action	GPR	C	315,000	250,000
(ah)	Water resources — Great Lakes protection fund	PR	C	229,000	229,000
(aq)	Water resources management — lake and river management	SEG	A	1,394,500	1,352,700

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(ar)	Water resources – groundwater management		SEG	B	200,000	200,000
(bg)	Air management — stationary sources		PR	A	7,739,200	7,804,000
(bj)	Storm water management — fees		PR	A	128,300	128,300
(bL)	Wastewater management — fees		PR	C	–0–	–0–
(bq)	Air management — vapor recovery administration		SEG	A	80,000	80,000
(br)	Air management — mobile sources		SEG	A	1,601,300	1,375,200
(cg)	Air management — recovery of ozone–depleting refrigerants		PR	A	97,900	97,900
(ch)	Air management — emission analysis		PR	C	–0–	–0–
(ci)	Air management — permit review and enforcement		PR	A	1,395,200	1,417,200
(cj)	Air management — acid deposition activities		PR	A	354,000	–0–
(cL)	Air waste management — incinerator operator certification		PR	C	–0–	–0–
(cq)	Air manage. — motor vehicle emission inspec. and maint. program, state funds		SEG	A	57,900	57,900

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(dg)	Solid waste management — solid and hazardous waste disposal administration	PR	C	1,977,200	1,981,200
(dh)	Solid waste management–remediated property	PR	C	–0–	147,500
(di)	Solid waste management — operator certification	PR	C	–0–	–0–
(dj)	Waste tire removal and recovery programs; program activities	PR	A	3,750,000	1,750,000
(dL)	Waste tire removal and recovery programs; administration	PR	A	484,300	487,600
(dq)	Solid waste management — waste management fund	SEG	C	–0–	–0–
(dt)	Solid waste management — closure and long–term care	SEG	C	–0–	–0–
(dv)	Solid waste management — environmental repair; spills; abandoned containers	SEG	C	2,449,500	2,431,500
(dw)	Solid waste management — environmental repair; petroleum spills; admin.	SEG	A	679,600	–0–
(dy)	Solid waste mgt. — corrective action; proofs of financial responsibility	SEG	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(dz)	Solid waste mgt. — corr. action; moneys recovered from assess. & legal action	SEG	C	–0–	–0–
(eg)	Solid waste facility siting board fee	PR	C	–0–	–0–
(eh)	Solid waste management — source reduction review	PR	C	–0–	–0–
(ei)	Air management — asbestos management	PR	C	351,800	351,800
(fj)	Environmental quality — laboratory certification	PR	A	447,400	451,400
(fr)	Cooperative remedial action; contributions	SEG	C	–0–	–0–
(fs)	Cooperative remedial action; interest on contributions	SEG	S	–0–	–0–
(gh)	Mining — mining regulation and administration	PR	A	73,500	60,900
(gi)	Mining — nonmetallic mining regulation and administration	PR	C	–0–	–0–
(gr)	Solid waste management — mining programs	SEG	C	–0–	–0–
(hq)	Recycling; administration	SEG	A	1,204,300	1,196,800
(ma)	General program operations — state funds	GPR	A	–0–	–0–
	Water resources management	GPR	A	5,397,600	5,237,100

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
	Wastewater management	GPR	A	6,083,700	5,970,000
	Solid and hazardous waste management	GPR	A	2,750,800	2,650,800
	Water supply management	GPR	A	3,502,500	3,502,500
	Technical services	GPR	A	1,065,900	985,900
	NET APPROPRIATION			18,800,500	18,346,300
(mi)	General program operations — private and public sources	PR	C	60,600	60,600
(mk)	General program operations — service funds	PR–S	C	614,100	582,300
(mm)	General program operations — federal funds	PR–F	C	–0–	–0–
	Water resources management	PR–F	C	1,773,100	1,707,800
	Wastewater management	PR–F	C	1,101,100	1,101,500
	Air management	PR–F	C	2,973,200	2,973,200
	Solid and hazardous waste management	PR–F	C	3,045,300	3,017,700
	Water supply management	PR–F	C	1,798,100	1,798,100
	Technical services	PR–F	C	63,000	63,000
	NET APPROPRIATION			10,753,800	10,661,300
(mq)	General program operations — environmental fund	SEG	A	–0–	–0–
	Water resources management	SEG	A	453,200	453,200

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
	Wastewater management	SEG	A	337,600	337,600
	Solid and hazardous waste management	SEG	A	2,282,600	2,275,100
	Water supply management	SEG	A	1,027,200	1,059,500
	Technical services	SEG	A	99,800	99,800
	NET APPROPRIATION			4,200,400	4,225,200
(mr)	General program operations — nonpoint source	SEG	A	408,100	410,700
(mt)	General program operations — clean water fund program; state funds	SEG	A	423,200	427,300
(mu)	Petroleum inspection fd. suppl. to env. fd.; env. repair and well comp.	SEG–S	A	1,049,400	1,049,400
(mw)	Petroleum inspection fd. supplement to environ. fd.; groundwater management	SEG–S	A	759,800	759,800
(mx)	General program operations — clean water fund program; federal funds	SEG–F	C	611,400	486,400
(my)	General program operations — environmental fund; federal funds	SEG–F	C	3,536,800	3,777,100

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	19,115,500	18,596,300
PROGRAM REVENUE	28,456,300	26,211,000
FEDERAL	(10,753,800)	(10,661,300)
OTHER	(17,088,400)	(14,967,400)
SERVICE	(614,100)	(582,300)
SEGREGATED FUNDS	18,656,200	17,830,000

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		FEDERAL			(4,148,200)	(4,263,500)
		OTHER			(12,698,800)	(11,757,300)
		SERVICE			(1,809,200)	(1,809,200)
		TOTAL–ALL SOURCES			66,228,000	62,637,300
	(3)	ENFORCEMENT				
	(aq)	Law enforcement — snowmobile enforcement and safety training	SEG	A	522,500	522,500
	(ar)	Law enforcement — boat enforcement and safety training	SEG	A	1,556,000	1,556,000
	(as)	Law enforcement — all–terrain vehicle enforcement	SEG	A	110,200	110,200
	(aw)	Law enforcement — car kill deer	SEG	A	192,500	210,000
	(ay)	Law enforcement — car kill deer; transportation fund	SEG	A	192,500	210,000
	(bh)	Water regulation & zoning — dam inspections & safety admin.; general fund	PR	A	–0–	–0–
	(bi)	Water regulation and zoning — fees	PR	C	168,700	168,700
	(br)	Water reg. & zoning — dam safety & wetland mapping, conservation fund	SEG	A	481,900	481,900
	(dg)	Environmental impact — consultant services; printing and postage costs	PR	C	–0–	–0–
	(dh)	Environmental impact — power projects	PR	C	168,300	168,300

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(di) Environmental consulting costs — federal power projects	PR	A	62,000	–0–
(ma) General program operations — state funds	GPR	A	6,071,100	5,790,600
(mi) General program operations — private and public sources	PR	C	–0–	–0–
(mk) General program operations — service funds	PR–S	C	829,700	829,700
(mm) General program operations — federal funds	PR–F	C	609,900	609,900
(mq) General program operations — environmental fund	SEG	A	764,600	754,600
(mu) General program operations — state funds	SEG	A	11,114,600	11,104,600
(my) General program operations — federal funds	SEG–F	C	1,186,800	1,186,800
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			6,071,100	5,790,600
PROGRAM REVENUE			1,838,600	1,776,600
FEDERAL			(609,900)	(609,900)
OTHER			(399,000)	(337,000)
SERVICE			(829,700)	(829,700)
SEGREGATED FUNDS			16,121,600	16,136,600
FEDERAL			(1,186,800)	(1,186,800)
OTHER			(14,934,800)	(14,949,800)
TOTAL–ALL SOURCES			24,031,300	23,703,800
(5) CONSERVATION AIDS				
(aq) Resource aids – Canadian agencies migratory waterfowl aids	SEG	C	128,300	128,400

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(ar)	Resource aids – county conservation aids	SEG	C	150,000	150,000
(as)	Recreation aids – fish, wildlife, and forestry recreation aids	SEG	C	230,000	230,000
(aw)	Res. aids – nonprofit conserv. organiz.; MI–WI Boundary Area Commission	SEG	B	–0–	–0–
(ax)	Resource aids – lake states wood utilization consortium	SEG	C	100,000	100,000
(bq)	Resource aids – county forest loans; severance share payments	SEG	C	–0–	–0–
(br)	Resource aids – forest croplands and managed forest land aids	SEG	A	1,250,000	1,250,000
(bs)	Resource aids – county forest loans	SEG	A	622,400	622,400
(bt)	Resource aids – county forest project loans	SEG	C	400,000	400,000
(bu)	Resource aids – county forest project loans; severance share payments	SEG	C	–0–	–0–
(bv)	Res. aids – county forests, forest croplands and managed forest land aids	SEG	S	1,173,100	1,196,300
(bw)	Resource aids – urban forestry and county forest administrator grants	SEG	A	632,900	632,900

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(bx)	Resource aids – national forest income aids	PR–F	C	782,200	782,200
(cq)	Recreation aids – recreational boating projects; Milwaukee river study	SEG	C	4,947,000	4,947,000
(cr)	Recreation aids – county snowmobile trail and area aids	SEG	C	1,200,200	1,200,200
(cs)	Recreation aids – snowmobile trail areas	SEG	C	3,204,200	3,042,800
(ct)	Recreation aids – all–terrain vehicle project aids; gas tax payment	SEG	C	366,400	389,800
(cu)	Recreation aids — all–terrain vehicle project aids	SEG	C	170,700	164,900
(cv)	Recreation aids — motorcycle recreation aids; trails	SEG	A	197,500	197,500
(cw)	Recreation aids – badger fund	SEG	C	–0–	–0–
(cy)	Recreation and resource aids, federal funds	SEG–F	C	183,900	183,900
(da)	Aids in lieu of taxes	GPR	S	1,450,000	1,570,000
(dq)	Aids in lieu of taxes	SEG	S	825,000	800,000
(dx)	Resource aids — payment in lieu of taxes; federal	PR–F	C	440,000	440,000

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(ea)	Enforcement aids — spearfishing enforcement		GPR	C	10,000	10,000
(eq)	Enforcement aids — boating enforcement		SEG	A	1,100,000	1,100,000
(er)	Enforcement aids — all–terrain vehicle enforcement		SEG	A	22,000	22,000
(es)	Enforcement aids — snowmobiling enforcement		SEG	A	200,000	200,000
(ex)	Enforcement aids — federal funds		SEG–F	C	–0–	–0–
(fa)	Wildlife damage claims – general fund		GPR	A	–0–	–0–
(fq)	Wildlife damage claims and abatement		SEG	C	1,408,400	1,408,400
(ga)	Education programs — state funds		GPR	A	–0–	–0–
(gb)	Education programs – program fees		PR	A	40,000	40,000
(gq)	Education programs — conservation fund		SEG	A	185,100	185,100
(gr)	Education programs – environmental fund		SEG	A	165,200	165,200
(gx)	Youth and education programs — federal funds		SEG–F	C	–0–	–0–
(hL)	Water resources — Fox River management; fees		PR	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(hu)	Water resources – Fox River management	SEG	B	121,700	121,700
(hx)	Water resources – Fox river management; federal moneys	SEG–F	C	–0–	–0–
(mk)	General program operations — service funds	PR–S	C	–0–	–0–
(mu)	Aids administration — general program operations, state funds	SEG	A	778,600	778,600
(mv)	Aids administration — wildlife damage claims and abatement	SEG	A	55,500	55,500
(mw)	Aids administration — snowmobile recreation	SEG	A	128,400	128,400
(my)	Aids administration — general program operations, federal funds	SEG–F	C	139,100	96,200

(5) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	1,460,000	1,580,000
PROGRAM REVENUE	1,262,200	1,262,200
FEDERAL	(1,222,200)	(1,222,200)
OTHER	(40,000)	(40,000)
SERVICE	(–0–)	(–0–)
SEGREGATED FUNDS	20,085,600	19,897,200
FEDERAL	(323,000)	(280,100)
OTHER	(19,762,600)	(19,617,100)
TOTAL–ALL SOURCES	22,807,800	22,739,400

(6) ENVIRONMENTAL AIDS

(aa)	Environmental aids – non–point source	GPR	B	1,893,400	6,363,600
(aq)	Environmental aids — non–point source program	SEG	B	6,605,300	6,705,300

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(ar)	Environmental aids – lakes management grants	SEG	C	1,353,300	1,353,300
(as)	Environmental aids – lakes managment planning grants	SEG	C	622,100	622,100
(at)	Environmental aids — nonpoint source contracts	SEG	B	1,600,000	1,500,000
(ba)	Environmental aids — dump closure cost share	GPR	C	1,250,800	1,247,700
(bj)	Environmental aids — waste reduction and recycling grants and gifts	PR	C	–0–	–0–
(bq)	Environmental aids – municipal and county recycling grants	SEG	S	29,200,000	29,200,000
(br)	Environmental aids – waste reduction and recycling demonstration grants	SEG	C	1,000,000	1,000,000
(bs)	Environmental aids – household hazardous waste	SEG	A	150,000	150,000
(bt)	Environmental aids – lake states wood utilization consortium	SEG	C	100,000	100,000
(ca)	Environmental aids – scenic urban waterways	GPR	C	–0–	–0–
(cm)	Environmental aids – federal funds	PR–F	C	75,000	75,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(cq)	Environmental aids – vapor recovery grants	SEG	C	–0–	–0–
(cr)	Environmental aids – compensation for well contamination	SEG	C	300,000	300,000
(da)	Environmental planning aids – local water quality planning	GPR	A	348,400	298,400
(dm)	Environmental planning aids – federal funds	PR–F	C	260,600	260,600
(ma)	Aids administration – general program operations, state funds	GPR	A	620,400	571,600
(mk)	General program operations — service funds	PR–S	C	–0–	–0–
(mm)	Aids administration – general program operations; funds	PR–F	C	160,800	85,100
(mq)	Aids administration – non–point source program	SEG	A	67,400	67,400
(mr)	Aids administration – vapor recovery grants	SEG	A	124,800	–0–
(ms)	Aids administration – recycling grants	SEG	A	149,500	149,500
(mu)	Aids administration – clean water fund program; state funds	SEG	A	986,900	993,300
(mx)	Aids administration – clean water fund program; federal funds	SEG–F	C	1,206,800	931,800

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,113,000	8,481,300
PROGRAM REVENUE			496,400	420,700
FEDERAL			(496,400)	(420,700)
OTHER			(–0–)	(–0–)
SERVICE			(–0–)	(–0–)
SEGREGATED FUNDS			43,466,100	43,072,700
FEDERAL			(1,206,800)	(931,800)
OTHER			(42,259,300)	(42,140,900)
TOTAL–ALL SOURCES			48,075,500	51,974,700
(7) DEBT SERVICE				
(aa) Resource acquisition and development – principal repayment and interest	GPR	S	13,962,500	15,791,500
(ac) Principal repayment and interest – recreational boating bonds	GPR	S	–0–	–0–
(aq) Resource acquisition and development – principal repayment and interest	SEG	S	228,300	229,200
(ar) Dam repair and removal – principal repayment and interest	SEG	S	260,900	380,200
(at) Recreation development – principal repayment and interest	SEG	S	–0–	–0–
(ba) Debt service – remedial action	GPR	S	773,100	1,354,700
(ca) Principal repayment and interest – nonpoint source grants	GPR	S	768,700	1,780,100
(cb) Principal repayment and interest – pollution abatement bonds	GPR	S	81,793,800	78,877,900

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(cc)	Principal repay. and int. – combined sewer overflow; pollution abat. bonds	GPR	S	18,787,700	17,783,700
(cd)	Principal repayment and interest – municipal clean drinking watergrants	GPR	S	967,700	968,900
(ea)	Administrative facilities – principal repayment and interest	GPR	S	498,200	572,000
(eq)	Administrative facilities – principal repayment and interest	SEG	S	570,100	729,500
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			117,551,700	117,128,800
	SEGREGATED FUNDS			1,059,300	1,338,900
	OTHER			(1,059,300)	(1,338,900)
	TOTAL–ALL SOURCES			118,611,000	118,467,700
(8)	ADMINISTRATIVE SERVICES				
(ba)	Facilities — general fund	GPR	C	183,100	183,100
(br)	Facilities — conservation fund	SEG	C	376,800	376,800
(cq)	Taxes and assessments — environmental fund	SEG	A	–0–	–0–
(dq)	Snowmobile registration	SEG	A	–0–	–0–
(dr)	Boat registration	SEG	A	–0–	–0–
(ds)	All–terrain vehicle administration	SEG	A	–0–	–0–
(es)	Boat titling — fees	SEG	B	–0–	–0–
(ez)	Boat titling — administrative support; federal funds	SEG–F	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(iq)	Natural resources magazine		SEG	C	788,000	788,000
(ir)	Promotional activities and publications		SEG	C	83,000	83,000
(is)	Statewide recycling education		SEG	C	354,500	354,500
(iw)	Statewide recycling administration		SEG	A	1,174,000	1,174,000
(ix)	General program operations — pollution prevention		SEG	A	140,300	140,300
(Lu)	Rental property — maintenance		SEG	C	–0–	–0–
(ma)	General program operations — state funds		GPR	A	8,396,300	7,529,300
(mg)	General program operations — stationary sources		PR	A	556,000	556,000
(mh)	Information technology development projects		PR–S	A	–0–	–0–
(mi)	General program operations — private and public sources		PR	C	–0–	–0–
(mk)	General program operations — service funds		PR–S	C	3,105,100	3,105,100
(mn)	Indirect cost reimbursements		PR–F	C	4,102,700	3,541,800
(mq)	General program operations — mobile sources		SEG	A	513,400	513,400
(mr)	General program operations – clean water fund		SEG	A	100,000	200,000

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(mu)	General program operations — state funds		SEG	A	15,204,600	15,032,700
(mv)	General program operations — environmental fund		SEG	A	1,640,400	1,615,300
(mz)	Indirect cost reimbursements		SEG–F	C	933,000	901,000
(ni)	Geographic information systems, general program operations – other funds		PR	C	–0–	–0–
(nk)	Geographic information systems, general program operations — service fds.		PR–S	C	813,100	813,100
		(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				8,579,400	7,712,400
	PROGRAM REVENUE				8,576,900	8,016,000
		FEDERAL			(4,102,700)	(3,541,800)
		OTHER			(556,000)	(556,000)
		SERVICE			(3,918,200)	(3,918,200)
	SEGREGATED FUNDS				21,308,000	21,179,000
		FEDERAL			(933,000)	(901,000)
		OTHER			(20,375,000)	(20,278,000)
	TOTAL–ALL SOURCES				38,464,300	36,907,400
(9)	GENERAL PROVISIONS					
(mg)	Gifts and donations		PR	C	–0–	–0–
(mq)	Gifts and donations		SEG	C	–0–	–0–
(mr)	Equipment pool operations		SEG	C	–0–	–0–
(yx)	Program balances		SEG	C	–0–	–0–
(yy)	Revenues and appropriations		SEG	C	–0–	–0–
		(9) PROGRAM TOTALS				
	PROGRAM REVENUE				–0–	–0–
		OTHER			(–0–)	(–0–)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
SEGREGATED FUNDS			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
20.370 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			166,378,700	168,426,000
PROGRAM REVENUE			42,319,100	39,375,200
FEDERAL			(17,185,000)	(16,455,900)
OTHER			(19,292,400)	(17,109,400)
SERVICE			(5,841,700)	(5,809,900)
SEGREGATED FUNDS			207,559,700	206,589,200
FEDERAL			(21,828,600)	(21,558,100)
OTHER			(183,921,900)	(183,221,900)
SERVICE			(1,809,200)	(1,809,200)
TOTAL–ALL SOURCES			416,257,500	414,390,400
20.380 Tourism				
(1) TOURISM				
(a) General program operations	GPR	A	–0–	2,886,900
(b) Tourism marketing	GPR	A	–0–	7,741,000
(bm) Heritage tourism pilot project	GPR	B	–0–	131,700
(g) Gifts, grants and proceeds	PR	C	–0–	4,200
(k) Sale of materials or services–operations	PR–S	C	–0–	–0–
(ka) Sales of materials or services–local assistance	PR–S	A	–0–	–0–
(kb) Sales of materials or services–individuals and organizations	PR–S	C	–0–	–0–
(kc) Marketing clearinghouse charges	PR–S	A	–0–	320,000

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(kd)	Information technology development projects		PR–S	A	–0–	–0–
(m)	Federal aid–state operations		PR–F	C	–0–	–0–
(n)	Federal aid–local assistance		PR–F	C	–0–	–0–
(o)	Federal aid–individuals and organizations		PR–F	C	–0–	–0–
		(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				–0–	10,759,600
	PROGRAM REVENUE				–0–	324,200
	FEDERAL				(–0–)	(–0–)
	OTHER				(–0–)	(4,200)
	SERVICE				(–0–)	(320,000)
	TOTAL–ALL SOURCES				–0–	11,083,800
(2)	KICKAPOO VALLEY RESERVE					
(dq)	Kickapoo valley reserve; aids in lieu of taxes		GPR	S	–0–	–0–
(ip)	Kickapoo valley governing board; program services		PR	C	–0–	–0–
(ir)	Kickapoo vallely governing board; gifts and grants		PR	C	–0–	–0–
(q)	Kickapoo valley governing board; general program operations		SEG	A	–0–	189,100
		(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				–0–	–0–
	PROGRAM REVENUE				–0–	–0–
	OTHER				(–0–)	(–0–)
	SEGREGATED FUNDS				–0–	189,100
	OTHER				(–0–)	(189,100)
	TOTAL–ALL SOURCES				–0–	189,100
(3)	ADMINISTRATIVE SERVICES					

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(a)	Administrative services–general program operations	GPR	A	–0–	712,800
(j)	Administrative services–public and private sources	PR	C	–0–	–0–
(k)	Administrative services–service funds	PR–S	C	–0–	–0–
(q)	Administrative services–conservation fund	SEG	A	–0–	52,700
(y)	Administrative services–federal funds	SEG–F	C	–0–	–0–
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			–0–	712,800
	PROGRAM REVENUE			–0–	–0–
	OTHER			(–0–)	(–0–)
	SERVICE			(–0–)	(–0–)
	SEGREGATED FUNDS			–0–	52,700
	FEDERAL			(–0–)	(–0–)
	OTHER			(–0–)	(52,700)
	TOTAL–ALL SOURCES			–0–	765,500
(4)	GENERAL PROVISIONS				
(g)	General provisions–gifts and grants	PR	C	–0–	–0–
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			–0–	–0–
	OTHER			(–0–)	(–0–)
	TOTAL–ALL SOURCES			–0–	–0–
	20.380 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			–0–	11,472,400
	PROGRAM REVENUE			–0–	324,200
	FEDERAL			(–0–)	(–0–)
	OTHER			(–0–)	(4,200)
	SERVICE			(–0–)	(320,000)
	SEGREGATED FUNDS			–0–	241,800
	FEDERAL			(–0–)	(–0–)

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(–0–)	(241,800)
		TOTAL–ALL SOURCES			–0–	12,038,400
20.399		**Wisconsin conservation corps board**				
(1)		CORPS ENROLLEE SUPPORT				
	(b)	General enrollee operations	GPR	B	2,041,100	–0–
	(j)	Corps enrollee compensation and support; sponsor contribution	PR	C	10,000	–0–
	(k)	Corps enrollee compensation and support; service funds	PR–S	C	587,600	–0–
	(m)	Corps enrollee compensation and support; federal funds	PR–F	C	–0–	–0–
	(u)	Corps enrollee operations; conservation fund	SEG	B	328,300	–0–
	(v)	General enrollee operations; transportation fund	SEG	B	281,100	–0–
	(w)	General enrollee operations; environmental fund	SEG	B	76,700	–0–
	(x)	General enrollee operations; waterfront projects; conservation fund	SEG	B	141,700	–0–
		(1) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			2,041,100	–0–
		PROGRAM REVENUE			597,600	–0–
		FEDERAL			(–0–)	(–0–)
		OTHER			(10,000)	(–0–)
		SERVICE			(587,600)	(–0–)
		SEGREGATED FUNDS			827,800	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(827,800)	(–0–)
		TOTAL–ALL SOURCES			3,466,500	–0–
(2)		ADMINISTRATION				
	(a)	Administrative support; general program operations	GPR	A	206,300	–0–
	(j)	Administrative support; sponsor contribution	PR	C	–0–	–0–
	(k)	Conservation corps — administrative support; service funds	PR–S	C	36,400	–0–
	(ka)	Information technology development projects	PR–S	A	–0–	–0–
	(m)	Administrative support; federal funds	PR–F	C	–0–	–0–
	(q)	Administrative support; conservation fund	SEG	A	399,100	–0–
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			206,300	–0–
		PROGRAM REVENUE			36,400	–0–
		FEDERAL			(–0–)	(–0–)
		OTHER			(–0–)	(–0–)
		SERVICE			(36,400)	(–0–)
		SEGREGATED FUNDS			399,100	–0–
		OTHER			(399,100)	(–0–)
		TOTAL–ALL SOURCES			641,800	–0–
(3)		GIFTS AND RELATED SUPPORT				
	(g)	Gifts and related support	PR	C	–0–	–0–
		(3) PROGRAM TOTALS				
		PROGRAM REVENUE			–0–	–0–

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
20.399 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,247,400	–0–
PROGRAM REVENUE			634,000	–0–
FEDERAL			(–0–)	(–0–)
OTHER			(10,000)	(–0–)
SERVICE			(624,000)	(–0–)
SEGREGATED FUNDS			1,226,900	–0–
OTHER			(1,226,900)	(–0–)
TOTAL–ALL SOURCES			4,108,300	–0–
Environmental Resources FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			189,449,200	205,151,800
PROGRAM REVENUE			43,043,100	39,789,400
FEDERAL			(17,185,000)	(16,455,900)
OTHER			(19,392,400)	(17,203,600)
SERVICE			(6,465,700)	(6,129,900)
SEGREGATED FUNDS			212,945,600	210,990,000
FEDERAL			(21,828,600)	(21,558,100)
OTHER			(189,307,800)	(187,622,700)
SERVICE			(1,809,200)	(1,809,200)
LOCAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			445,437,900	455,931,200

Human Relations and Resources

20.410 Corrections, department of

(1)	ADULT CORRECTIONAL SERVICES					
(a)	General program operations	GPR	A	227,396,800	231,485,500
(aa)	Institutional repair and maintenance	GPR	A	2,553,600	2,734,700
(ab)	Intergovernmental corrections agreements	GPR	A	8,361,100	8,966,000
(ai)	Intensive sanctions	GPR	A	16,930,900	17,875,800
(b)	Field supervision	GPR	A	54,816,000	55,791,800

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(bn)	Reimbursing counties for probation and parole holds		GPR	A	3,164,000	3,653,000
(c)	Reimbursement claims of counties containing state prisons		GPR	S	106,100	106,100
(cm)	Home detention program		GPR	A	–0–	–0–
(cw)	Mother–young child care program		GPR	A	200,000	200,000
(d)	Purchased services for offenders		GPR	A	4,308,300	5,253,100
(dd)	Special living arrangements		GPR	A	5,098,900	6,061,400
(e)	Principal repayment and interest		GPR	S	38,426,600	41,469,800
(ec)	Prison industries principal, interest and rebates		GPR	S	–0–	–0–
(ed)	Correctional facilities rental		GPR	A	–0–	–0–
(ef)	Lease rental payments		GPR	S	–0–	–0–
(f)	Energy costs		GPR	A	7,869,600	8,358,900
(fm)	Offender release information		GPR	B	–0–	–0–
(g)	Probationer and parolee loan fund		PR	A	6,000	6,000
(gb)	Drug testing		PR	C	38,900	38,900
(ge)	Administrative and minimum supervision		PR	A	–0–	–0–
(gf)	Probation and parole		PR	A	2,000,000	4,000,000
(gg)	Supervision of defendants and offenders		PR	A	23,300	23,300
(gi)	General operations		PR	A	548,800	3,790,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(gm)	Sale of fuel and utility service	PR	A	–0–	–0–
(gr)	Home detention services	PR	A	1,480,700	1,488,800
(gt)	Telephone company commissions	PR	A	272,800	272,800
(h)	Administration of restitution	PR	A	492,800	501,300
(hx)	Extended jurisdiction services	PR–S	A	–0–	–0–
(i)	Gifts and grants	PR	C	33,400	33,400
(j)	State–owned housing maintenance	PR	A	5,800	5,800
(jp)	Correctional officer training	PR	A	1,340,100	1,352,300
(kc)	Correctional institution enterprises; inmate activities and employment	PR–S	C	524,800	525,700
(kf)	Correctional farms	PR–S	A	1,888,200	1,984,800
(kk)	Institutional operations and charges	PR–S	A	11,360,900	11,403,300
(km)	Prison industries	PR–S	A	14,365,100	14,125,900
(ko)	Prison industries principal repayment, interest and rebates	PR–S	S	84,700	81,100
(kw)	Information technology development projects	PR–S	A	–0–	–0–
(kx)	Interagency and intra–agency programs	PR–S	C	1,070,800	885,700
(ky)	Interagency and intra–agency aids	PR–S	C	1,442,100	1,442,100
(kz)	Interagency and intra–agency local assistance	PR–S	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(m)	Federal project operations		PR–F	C	49,400	30,600
(n)	Federal program operations		PR–F	C	–0–	–0–
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				369,231,900	381,956,100
	PROGRAM REVENUE				37,028,600	41,991,800
	FEDERAL				(49,400)	(30,600)
	OTHER				(6,242,600)	(11,512,600)
	SERVICE				(30,736,600)	(30,448,600)
	TOTAL–ALL SOURCES				406,260,500	423,947,900
(2)	PAROLE COMMISSION					
(a)	General program operations		GPR	A	628,700	616,400
(kx)	Interagency and intra–agency programs		PR–S	C	–0–	–0–
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				628,700	616,400
	PROGRAM REVENUE				–0–	–0–
	SERVICE				(–0–)	(–0–)
	TOTAL–ALL SOURCES				628,700	616,400
(3)	JUVENILE CORRECTIONAL SERVICES					
(a)	General program operations		GPR	A	–0–	1,091,800
(c)	Reimbursement claims of counties containing secured correctional facilities		GPR	A	–0–	200,000
(cd)	Community youth and family aids		GPR	A	–0–	74,516,700
(cg)	Serious juvenile offenders		GPR	A	–0–	25,605,500
(e)	Principal repayment and interest		GPR	S	–0–	1,902,800
(f)	Community intervention program		GPR	A	–0–	3,750,000
(hm)	Juvenile correctional services		PR	A	–0–	63,203,000

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
	(ho)	Juvenile residential aftercare	PR	A	–0–	6,552,900
	(hr)	Juvenile corrective sanctions program	PR	A	–0–	3,146,900
	(i)	Gifts and grants	PR	C	–0–	5,300
	(j)	State–owned housing maintenance	PR	A	–0–	30,500
	(jk)	Youth diversion program	PR	B	–0–	450,000
	(jr)	Institutional operations and charges	PR	A	–0–	188,500
	(kx)	Interagency and intra–agency programs	PR–S	C	–0–	1,270,000
	(ky)	Interagency and intra–agency aids	PR–S	C	–0–	–0–
	(kz)	Interagency and intra–agency local assistance	PR–S	C	–0–	–0–
	(m)	Federal project operations	PR–F	C	–0–	–0–
	(n)	Federal program operations	PR–F	C	–0–	–0–
	(o)	Federal aid; foster care and treatment foster care	PR–F	C	–0–	–0–
	(oo)	Federal aid; community youth and family aids	PR–F	C	–0–	2,449,200
	(p)	Federal aid; alcohol and other drug abuse	PR–F	C	–0–	300,000
		(3) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			–0–	107,066,800
		PROGRAM REVENUE			–0–	77,596,300
		FEDERAL			(–0–)	(2,749,200)
		OTHER			(–0–)	(73,577,100)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
SERVICE			(–0–)	(1,270,000)
TOTAL–ALL SOURCES			–0–	184,663,100
20.410 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			369,860,600	489,639,300
PROGRAM REVENUE			37,028,600	119,588,100
FEDERAL			(49,400)	(2,779,800)
OTHER			(6,242,600)	(85,089,700)
SERVICE			(30,736,600)	(31,718,600)
TOTAL–ALL SOURCES			406,889,200	609,227,400
20.425 Employment relations commission				
(1) PROMOTION OF PEACE IN LABOR RELATIONS				
(a) General program operations	GPR	A	2,620,300	2,426,300
(g) Publications	PR	A	29,300	29,300
(h) Collective bargaining training	PR	C	–0–	–0–
(i) Fees	PR	A	116,600	310,600
(ka) Information technology development projects	PR–S	A	–0–	–0–
20.425 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,620,300	2,426,300
PROGRAM REVENUE			145,900	339,900
OTHER			(145,900)	(339,900)
SERVICE			(–0–)	(–0–)
TOTAL–ALL SOURCES			2,766,200	2,766,200
20.432 Board on aging and long-term care				
(1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED				
(a) General program operations	GPR	A	442,100	441,000
(i) Gifts and grants	PR	C	–0–	–0–
(k) Contracts with state agencies	PR–S	A	159,200	161,400

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(kb)	Insurance and other information, counseling and assistance	PR–S	A	159,700	163,000
(kc)	Information technology development projects	PR–S	A	–0–	–0–
(m)	Federal aid	PR–F	C	–0–	–0–
	20.432 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			442,100	441,000
	PROGRAM REVENUE			318,900	324,400
	FEDERAL			(–0–)	(–0–)
	OTHER			(–0–)	(–0–)
	SERVICE			(318,900)	(324,400)
	TOTAL–ALL SOURCES			761,000	765,400

20.433 Child abuse and neglect prevention board

(1) PREVENTION OF CHILD ABUSE AND NEGLECT

(b)	Early childhood family education center grants	GPR	A	–0–	–0–
(c)	Right from the start grants	GPR	A	230,000	–0–
(d)	Right from the start, general program ops and technical assistance	GPR	A	12,500	–0–
(g)	General program operations	PR	A	310,700	325,800
(h)	Grants to organizations	PR	C	1,250,000	1,480,000
(i)	Gifts and grants	PR	C	–0–	–0–
(k)	Interagency programs	PR–S	C	–0–	–0–
(m)	Federal project operations	PR–F	C	50,000	50,000
(ma)	Federal project aids	PR–F	C	75,000	75,000

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(q)	Children's trust fund grants		SEG	C	–0–	–0–
(r)	Children's trust fund; general program operations and statewide projects		SEG	A	42,500	42,500
	20.433 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES				242,500	–0–
	PROGRAM REVENUE				1,685,700	1,930,800
		FEDERAL			(125,000)	(125,000)
		OTHER			(1,560,700)	(1,805,800)
		SERVICE			(–0–)	(–0–)
	SEGREGATED FUNDS				42,500	42,500
		OTHER			(42,500)	(42,500)
	TOTAL–ALL SOURCES				1,970,700	1,973,300
20.434	**Adolescent pregnancy prevention and pregnancy services board**					
(1)	ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES					
(a)	General program operations		GPR	A	95,500	105,500
(b)	Grants to organizations		GPR	A	566,300	439,300
(ka)	Information technology development projects		PR–S	A	–0–	–0–
	20.434 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES				661,800	544,800
	PROGRAM REVENUE				–0–	–0–
		SERVICE			(–0–)	(–0–)
	TOTAL–ALL SOURCES				661,800	544,800
20.435	**Health and social services, department of**					
(1)	HEALTH SERVICES PLANNING, REGULATION AND DELIVERY					
(a)	General program operations		GPR	A	16,646,100	16,417,100

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(am)	Services, reimburse. & payment related to acquired immunodeficiency syndrome	GPR	A	2,918,200	3,078,700
(b)	Medical assistance program benefits	GPR	B	905,952,700	942,446,200
(bm)	Medical assistance administration	GPR	B	12,856,700	13,631,600
(br)	Welfare reform studies	GPR	C	–0–	–0–
(bs)	Relief block grants to tribal governing bodies	GPR	A	400,000	800,000
(bt)	Relief block grants to counties with a population of 500,000 or more	GPR	A	–0–	–0–
(bu)	Relief block grants to counties with a population of less than 500,000	GPR	A	–0–	–0–
(c)	Relief of needy Indian persons	GPR	S	–0–	–0–
(cb)	General relief aid	GPR	A	–0–	6,570,000
(cc)	Cancer treatment, training, follow–up, control and prevention	GPR	A	982,800	982,800
(cd)	Domestic abuse grants	GPR	A	–0–	3,580,800
(ce)	Services for homeless individuals	GPR	C	125,000	125,000
(cj)	Health care device safety grants	GPR	A	–0–	–0–
(cm)	Immunization	GPR	B	2,660,000	2,660,000
(cp)	Public health aids	GPR	A	500,000	250,000
(d)	Facility appeals mechanism	GPR	A	546,800	546,800

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
1	(de)	Dental services	GPR	A	2,300,000	2,300,000
2	(dm)	Nursing home monitoring and				
3		receivership supplement	GPR	S	–0–	–0–
4	(ds)	Statewide poison control program	GPR	A	187,500	187,500
5	(e)	Disease aids	GPR	B	5,697,200	6,681,500
6	(ed)	Radon aids	GPR	A	30,000	30,000
7	(ef)	Lead–poisoning or lead–exposure				
8		services	GPR	A	879,100	879,100
9	(eg)	Pregnancy counseling	GPR	A	275,000	275,000
10	(ei)	High–risk pregnancy grant				
11		program	GPR	C	–0–	–0–
12	(ek)	Cooperative American Indian				
13		health projects	GPR	A	120,000	120,000
14	(em)	Supplemental food program for				
15		women, infants and children				
16		benefits	GPR	C	–0–	–0–
17	(ev)	Pregnancy outreach	GPR	A	250,000	250,000
18	(f)	Family planning	GPR	A	1,955,200	1,955,200
19	(g)	Nursing facility resident protection	PR	A	–0–	–0–
20	(gm)	Licensing, review and certifying				
21		activities	PR	A	4,562,100	4,752,000
22	(gn)	Fees for review of assisted living				
23		facilities	PR	A	5,500	2,900
24	(gp)	Health care; aids	PR	C	1,500,000	1,500,000

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
1	(hh)	Domestic abuse assessment grants	PR	C	–0–	210,000
2	(hk)	Domestic abuse awareness and prevention	PR	C	–0–	320,000
4	(i)	Gifts and grants	PR	C	444,800	415,500
5	(im)	Medical assistance; recovery of correct payments	PR	C	6,883,600	10,146,900
7	(in)	Community options program; estate recovery administration	PR	A	–0–	69,000
9	(j)	Fees for services and supplies	PR	A	1,563,500	1,589,500
10	(ja)	Congenital disorders; diagnosis, special dietary treatment and counseling	PR	A	1,391,100	1,456,400
13	(jb)	Congenital disorders; operations	PR	A	16,200	16,200
14	(k)	Nursing home monitoring and receivership operations	PR–S	C	–0–	–0–
16	(km)	Internal services	PR–S	A	2,005,400	2,079,600
17	(kx)	Interagency and intra–agency programs	PR–S	C	1,570,800	1,630,000
19	(ky)	Interagency and intra–agency aids	PR–S	C	629,000	629,000
20	(kz)	Interagency and intra–agency local assistance	PR–S	C	94,800	94,800
22	(m)	Federal project operations	PR–F	C	8,944,600	9,354,400
23	(ma)	Federal project aids	PR–F	C	3,614,100	3,614,100
24	(mc)	Block grant operations	PR–F	C	5,658,400	5,613,200

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(md)	Block grant aids	PR–F	C	9,174,000	9,174,000
(n)	Federal program operations	PR–F	C	16,934,300	17,097,800
(na)	Federal program aids	PR–F	C	55,587,100	57,062,500
(o)	Federal aid; medical assistance	PR–F	C	1,494,150,500	1,557,660,200
(p)	Federal aid; medical assistance contracts administration	PR–F	C	33,684,200	26,389,600
(q)	Groundwater and air quality standards	SEG	A	269,900	269,900
(rg)	Emergency medical services; general program operations	SEG	A	316,800	316,800
(rm)	Emergency medical services; aids	SEG	A	2,200,000	2,200,000
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			955,282,300	1,003,767,300
	PROGRAM REVENUE			1,648,414,000	1,710,877,600
	FEDERAL			(1,627,747,200)	(1,685,965,800)
	OTHER			(16,366,800)	(20,478,400)
	SERVICE			(4,300,000)	(4,433,400)
	SEGREGATED FUNDS			2,786,700	2,786,700
	OTHER			(2,786,700)	(2,786,700)
	TOTAL–ALL SOURCES			2,606,483,000	2,717,431,600
(2)	CARE AND TREATMENT FACILITIES				
(a)	General program operations	GPR	A	32,653,200	32,621,700
(aa)	Institutional repair and maintenance	GPR	A	392,200	419,000
(b)	Wisconsin resource center	GPR	A	9,322,100	9,406,500
(bj)	Conditional release treatment and services	GPR	B	1,873,000	2,373,000

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(bm)	Secure mental health units or facilities		GPR	A	1,634,400	2,420,100
(ee)	Principal repayment and interest		GPR	S	6,285,600	6,683,000
(ef)	Lease rental payments		GPR	S	–0–	–0–
(f)	Energy costs		GPR	A	1,325,900	1,458,100
(gk)	Institutional operations and charges		PR	A	156,710,000	160,580,200
(i)	Gifts and grants		PR	C	123,400	123,400
(kx)	Interagency and intra–agency programs		PR–S	C	2,040,700	2,071,800
(ky)	Interagency and intra–agency aids		PR–S	C	–0–	–0–
(kz)	Interagency and intra–agency local assistance		PR–S	C	–0–	–0–
(m)	Federal project operations		PR–F	C	–0–	–0–
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			53,486,400	55,381,400
		PROGRAM REVENUE			158,874,100	162,775,400
		FEDERAL			(–0–)	(–0–)
		OTHER			(156,833,400)	(160,703,600)
		SERVICE			(2,040,700)	(2,071,800)
		TOTAL–ALL SOURCES			212,360,500	218,156,800
(3)	YOUTH SERVICES					
(a)	General program operations		GPR	A	1,000,400	723,700
(am)	Juvenile correctional services		GPR	A	528,800	–0–
(at)	Intensive aftercare pilot program		GPR	A	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(bt)	Early intervention services for infants and toddlers with disabilities	GPR	A	–0–	4,709,200
(c)	Reimbursement claims of counties containing secured correctional facilities	GPR	A	200,000	–0–
(cd)	Community youth and family aids	GPR	A	81,964,800	–0–
(cf)	Foster, treatment foster and family–operated group home ins. & liability	GPR	A	–0–	60,000
(cg)	Violent juvenile offenders	GPR	A	9,386,200	–0–
(co)	Integrated services program for children with severe disabilities	GPR	A	–0–	133,300
(dd)	State foster care and adoption services	GPR	A	–0–	11,827,700
(dg)	State adoption center	GPR	A	–0–	140,000
(e)	Principal repayment and interest	GPR	S	1,625,400	–0–
(eg)	Programs for adolescents and adolescent parents	GPR	A	–0–	1,482,100
(ej)	Early intervention program	GPR	A	–0–	–0–
(f)	Community intervention program	GPR	A	3,750,000	–0–
(g)	Child support collections	PR	C	–0–	–0–
(hm)	Juvenile correctional services	PR	A	51,179,500	–0–
(ho)	Juvenile residential aftercare	PR	A	9,226,700	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(hr)	Juvenile corrective sanctions program		PR	A	3,125,300	–0–
(i)	Gifts and grants		PR	C	5,300	–0–
(j)	State–owned housing maintenance		PR	A	30,500	–0–
(ja)	Child support state operations		PR	A	–0–	–0–
(jg)	State child care program operations		PR	C	–0–	75,000
(jj)	Searches for birth parents and adoption record information; foreign adopt		PR	A	–0–	55,100
(jk)	Youth diversion program		PR	B	450,000	–0–
(jr)	Institutional operations and charges		PR	A	107,100	–0–
(k)	Youthful offender program		PR–S	C	–0–	–0–
(kb)	Severely emotionally disturbed children		PR	C	–0–	6,286,300
(kx)	Interagency and intra–agency programs		PR–S	C	1,258,700	2,051,000
(ky)	Interagency and intra–agency aids		PR–S	C	–0–	3,213,100
(kz)	Interagency and intra–agency local assistance		PR–S	C	–0–	1,090,000
(m)	Federal project operations		PR–F	C	–0–	987,900
(ma)	Federal project aids		PR–F	C	–0–	5,795,900
(mb)	Federal project local assistance		PR–F	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(mc)	Federal block grant operations	PR–F	C	–0–	–0–
(md)	Federal block grant aids	PR–F	C	–0–	–0–
(n)	Federal program operations	PR–F	C	–0–	3,732,300
(na)	Federal program aids	PR–F	C	–0–	458,600
(nL)	Federal program local assistance	PR–F	C	–0–	9,008,600
(o)	Federal aid; foster care	PR–F	C	–0–	–0–
(oo)	Federal aid; community youth and family aids	PR–F	C	2,449,200	–0–
(p)	Federal aid; alcohol and other drug abuse	PR–F	C	300,000	–0–
(pd)	Federal aid; state foster care and adoption services	PR–F	C	–0–	11,255,300
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			98,455,600	19,076,000
	PROGRAM REVENUE			68,132,300	44,009,100
	FEDERAL			(2,749,200)	(31,238,600)
	OTHER			(64,124,400)	(6,416,400)
	SERVICE			(1,258,700)	(6,354,100)
	TOTAL–ALL SOURCES			166,587,900	63,085,100
(4)	ECONOMIC SUPPORT				
(a)	General program operations	GPR	A	23,961,500	–0–
(br)	Welfare reform studies	GPR	C	398,900	–0–
(c)	Child support collection – county administration	GPR	A	1,852,000	–0–
(cd)	Child support state operations	GPR	A	412,200	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(cn)	Child care for recipients & former recip./aid to families/dependent child.		GPR	A	4,713,000	–0–
(cr)	State supplement to employment opportunity demonstration projects		GPR	A	250,000	–0–
(d)	Income maintenance payments to individuals and counties		GPR	S	142,730,000	–0–
(dc)	Emergency assistance program		GPR	A	1,659,700	–0–
(de)	Income maintenance county administration		GPR	A	28,130,900	–0–
(df)	Employment and training programs		GPR	A	23,518,600	–0–
(dg)	Services for learnfare pupils		GPR	A	1,289,300	–0–
(dk)	New hope project		GPR	C	250,000	–0–
(dn)	Food distribution grants		GPR	A	170,000	–0–
(ds)	Community–based hunger prevention program grants		GPR	A	250,000	–0–
(e)	Relief of needy Indian persons		GPR	S	1,790,100	–0–
(eb)	General relief aid		GPR	A	7,153,800	–0–
(g)	Child support collections		PR	C	69,010,000	–0–
(i)	Gifts and grants		PR	C	15,900	–0–
(j)	Child support state operations – fees		PR	A	410,400	–0–
(jb)	Fees for administrative services		PR	C	481,600	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(kx)	Interagency and intra–agency programs		PR–S	C	384,000	–0–
(ky)	Interagency and intra–agency aids		PR–S	C	3,110,600	–0–
(kz)	Interagency and intra–agency local assistance		PR–S	C	–0–	–0–
(L)	Welfare fraud and error reduction; state operations		PR	A	920,200	–0–
(Lm)	Welfare fraud and error reduction; local assistance		PR	C	1,469,800	–0–
(m)	Federal project operations		PR–F	C	957,600	–0–
(ma)	Federal project aids		PR–F	C	797,000	–0–
(mb)	Federal project local assistance		PR–F	C	–0–	–0–
(mc)	Federal block grant operations		PR–F	C	1,866,000	–0–
(md)	Federal block grant aids		PR–F	C	56,811,800	–0–
(n)	Federal program operations		PR–F	C	37,490,500	–0–
(na)	Federal program aids		PR–F	C	25,225,900	–0–
(nL)	Federal program local assistance		PR–F	C	89,868,500	–0–
(p)	Federal aid; income maintenance payments		PR–F	C	216,267,100	–0–
(pm)	Employment programs; administration		PR–F	C	3,993,100	–0–
(ps)	Employment programs; aids		PR–F	C	29,173,500	–0–
		(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				238,530,000	–0–
	PROGRAM REVENUE				538,253,500	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		FEDERAL			(462,451,000)	(–0–)
		OTHER			(72,307,900)	(–0–)
		SERVICE			(3,494,600)	(–0–)
		TOTAL–ALL SOURCES			776,783,500	–0–
(5)		VOCATIONAL REHABILITATION SERVICES				
	(a)	General program operations	GPR	A	5,756,700	–0–
	(bm)	Purchased services for clients	GPR	A	6,018,400	–0–
	(d)	Telecommunication aid for the hearing impaired	GPR	A	80,000	–0–
	(e)	Principal repayment and interest	GPR	S	21,800	–0–
	(gg)	Contractual services	PR	C	21,800	–0–
	(gp)	Contractual aids	PR	C	1,243,300	–0–
	(h)	Enterprises and services for blind and visually impaired	PR	C	309,200	–0–
	(hd)	Rehabilitation teaching aids	PR	A	22,700	–0–
	(hh)	Interpreter services for hearing impaired	PR	A	40,000	–0–
	(i)	Gifts and grants	PR	C	10,100	–0–
	(kx)	Interagency and intra–agency programs	PR–S	C	159,400	–0–
	(ky)	Interagency and intra–agency aids	PR–S	C	60,000	–0–
	(kz)	Interagency and intra–agency local assistance	PR–S	C	–0–	–0–
	(m)	Federal project operations	PR–F	C	1,287,500	–0–
	(ma)	Federal project aids	PR–F	C	629,800	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(n)	Federal program operations		PR–F	C	30,765,200	–0–
(na)	Federal program aids		PR–F	C	32,984,300	–0–
(nL)	Federal program local assistance		PR–F	C	–0–	–0–
		(5) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			11,876,900	–0–
		PROGRAM REVENUE			67,533,300	–0–
		FEDERAL			(65,666,800)	(–0–)
		OTHER			(1,647,100)	(–0–)
		SERVICE			(219,400)	(–0–)
		TOTAL–ALL SOURCES			79,410,200	–0–
(6)	COMMUNITY SERVICES; STATE OPERATIONS					
(a)	General program operations		GPR	A	9,087,800	10,262,700
(cf)	Foster, treatment foster and family–operated group home ins. and liability		GPR	A	60,000	–0–
(d)	Council on physical disabilities		GPR	A	9,500	9,500
(dg)	State adoption center		GPR	A	140,000	–0–
(ed)	Administrative expenses for state supplement to federal SSI program		GPR	S	2,125,900	–0–
(ee)	Admin. exp. for state suppl to federal supplemental security income program		GPR	A	994,400	1,167,800
(ga)	Community–based residential facility monitoring and receivership ops		PR	C	–0–	–0–
(gb)	Alcohol and drug abuse initiatives		PR	C	903,100	508,800
(gd)	Group home revolving loan fund		PR	A	100,000	100,000

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(hs)	Interpreter services for hearing impaired		PR	A	–0–	40,000
(hx)	Services for drivers, receipts		PR	A	–0–	–0–
(i)	Gifts and grants		PR	C	604,500	490,100
(jb)	Fees for administrative services		PR	C	142,200	147,000
(jg)	State child care program operations		PR	C	578,100	–0–
(jj)	Searches for birth parents & adoption record information; foreign adoptions		PR	A	54,500	–0–
(jm)	Licensing and support services		PR	A	1,314,900	1,547,100
(kx)	Interagency and intra–agency programs		PR–S	C	138,100	982,500
(m)	Federal project operations		PR–F	C	4,056,500	3,716,600
(mc)	Federal block grant operations		PR–F	C	9,271,100	9,552,000
(n)	Federal program operations		PR–F	C	7,619,500	16,660,300
		(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				12,417,600	11,440,000
	PROGRAM REVENUE				24,782,500	33,744,400
	FEDERAL				(20,947,100)	(29,928,900)
	OTHER				(3,697,300)	(2,833,000)
	SERVICE				(138,100)	(982,500)
	TOTAL–ALL SOURCES				37,200,100	45,184,400
(7)	COMMUNITY SERVICES; AIDS AND LOCAL ASSISTANCE					
(b)	Community aids		GPR	A	212,609,200	212,609,200
(bc)	Grants for community programs		GPR	A	3,249,300	3,247,300

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(bd)	Community options program and long–term support pilot projects	GPR	A	79,266,600	81,690,300
(be)	Mental health treatment services	GPR	A	11,961,000	11,961,000
(bL)	Community support program grants	GPR	A	186,900	186,900
(bm)	Purchased services for clients	GPR	A	–0–	77,700
(bt)	Early intervention services for infants and toddlers with disabilities	GPR	A	4,709,200	–0–
(c)	Independent living centers	GPR	A	1,039,400	1,039,400
(cb)	Domestic abuse grants	GPR	A	3,580,800	–0–
(ce)	Services for homeless individuals	GPR	C	60,000	60,000
(cg)	Guardianship grant program	GPR	A	125,000	125,000
(co)	Integrated service programs for children with severe disabilities	GPR	A	133,300	–0–
(cp)	Capacity building for treatment programs	GPR	A	–0–	–0–
(cr)	State supplement to employment opportunity demonstration projects	GPR	A	–0–	–0–
(d)	Telecommunication aid for the hearing impaired	GPR	A	–0–	80,000
(da)	Reimbursements to local units of government	GPR	S	192,900	192,900

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(dd)	State foster care and adoption services		GPR	A	10,345,900	–0–
(dh)	Programs for senior citizens and elder abuse services		GPR	A	7,191,400	7,191,400
(dj)	Benefit specialist program		GPR	A	1,356,500	1,356,500
(dL)	Indian aids		GPR	A	271,600	271,600
(dm)	Indian drug abuse prevention and education		GPR	A	500,000	500,000
(dn)	Food distribution grants		GPR	A	–0–	170,000
(dr)	Community–based hunger prevention program grants		GPR	A	–0–	250,000
(ed)	State supplement to federal supplemental security income program		GPR	S	135,012,200	128,583,400
(eg)	Programs for adolescents and adolescent parents		GPR	A	1,482,100	–0–
(f)	Community alcohol and other drug abuse prevention pilot program		GPR	A	250,000	250,000
(gg)	Collection remittances to local units of government		PR	C	100,000	100,000
(hh)	Domestic abuse assessment grants		PR	C	200,000	–0–
(hy)	Services for drivers, local assistance		PR	A	150,000	150,000
(hz)	Services for drivers, supplement to assistance		PR	A	1,000,000	1,000,000

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(i)	Gifts and grants; local assistance		PR	C	–0–	–0–
(ie)	Child care start–up and expansion grant repayments		PR	C	–0–	–0–
(im)	Community options program; recovery of costs of care		PR	C	–0–	351,000
(kb)	Severely emotionally disturbed children		PR	C	5,986,900	–0–
(kc)	Independent living center grants		PR–S	A	300,000	300,000
(kd)	Rehabilitation teaching aids		PR–S	C	–0–	22,700
(ky)	Interagency and intra–agency aids		PR–S	C	157,300	193,000
(kz)	Interagency and intra–agency local assistance		PR–S	C	1,720,900	1,720,900
(ma)	Federal project aids		PR–F	C	12,990,600	8,322,000
(mb)	Federal project local assistance		PR–F	C	8,157,300	8,159,300
(md)	Federal block grant aids		PR–F	C	8,119,000	12,725,800
(me)	Federal block grant local assistance		PR–F	C	–0–	–0–
(na)	Federal program aids		PR–F	C	25,433,900	23,578,300
(nL)	Federal program local assistance		PR–F	C	8,015,500	–0–
(o)	Federal aid; community aids		PR–F	C	120,868,200	121,308,000
(pd)	Federal aid; state foster care and adoption services		PR–F	C	9,804,500	–0–
		(7) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			473,523,300	449,842,600
		PROGRAM REVENUE			203,004,100	177,931,000
		FEDERAL			(193,389,000)	(174,093,400)
		OTHER			(7,436,900)	(1,601,000)

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		SERVICE			(2,178,200)	(2,236,600)
		TOTAL–ALL SOURCES			676,527,400	627,773,600
(8)		GENERAL ADMINISTRATION				
	(a)	General program operations	GPR	A	13,306,200	11,315,400
	(g)	Legal services collections	PR	C	12,200	12,200
	(gg)	Contractual services	PR	C	22,100	23,100
	(i)	Gifts and grants	PR	C	500	500
	(k)	Administrative and support services	PR–S	A	28,268,200	28,176,100
	(ka)	Information technology development projects	PR–S	A	–0–	–0–
	(kx)	Interagency and intra–agency programs	PR–S	C	388,700	389,500
	(ky)	Interagency and intra–agency aids	PR–S	C	–0–	–0–
	(kz)	Interagency and intra–agency local assistance	PR–S	C	780,000	780,000
	(m)	Federal project operations	PR–F	C	7,000	7,000
	(ma)	Federal project aids	PR–F	C	–0–	–0–
	(n)	Federal program operations	PR–F	C	1,150,000	850,300
	(pz)	Indirect cost reimbursements	PR–F	C	1,345,600	1,107,300
		(8) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			13,306,200	11,315,400
		PROGRAM REVENUE			31,974,300	31,346,000
		FEDERAL			(2,502,600)	(1,964,600)
		OTHER			(34,800)	(35,800)
		SERVICE			(29,436,900)	(29,345,600)
		TOTAL–ALL SOURCES			45,280,500	42,661,400

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
20.435 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,856,878,300	1,550,822,700
PROGRAM REVENUE			2,740,968,100	2,160,683,500
FEDERAL			(2,375,452,900)	(1,923,191,300)
OTHER			(322,448,600)	(192,068,200)
SERVICE			(43,066,600)	(45,424,000)
SEGREGATED FUNDS			2,786,700	2,786,700
OTHER			(2,786,700)	(2,786,700)
TOTAL–ALL SOURCES			4,600,633,100	3,714,292,900
20.440 Health and educational facilities authority				
(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
(a) General program operations	GPR	C	–0–	–0–
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			–0–	–0–
TOTAL–ALL SOURCES			–0–	–0–
(2) RURAL HOSPITAL LOAN GUARANTEE				
(a) Rural assistance loan fund	GPR	C	–0–	–0–
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			–0–	–0–
TOTAL–ALL SOURCES			–0–	–0–
20.440 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			–0–	–0–
TOTAL–ALL SOURCES			–0–	–0–
20.445 Industry, labor and human relations, department of				
(1) INDUSTRY, LABOR AND HUMAN RELATIONS				
(a) General program operations	GPR	A	6,462,400	6,380,100
(aa) Special death benefit	GPR	S	444,000	444,000
(b) Uninsured employers fund; supplement	GPR	A	–0–	–0–
(bc) Assistance for dislocated workers	GPR	A	–0–	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
	(cm)	Wisconsin service corps member compensation and support	GPR	C	94,300	94,300
	(de)	Private sewage system replacement and rehabilitation	GPR	C	3,500,000	–0–
	(dm)	Storage tank inventory	GPR	A	–0–	–0–
	(e)	Wisconsin job opportunity business subsidy program	GPR	B	–0–	–0–
	(em)	Youth apprenticeship training grants	GPR	A	500,000	380,000
	(ep)	Career counseling centers	GPR	A	200,000	–0–
	(ev)	Division of workforce excellence	GPR	A	544,500	545,700
	(f)	Death and disability benefit payments; public insurrections	GPR	S	–0–	–0–
	(g)	Gifts and grants	PR	C	18,000	–0–
	(ga)	Auxiliary services	PR	C	396,200	363,800
	(gb)	Local agreements	PR	C	6,783,600	6,636,900
	(gc)	Unemployment administration	PR	C	–0–	–0–
	(gd)	Unemployment interest and penalty payments	PR	C	246,000	246,000
	(ge)	Unemployment reserve fund research	PR	A	265,900	266,600
	(gf)	Employment security administration	PR	A	2,270,000	1,435,300
	(h)	Local energy resource system fees	PR	A	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(ha)	Worker's compensation operations		PR	A	8,702,200	8,088,000
(hb)	Worker's compensation contracts		PR	C	211,000	211,000
(j)	Safety and building operations		PR	A	13,867,200	–0–
(jc)	National and community service board; gifts and grants		PR	C	–0–	–0–
(jm)	Dislocated worker program grants		PR	C	–0–	–0–
(jr)	Wisconsin service corps member compensation & support; sponsor contribution		PR	C	–0–	–0–
(k)	Fees		PR	C	82,700	83,000
(ka)	Interagency agreements		PR–S	C	11,479,000	11,388,600
(kb)	Data center operations		PR–S	C	–0–	–0–
(kc)	Administrative services		PR–S	A	21,625,400	22,829,400
(kd)	Information technology development projects		PR–S	A	–0–	–0–
(km)	Wisconsin service corps member compensation and support; service funds		PR–S	C	–0–	–0–
(L)	Fire dues distribution		PR	C	6,300,000	–0–
(La)	Fire prevention and fire dues administration		PR	A	571,400	–0–
(m)	Federal funds		PR–F	C	6,583,600	7,286,900
(ma)	Federal aid — program administration		PR–F	C	5,428,200	5,570,500

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
	(mb)	Federal aid — employment and training local assistance	PR–F	C	2,500,000	4,377,300
	(mc)	Federal aid — employment and training aids	PR–F	C	33,292,800	33,292,800
	(n)	Unemployment administration; federal moneys	PR–F	C	70,618,500	71,373,500
	(na)	Employment security buildings and equipment	PR–F	C	514,000	–0–
	(o)	National and community service board; federal aid for administration	PR–F	A	212,700	212,700
	(pe)	National and community service board; federal aid for grants	PR–F	C	1,500,000	1,500,000
	(pz)	Indirect cost reimbursements	PR–F	C	234,000	234,000
	(q)	Groundwater — standards; implementation	SEG	A	–0–	–0–
	(r)	Safety and buildings operations; petroleum inspection fund	SEG	A	–0–	–0–
	(sm)	Uninsured employers fund; payments	SEG	S	–0–	–0–
	(sp)	Uninsured employers fund; administration	SEG	A	349,400	351,200
	(t)	Work injury supplemental benefit fund	SEG	C	2,500,000	2,500,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(ux)	Employment transit aids, federal funds	SEG–F	C	–0–	–0–
(uy)	Employment transit aids, federal oil overcharge funds	SEG–F	C	–0–	–0–
(v)	Petroleum storage environmental remedial action; awards	SEG	B	84,031,700	–0–
(w)	Petroleum storage environmental remedial action; administration	SEG	A	1,069,000	–0–
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			11,745,200	7,844,100
	PROGRAM REVENUE			193,702,400	175,396,300
	FEDERAL			(120,883,800)	(123,847,700)
	OTHER			(39,714,200)	(17,330,600)
	SERVICE			(33,104,400)	(34,218,000)
	SEGREGATED FUNDS			95,526,800	2,841,600
	FEDERAL			(–0–)	(–0–)
	OTHER			(95,526,800)	(2,841,600)
	TOTAL–ALL SOURCES			300,974,400	186,082,000
(2)	REVIEW COMMISSION				
(a)	General program operations, review commission	GPR	A	168,100	168,600
(ha)	Worker's compensation operations	PR	A	523,400	524,900
(m)	Federal moneys	PR–F	C	113,000	113,400
(n)	Unemployment administration; federal moneys	PR–F	C	1,534,900	1,540,200
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			168,100	168,600
	PROGRAM REVENUE			2,171,300	2,178,500
	FEDERAL			(1,647,900)	(1,653,600)
	OTHER			(523,400)	(524,900)
	TOTAL–ALL SOURCES			2,339,400	2,347,100

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995-96	1996-97
(3)	ECONOMIC SUPPORT					
(a)	General program operations		GPR	A	–0–	22,182,900
(br)	Public assistance reform studies		GPR	C	–0–	400,200
(c)	Child support collection–county administration		GPR	A	–0–	1,840,100
(cd)	Child support stste operations		GPR	A	–0–	526,900
(cn)	Child care for recipients and former recipients of aid to families/dep chil		GPR	A	–0–	5,687,400
(cr)	State supplement to employment opportunity demonstration projects		GPR	A	–0–	250,000
(d)	Income maintenance payments to individuals and counties		GPR	S	–0–	138,834,000
(dc)	Emergency assistance program		GPR	A	–0–	1,659,700
(de)	Income maintenance county administration		GPR	A	–0–	27,940,500
(df)	Employment and training programs		GPR	A	–0–	23,899,300
(dg)	Services for learnfare pupils		GPR	A	–0–	1,309,500
(dk)	New hope project		GPR	C	–0–	250,000
(g)	Child support collections		PR	C	–0–	73,151,000
(i)	Gifts and grants		PR	C	–0–	15,900
(ja)	Child support state operations–fees		PR	A	–0–	462,600
(jb)	Fees for administrative services		PR	C	–0–	481,600

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(kx)	Interagency and intra–agency programs	PR–S	C	–0–	868,600
(ky)	Interagency and intra–agency aids	PR–S	C	–0–	3,110,600
(kz)	Interagency and intra–agency local assistance	PR–S	C	–0–	–0–
(L)	Welfare fraud and error reductions — state operations	PR	A	–0–	928,700
(Lm)	Welfare fraud and error reduction; local assistance	PR	C	–0–	1,469,800
(m)	Federal project operations	PR–F	C	–0–	–0–
(ma)	Federal project aids	PR–F	C	–0–	–0–
(mb)	Federal project local assistance	PR–F	C	–0–	–0–
(mc)	Federal block grant operations	PR–F	C	–0–	–0–
(md)	Federal block grant aids	PR–F	C	–0–	–0–
(n)	Federal program operations	PR–F	C	–0–	28,133,400
(na)	Federal program aids	PR–F	C	–0–	26,398,000
(nL)	Federal program local assistance	PR–F	C	–0–	90,810,400
(p)	Federal aid; income maintenance payments	PR–F	C	–0–	210,330,400
(pm)	Employment programs; administration	PR–F	C	–0–	4,069,300
(ps)	Employment programs; aids	PR–F	C	–0–	28,786,900
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			–0–	224,780,500
	PROGRAM REVENUE			–0–	469,017,200

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		FEDERAL			(–0–)	(388,528,400)
		OTHER			(–0–)	(76,509,600)
		SERVICE			(–0–)	(3,979,200)
		TOTAL–ALL SOURCES			–0–	693,797,700
(4)		ADJUDICATION OF CLAIMS				
	(a)	Administration of mining damage claims	GPR	A	–0–	–0–
	(b)	Funding for mining damage claims	GPR	S	–0–	–0–
		(4) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			–0–	–0–
		TOTAL–ALL SOURCES			–0–	–0–
(5)		VOCATIONAL REHABILITATION SERVICES				
	(a)	General program operations	GPR	A	–0–	4,587,500
	(bm)	Purchased services for clients	GPR	A	–0–	5,940,700
	(e)	Principal repayment and interest	GPR	S	–0–	20,900
	(gg)	Contractual services	PR	C	–0–	26,500
	(gp)	Contractual services aids	PR	C	–0–	1,662,000
	(h)	Enterprises and services for blind and visually impaired	PR	C	–0–	311,600
	(hd)	Rehabilitation teaching aids	PR	A	–0–	22,700
	(he)	Supervised business enterprise	PR	C	–0–	–0–
	(i)	Gifts and grants	PR	C	–0–	10,100
	(kx)	Interagency and intra–agency programs	PR–S	C	–0–	160,900
	(ky)	Interagency and intra–agency aids	PR–S	C	–0–	60,000

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(kz)	Interagency and intra–agency local assistance		PR–S	C	–0–	–0–
(m)	Federal project operations		PR–F	C	–0–	1,335,700
(ma)	Federal project aids		PR–F	C	–0–	660,600
(n)	Federal program operations		PR–F	C	–0–	19,161,500
(na)	Federal program aids		PR–F	C	–0–	28,742,200
(nL)	Federal program local assistance		PR–F	C	–0–	–0–
		(5) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			–0–	10,549,100
		PROGRAM REVENUE			–0–	52,153,800
		FEDERAL			(–0–)	(49,900,000)
		OTHER			(–0–)	(2,032,900)
		SERVICE			(–0–)	(220,900)
		TOTAL–ALL SOURCES			–0–	62,702,900
(6)	WISCONSIN CONSERVATION CORPS					
(b)	General enrollee operations		GPR	B	–0–	2,506,500
(c)	Administrative support; general program operations		GPR	A	–0–	206,300
(j)	General enrollee operations sponsor contribution		PR	C	–0–	10,000
(ja)	Administrative support; sponsor contribution		PR	C	–0–	–0–
(jb)	Gifts and related support		PR	C	–0–	–0–
(k)	General enrollee operations; service funds		PR–S	C	–0–	587,600

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
	(ka)	Information technology development projects	PR–S	C	–0–	–0–
	(kb)	Administrative support; service funds	PR–S	C	–0–	36,400
	(m)	General enrollee operations; federal funds	PR–F	C	–0–	–0–
	(n)	Administrative support; federal funds	PR–F	C	–0–	–0–
	(u)	General enrollee operations; conservation fund	SEG	B	–0–	328,300
	(v)	General enrollee operations; transportation fund	SEG	B	–0–	281,100
	(w)	General enrollee operations; environmental fund	SEG	B	–0–	76,700
	(x)	General enrollee operations; waterfront projects; conservation fund	SEG	B	–0–	141,700
	(y)	Administrative support; conservation fund	SEG	A	–0–	399,100

(6) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	–0–	2,712,800
PROGRAM REVENUE	–0–	634,000
FEDERAL	(–0–)	(–0–)
OTHER	(–0–)	(10,000)
SERVICE	(–0–)	(624,000)
SEGREGATED FUNDS	–0–	1,226,900
OTHER	(–0–)	(1,226,900)
TOTAL–ALL SOURCES	–0–	4,573,700

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
20.445 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			11,913,300	246,055,100
PROGRAM REVENUE			195,873,700	699,379,800
FEDERAL			(122,531,700)	(563,929,700)
OTHER			(40,237,600)	(96,408,000)
SERVICE			(33,104,400)	(39,042,100)
SEGREGATED FUNDS			95,526,800	4,068,500
FEDERAL			(–0–)	(–0–)
OTHER			(95,526,800)	(4,068,500)
TOTAL–ALL SOURCES			303,313,800	949,503,400
20.455 Justice, department of				
(1) LEGAL SERVICES				
(a) General program operations	GPR	A	12,843,500	10,823,900
(b) Special counsel	GPR	S	800,000	800,000
(d) Legal expenses	GPR	B	898,800	898,800
(g) District attorney computer network	PR	A	53,300	160,400
(gh) Investigations and prosecution	PR	A	–0–	–0–
(gm) Remediation of harmful effects	PR	C	–0–	–0–
(gs) Delinquent obligation collection	PR	A	171,000	284,100
(hm) Restitution	PR	C	–0–	–0–
(k) Environment litigation project	PR–S	C	286,400	286,400
(km) Interagency and intra–agency assistance	PR–S	A	226,000	226,000
(kt) Telecommunications positions	PR	C	125,200	104,300
(m) Federal aid	PR–F	C	552,700	552,700
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			14,542,300	12,522,700
PROGRAM REVENUE			1,414,600	1,613,900
FEDERAL			(552,700)	(552,700)
OTHER			(349,500)	(548,800)

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		SERVICE			(512,400)	(512,400)
		TOTAL–ALL SOURCES			15,956,900	14,136,600
(2)		LAW ENFORCEMENT SERVICES				
	(a)	General program operations	GPR	A	12,299,000	12,206,500
	(am)	Officer training reimbursement	GPR	S	141,400	141,400
	(b)	Investigations and operations	GPR	A	–0–	–0–
	(c)	Crime laboratory equipment	GPR	B	–0–	–0–
	(d)	County–tribal law enforcement programs	GPR	A	60,000	60,000
	(dg)	Weed and seed and law enforcement technology	GPR	A	500,000	500,000
	(dq)	Law enforcement community policing grants	GPR	B	–0–	–0–
	(e)	Drug enforcement	GPR	A	426,000	424,300
	(g)	Gaming law enforcement; racing revenues	PR	A	78,400	79,100
	(gc)	Gaming law enforcement; Indian gaming	PR	A	98,000	98,900
	(gm)	Criminal history searches; fingerprint identification	PR	C	1,503,300	1,513,800
	(gr)	Handgun purchaser record check	PR	C	298,700	298,700
	(h)	Terminal charges	PR	A	2,242,700	2,256,100
	(hm)	County–tribal programs, surcharge receipts	PR	A	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(hn)	County–tribal programs, local assistance	PR	A	547,200	547,200
(ho)	County–tribal programs, state operations	PR	A	45,100	45,100
(i)	Penalty assessment surcharge, receipts	PR	A	–0–	–0–
(j)	Law enforcement training fund, local assistance	PR	A	3,190,600	3,190,600
(ja)	Law enforcement training fund, state operations	PR	A	2,525,500	2,525,500
(jb)	Crime laboratory equipment and supplies	PR	B	376,300	376,300
(k)	Interagency and intra–agency assistance; investigations	PR–S	C	1,662,800	1,663,400
(kg)	Interagency and intra–agency assistance; fingerprint identification	PR–S	A	868,200	868,200
(Lm)	Deoxyribonucleic acid analysis	PR	C	364,000	364,000
(m)	Federal aid, state operations	PR–F	C	97,300	97,300
(ma)	Federal aid, drug enforcement	PR–F	C	1,098,000	1,092,900
(n)	Federal aid, local assistance	PR–F	C	–0–	–0–
(q)	Computers for transaction information for management of enforcement system	SEG	A	1,048,500	1,048,500

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(r)	Gaming law enforcement; lottery revenues		SEG	A	218,600	220,600
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				13,426,400	13,332,200
	PROGRAM REVENUE				14,996,100	15,017,100
	FEDERAL				(1,195,300)	(1,190,200)
	OTHER				(11,269,800)	(11,295,300)
	SERVICE				(2,531,000)	(2,531,600)
	SEGREGATED FUNDS				1,267,100	1,269,100
	OTHER				(1,267,100)	(1,269,100)
	TOTAL–ALL SOURCES				29,689,600	29,618,400
(3)	ADMINISTRATIVE SERVICES					
(a)	General program operations		GPR	A	3,646,100	3,423,700
(g)	Gifts, grants and proceeds		PR	C	–0–	–0–
(k)	Interagency and intra–agency assistance		PR–S	A	–0–	–0–
(ka)	Information technology development projects		PR–S	A	–0–	–0–
(m)	Federal aid, state operations		PR–F	C	–0–	–0–
(pz)	Indirect cost reimbursements		PR–F	C	73,400	73,400
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				3,646,100	3,423,700
	PROGRAM REVENUE				73,400	73,400
	FEDERAL				(73,400)	(73,400)
	OTHER				(–0–)	(–0–)
	SERVICE				(–0–)	(–0–)
	TOTAL–ALL SOURCES				3,719,500	3,497,100
(5)	VICTIMS AND WITNESSES					
(a)	General program operations		GPR	A	798,200	803,200
(b)	Awards for victims of crimes		GPR	A	1,324,200	1,324,200

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
	(c)	Reimbursement for victim and witness services	GPR	A	1,497,100	1,497,100
	(g)	Crime victim and witness assistance surcharge, general services	PR	A	1,761,200	1,761,200
	(gc)	Crime victim and witness surcharge, sexual assault victim services	PR	C	300,000	300,000
	(h)	Crime victim compensation services	PR	A	38,000	39,900
	(i)	Victim compensation, inmate payments	PR	C	–0–	–0–
	(j)	Victim payments, victim surcharge	PR	A	488,800	488,800
	(k)	Interagency and intra–agency assistance	PR–S	A	935,800	935,800
	(m)	Federal aid; victim compensation	PR–F	C	637,700	643,900
	(ma)	Federal project aids	PR–F	C	–0–	–0–
	(mh)	Federal aid; victim assistance	PR–F	C	1,218,000	1,218,000
(5) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES					3,619,500	3,624,500
PROGRAM REVENUE					5,379,500	5,387,600
FEDERAL					(1,855,700)	(1,861,900)
OTHER					(2,588,000)	(2,589,900)
SERVICE					(935,800)	(935,800)
TOTAL–ALL SOURCES					8,999,000	9,012,100
20.455 DEPARTMENT TOTALS						
GENERAL PURPOSE REVENUES					35,234,300	32,903,100
PROGRAM REVENUE					21,863,600	22,092,000
FEDERAL					(3,677,100)	(3,678,200)
OTHER					(14,207,300)	(14,434,000)
SERVICE					(3,979,200)	(3,979,800)

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		SEGREGATED FUNDS			1,267,100	1,269,100
		OTHER			(1,267,100)	(1,269,100)
		TOTAL–ALL SOURCES			58,365,000	56,264,200
20.465		**Military affairs, department of**				
(1)		NATIONAL GUARD OPERATIONS				
	(a)	General program operations	GPR	A	4,290,900	4,013,000
	(b)	Repair and maintenance	GPR	A	574,800	644,800
	(c)	Public emergencies	GPR	S	48,500	48,500
	(d)	Principal repayment and interest	GPR	S	2,210,900	2,353,000
	(e)	State service flags	GPR	A	400	400
	(f)	Energy costs	GPR	A	1,456,600	1,490,400
	(g)	Military property	PR	A	232,400	232,400
	(h)	Intergovernmental services	PR	A	174,600	174,600
	(k)	Armory store operations	PR–S	A	200,000	200,000
	(km)	Agency services	PR–S	A	68,300	68,300
	(kn)	Information technology development projects; national guard	PR–S	A	–0–	–0–
	(Li)	Gifts and grants	PR	C	–0–	–0–
	(m)	Federal aid	PR–F	C	10,875,100	10,671,400
	(pz)	Indirect cost reimbursements	PR–F	C	108,200	108,200
		(1) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			8,582,100	8,550,100
		PROGRAM REVENUE			11,658,600	11,454,900
		FEDERAL			(10,983,300)	(10,779,600)
		OTHER			(407,000)	(407,000)

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
	SERVICE			(268,300)	(268,300)
	TOTAL–ALL SOURCES			20,240,700	20,005,000
(2)	GUARD MEMBERS' BENEFITS				
(a)	National guard tuition grants	GPR	S	1,316,200	1,420,900
	Applied receipts	GPR	S	300,000	–0–
	NET APPROPRIATION			1,016,200	1,420,900
(g)	Sales of property	PR	C	300,000	–0–
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,016,200	1,420,900
	PROGRAM REVENUE			300,000	–0–
	OTHER			(300,000)	(–0–)
	TOTAL–ALL SOURCES			1,316,200	1,420,900
(3)	EMERGENCY GOVERNMENT SERVICES				
(a)	General program operations	GPR	A	519,300	519,300
(d)	State emergency response board; general fund loan	GPR	C	–0–	–0–
(e)	Disaster recovery aid	GPR	S	773,000	773,000
(g)	Program services	PR	A	993,000	991,200
(i)	Emergency planning and reporting; administration	PR	A	652,200	652,200
(j)	State emergency response board; gifts and grants	PR	C	–0–	–0–
(jm)	State emergency response board; emergency planning grants	PR	C	662,700	834,700
(jt)	Regional emergency response reimbursement	PR	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(m)	Federal aid, state operations		PR–F	C	1,086,000	1,086,000
(n)	Federal aid, local assistance		PR–F	C	1,682,200	1,682,200
(o)	Federal aid, individuals and organizations		PR–F	C	42,000	42,000
(q)	Civil air patrol aids		SEG	A	19,000	19,000
(r)	State emergency response board; petroleum inspection fund		SEG	A	637,700	465,700
(rg)	Regional emergency response teams		SEG	C	1,400,000	1,400,000
(rk)	Hazardous substance emergency response; admin		SEG	A	72,000	72,000
(rp)	Emergency response equipment		SEG	A	720,000	720,000
(s)	Emergency response training – transportation fund		SEG	B	75,300	75,300
(t)	Emergency response training – environmental fund		SEG	B	75,200	75,200
		(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				1,292,300	1,292,300
	PROGRAM REVENUE				5,118,100	5,288,300
		FEDERAL			(2,810,200)	(2,810,200)
		OTHER			(2,307,900)	(2,478,100)
	SEGREGATED FUNDS				2,999,200	2,827,200
		OTHER			(2,999,200)	(2,827,200)
	TOTAL–ALL SOURCES				9,409,600	9,407,800
		20.465 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES				10,890,600	11,263,300
	PROGRAM REVENUE				17,076,700	16,743,200
		FEDERAL			(13,793,500)	(13,589,800)
		OTHER			(3,014,900)	(2,885,100)
		SERVICE			(268,300)	(268,300)
	SEGREGATED FUNDS				2,999,200	2,827,200

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(2,999,200)	(2,827,200)
		TOTAL–ALL SOURCES			30,966,500	30,833,700
20.475 District attorneys						
(1)		DISTRICT ATTORNEYS				
	(d)	Salaries and fringe benefits	GPR	A	28,172,400	28,172,400
	(h)	Gifts and grants	PR	C	921,200	921,200
	(k)	Interagency and intra–agency assistance	PR–S	C	–0–	–0–
	(m)	Federal aid	PR–F	C	–0–	–0–
		20.475 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			28,172,400	28,172,400
		PROGRAM REVENUE			921,200	921,200
		FEDERAL			(–0–)	(–0–)
		OTHER			(921,200)	(921,200)
		SERVICE			(–0–)	(–0–)
		TOTAL–ALL SOURCES			29,093,600	29,093,600
20.485 Veterans affairs, department of						
(1)		HOME FOR VETERANS				
	(b)	General fund supplement to institutional operations	GPR	B	–0–	–0–
	(d)	Cemetery maintenance and beautification	GPR	A	24,900	24,900
	(e)	Lease rental payments	GPR	S	–0–	–0–
	(f)	Principal repayment and interest	GPR	S	1,032,600	1,058,400
	(g)	Home exchange	PR	A	212,700	213,700
	(gd)	Veterans home cemetery operations	PR	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(gk)	Institutional operations	PR	A	32,059,300	32,472,200
(gm)	Sale of fuel and utility service	PR	A	40,700	40,700
(go)	Self–amortizing housing facilities; principal repayment and interest	PR	S	–0–	–0–
(h)	Gifts and bequests	PR	C	163,100	163,700
(hm)	Gifts and grants	PR	C	–0–	–0–
(i)	State–owned housing maintenance	PR	A	34,300	35,700
(j)	Geriatric program receipts	PR	C	119,700	119,700
(m)	Federal aid; care at veterans home	PR–F	C	–0–	–0–
(mj)	Federal aid; geriatric unit	PR–F	C	–0–	–0–
(mn)	Federal projects	PR–F	C	5,000	5,000
(t)	Veterans home member accounts	SEG	C	–0–	–0–
(u)	Rentals; improvements; equipment; land acquisition	SEG	A	–0–	–0–
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,057,500	1,083,300
	PROGRAM REVENUE			32,634,800	33,050,700
	FEDERAL			(5,000)	(5,000)
	OTHER			(32,629,800)	(33,045,700)
	SEGREGATED FUNDS			–0–	–0–
	OTHER			(–0–)	(–0–)
	TOTAL–ALL SOURCES			33,692,300	34,134,000
(2)	LOANS AND AIDS TO VETERANS				
(b)	Wisconsin veterans museum space rental	GPR	A	274,600	275,700
(c)	Operation of veterans museum	GPR	A	–0–	209,000

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(d)	Veterans memorials at The Highground	GPR	C	–0–	–0–
(db)	General fund supplement to veterans trust fund	GPR	A	–0–	–0–
(g)	Consumer reporting agency fees	PR	C	–0–	–0–
(ka)	Information technology development projects	PR–S	A	–0–	–0–
(m)	Federal aid projects	PR–F	C	–0–	–0–
(mn)	Federal projects; museum acquisitions and operations	PR–F	C	–0–	–0–
(rm)	Veterans rehabilitation program	SEG	B	800,000	800,000
(s)	Veterans memorial grants	SEG	C	–0–	–0–
(sm)	Payments related to the Highground	SEG	C	–0–	–0–
(tf)	Veterans' tuition and fee reimbursement program	SEG	A	1,785,800	1,273,800
(tm)	Facilities	SEG	C	–0–	–0–
(u)	Administration of loans and aids to veterans	SEG	A	2,387,900	2,393,700
(v)	Wisconsin veterans museum sales receipts	SEG	C	114,000	123,700
(vm)	Veterans aids and treatment	SEG	A	1,459,500	1,469,500
(vo)	Veterans of World War I	SEG	A	2,500	2,500

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(vw)	Payments to veterans organizations for claims service		SEG	A	75,000	75,000
(vx)	County grants		SEG	A	137,600	138,400
(w)	Home for needy veterans		SEG	C	10,000	10,000
(wd)	Operation of Wisconsin veterans museum		SEG	A	426,400	213,900
(y)	Veterans loans and expense		SEG	A	4,759,800	4,759,800
(ym)	Veterans trust fund stabilization loans		SEG	C	–0–	–0–
(z)	Gifts		SEG	C	–0–	–0–
(zm)	Museum gifts and bequests		SEG	C	–0–	–0–
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			274,600	484,700
		PROGRAM REVENUE			–0–	–0–
		FEDERAL			(–0–)	(–0–)
		OTHER			(–0–)	(–0–)
		SERVICE			(–0–)	(–0–)
		SEGREGATED FUNDS			11,958,500	11,260,300
		OTHER			(11,958,500)	(11,260,300)
		TOTAL–ALL SOURCES			12,233,100	11,745,000
(3)	SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS					
(b)	Self insurance		GPR	S	–0–	–0–
(e)	General program deficiency		GPR	S	–0–	–0–
(q)	Foreclosure loss payments		SEG	C	801,000	801,000
(r)	Funded reserves		SEG	C	50,000	50,000
(rm)	Other reserves		SEG	C	–0–	–0–
(s)	General program operations		SEG	A	3,554,800	3,561,400

	Statute, Agency and Purpose	Source	Type	1995–96	1996–97
(sm)	County grants	SEG	A	206,400	207,600
(t)	Debt service	SEG	C	51,164,900	54,533,100
(u)	Loan funding and revenue obligation supplement	SEG	C	7,851,900	7,851,900
(v)	Revenue obligation repayment	SEG	C	–0–	–0–
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			–0–	–0–
	SEGREGATED FUNDS			63,629,000	67,005,000
	OTHER			(63,629,000)	(67,005,000)
	TOTAL–ALL SOURCES			63,629,000	67,005,000
(4)	VETERANS MEMORIAL CEMETERIES				
(g)	Cemetery operations	PR	A	25,400	351,500
(h)	Gifts grants and bequests	PR	C	–0–	–0–
(m)	Federal aid; cemetery operations and burials	PR–F	C	–0–	–0–
(q)	Cemetery administration and maintenance	SEG	A	132,700	104,400
(r)	Cemetery energy costs	SEG	A	11,400	11,800
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			25,400	351,500
	FEDERAL			(–0–)	(–0–)
	OTHER			(25,400)	(351,500)
	SEGREGATED FUNDS			144,100	116,200
	OTHER			(144,100)	(116,200)
	TOTAL–ALL SOURCES			169,500	467,700
	20.485 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,332,100	1,568,000
	PROGRAM REVENUE			32,660,200	33,402,200
	FEDERAL			(5,000)	(5,000)
	OTHER			(32,655,200)	(33,397,200)
	SERVICE			(–0–)	(–0–)
	SEGREGATED FUNDS			75,731,600	78,381,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
OTHER			(75,731,600)	(78,381,500)
TOTAL–ALL SOURCES			109,723,900	113,351,700
20.490 Wisconsin housing and economic development authority				
(1) FACILITATION OF CONSTRUCTION				
(a) Capital reserve fund deficiency	GPR	C	–0–	–0–
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			–0–	–0–
TOTAL–ALL SOURCES			–0–	–0–
(2) HOUSING REHABILITATION LOAN PROGRAM				
(a) General program operations	GPR	C	–0–	–0–
(q) Loan loss reserve fund	SEG	C	–0–	–0–
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			–0–	–0–
SEGREGATED FUNDS			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
(g) Disadvantaged business mobilization loan guarantee	PR	C	–0–	–0–
(4) PROGRAM TOTALS				
PROGRAM REVENUE			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
(5) WISCONSIN DEVELOPMENT LOAN GUARANTEES				
(a) Wisconsin development reserve fund	GPR	C	–0–	–0–

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(q) Recycling fund transfer to Wisconsin development reserve fund	SEG	C	–0–	–0–
(r) Agrichemical management fund transfer to Wisconsin development reserve fd.	SEG	C	–0–	–0–
(s) Petroleum inspection fund transfer to WDRF	SEG	C	–0–	–0–
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			–0–	–0–
SEGREGATED FUNDS			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
20.490 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			–0–	–0–
PROGRAM REVENUE			–0–	–0–
OTHER			(–0–)	(–0–)
SEGREGATED FUNDS			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
20.495 University of Wisconsin hospitals and clinics board				
(1) CONTRACTUAL SERVICES				
(g) General program operations	PR	C	–0–	–0–
20.495 DEPARTMENT TOTALS				
PROGRAM REVENUE			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
Human Relations and Resources FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			2,318,248,300	2,363,836,000
PROGRAM REVENUE			3,048,542,600	3,055,405,100
FEDERAL			(2,515,634,600)	(2,507,298,800)
OTHER			(421,434,000)	(427,349,100)
SERVICE			(111,474,000)	(120,757,200)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
SEGREGATED FUNDS			178,353,900	89,375,500
FEDERAL			(–0–)	(–0–)
OTHER			(178,353,900)	(89,375,500)
SERVICE			(–0–)	(–0–)
LOCAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			5,545,144,800	5,508,616,600

General Executive Functions

20.505 Administration, department of

(1)	SUPERVISION AND MANAGEMENT					
(a)	General program operations	GPR	A	11,533,200	10,892,600
(b)	Midwest interstate low–level radioactive waste compact; loan from gen. fund	GPR	C	–0–	–0–
(d)	Energy development and demonstration fund	GPR	A	–0–	–0–
(f)	Badger state games assistance	GPR	A	50,000	50,000
(g)	Midwest interstate low–level radioactive waste compact; membership & costs	PR	A	60,700	60,700
(ga)	Gifts and grants; comm. for the study of admin. value and efficiency	PR	A	–0–	–0–
(im)	Services to nonstate governmental units	PR	A	1,553,500	1,604,300
(is)	Information technology processing services to nonstate entities	PR	C	–0–	–0–
(j)	Gifts and donations	PR	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
1	(ja)	Justice information systems	PR	A	235,500	235,500
2	(jm)	Acid deposition activities	PR	A	54,600	–0–
3 4	(ka)	Materials and services to state agencies	PR–S	A	3,463,800	3,616,100
5	(kb)	Transportation services	PR–S	A	11,520,400	13,074,900
6 7	(kc)	Capital planning and building construction services	PR–S	A	5,960,600	6,016,800
8 9	(kd)	Printing, document sales, mail distribution and record services	PR–S	A	16,426,600	16,426,600
10 11	(ke)	Telecommunications and data processing services	PR–S	A	31,272,100	32,066,200
12	(kj)	Financial services	PR–S	A	7,993,000	8,452,200
13 14	(kk)	Processing of federal grant applications	PR–S	A	–0–	142,700
15 16	(kL)	Information technology processing services to agencies	PR–S	C	29,431,200	29,431,200
17 18	(kn)	Multi–agency information technology development projects	PR–S	A	–0–	–0–
19 20 21	(ko)	Information technology development projects; justice information systems	PR–S	A	–0–	–0–
22	(kq)	Credit card use charges	PR–S	C	–0–	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(kr)	Information technology development and management services		PR–S	A	–0–	–0–
(ma)	Federal grants and contracts		PR–F	C	–0–	–0–
(mb)	Federal energy grants and contracts		PR–F	C	713,900	713,900
(mc)	Coastal zone management		PR–F	C	1,101,200	1,101,200
(md)	Oil overcharge restitution funds		PR–F	C	6,864,800	6,864,800
(n)	Federal aid; local assistance		PR–F	C	–0–	–0–
(pz)	Indirect cost reimbursements		PR–F	C	66,700	66,700
(r)	Information technology investment fund administration		SEG	A	–0–	–0–
(v)	General program operations — clean water fund program; state funds		SEG	A	703,500	706,200
(x)	General program operations — clean water fund program; federal funds		SEG–F	C	–0–	–0–
		(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				11,583,200	10,942,600
	PROGRAM REVENUE				116,718,600	119,873,800
		FEDERAL			(8,746,600)	(8,746,600)
		OTHER			(1,904,300)	(1,900,500)
		SERVICE			(106,067,700)	(109,226,700)
	SEGREGATED FUNDS				703,500	706,200
		FEDERAL			(–0–)	(–0–)
		OTHER			(703,500)	(706,200)
	TOTAL–ALL SOURCES				129,005,300	131,522,600

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(2)	RISK MANAGEMENT				
(a)	General fund supplement — risk management claims	GPR	S	–0–	–0–
(k)	Risk management costs	PR–S	C	21,964,200	21,964,200
(ki)	Risk management administration	PR–S	A	4,238,900	4,245,500
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			–0–	–0–
	PROGRAM REVENUE			26,203,100	26,209,700
	SERVICE			(26,203,100)	(26,209,700)
	TOTAL–ALL SOURCES			26,203,100	26,209,700
(3)	COMMITTEES AND INTERSTATE BODIES				
(a)	General program operations	GPR	A	191,600	186,600
(b)	Women's council operations	GPR	A	91,200	92,700
(be)	Midwestern higher education compact; membership and costs	GPR	A	58,000	58,000
(e)	Mediation office operations	GPR	A	–0–	–0–
(g)	Gifts and grants	PR	C	–0–	–0–
(h)	Program fees	PR	A	6,100	6,100
(k)	Committees on area promotion	PR–S	C	–0–	–0–
(m)	Federal aid	PR–F	C	–0–	–0–
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			340,800	337,300
	PROGRAM REVENUE			6,100	6,100
	FEDERAL			(–0–)	(–0–)
	OTHER			(6,100)	(6,100)
	SERVICE			(–0–)	(–0–)
	TOTAL–ALL SOURCES			346,900	343,400
(4)	ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS				

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(a)	Adjudication of tax appeals		GPR	A	505,400	507,900
(b)	Adjudication of equalization appeals		GPR	S	–0–	–0–
(c)	Claims board; general program operations		GPR	A	41,500	41,500
(d)	Claims awards		GPR	S	25,000	25,000
(dq)	Kickappoo valley reserve; aids in lieu of taxes		GPR	S	–0–	–0–
(ee)	Educational technology board; administrative expenses		GPR	A	45,000	75,000
(er)	Educational technology board; grants		GPR	C	–0–	10,000,000
(f)	Hearings and appeals operations		GPR	A	1,766,100	1,768,800
(gm)	Gifts and grants		PR	C	–0–	–0–
(h)	Program services		PR	A	26,000	26,000
(ie)	Land information board; general program operations		PR	A	226,100	186,800
(ig)	Land information board; technical assistance and education		PR	A	–0–	–0–
(im)	Land information board; aids to counties		PR	C	1,799,000	1,799,000
(ip)	Kickapoo valley governing board; prog services		PR	C	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(ir)	Kickapoo valley governing board; gifts and grants	PR	C	–0–	–0–
(is)	Relay service	PR	A	4,050,000	4,050,000
(k)	Waste facility siting board; general program operations	PR–S	A	103,900	103,900
(ka)	State use board — general program operations	PR–S	A	120,300	120,300
(kb)	Info tech development projects; attached divisions, boards and commissions	PR–S	A	–0–	–0–
(ms)	Kickapoo valley governing board; federal aid	PR–F	C	–0–	–0–
(q)	Hearings and appeals operations; transportation fund	SEG	A	141,000	144,400
(qm)	Kickapoo valley governing board – general program operations	SEG	A	104,600	–0–
(r)	State capitol and executive residence board; gifts and grants	SEG	C	–0–	–0–

(4) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,383,000	12,418,200
PROGRAM REVENUE	6,325,300	6,286,000
FEDERAL	(–0–)	(–0–)
OTHER	(6,101,100)	(6,061,800)
SERVICE	(224,200)	(224,200)
SEGREGATED FUNDS	245,600	144,400
OTHER	(245,600)	(144,400)
TOTAL–ALL SOURCES	8,953,900	18,848,600

(5) FACILITIES MANAGEMENT

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(g)	Principal repayment, interest and rebates; parking	PR–S	S	1,062,200	1,398,900
(ka)	Facility operations and maintenance	PR–S	A	27,317,900	27,738,900
(kb)	Parking	PR	A	–0–	–0–
(kc)	Principal repayment, interest and rebates	PR–S	C	8,440,900	8,212,400
(q)	Energy efficiency	SEG	S	–0–	–0–
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			36,821,000	37,350,200
	OTHER			(–0–)	(–0–)
	SERVICE			(36,821,000)	(37,350,200)
	SEGREGATED FUNDS			–0–	–0–
	OTHER			(–0–)	(–0–)
	TOTAL–ALL SOURCES			36,821,000	37,350,200
(6)	OFFICE OF JUSTICE ASSISTANCE				
(a)	General program operations	GPR	A	263,100	265,900
(c)	Law enforcement officer supplement grants	GPR	A	1,000,000	1,000,000
(g)	Anti–drug enforcement program, penalty assessment – local	PR	C	1,931,300	1,980,400
(h)	Anti–drug enforcement program, penalty assessment – state	PR	C	850,700	700,000
(k)	Anti–drug enforcement program — administration	PR–S	C	101,800	101,800
(m)	Federal aid, planning and administration, state operations	PR–F	C	140,500	142,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(o)	Federal aid, criminal justice improvement projects, state operations	PR–F	C	75,000	75,000
(p)	Federal aid, criminal justice improvement projects, local assistance	PR–F	C	859,000	859,000
(pa)	Federal aid, criminal justice improvement projects, aid to organizations	PR–F	C	275,000	275,000
(pb)	Federal aid, anti–drug enforcement program, aids and local assistance	PR–F	C	4,954,200	5,189,000
(pc)	Federal aid, anti–drug enforcement program, state operations	PR–F	C	3,982,600	3,453,200
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,263,100	1,265,900
	PROGRAM REVENUE			13,170,100	12,775,400
	FEDERAL			(10,286,300)	(9,993,200)
	OTHER			(2,782,000)	(2,680,400)
	SERVICE			(101,800)	(101,800)
	TOTAL–ALL SOURCES			14,433,200	14,041,300
(7)	HOUSING ASSISTANCE				
(a)	General program operations	GPR	A	934,800	890,800
(b)	Housing grants and loans	GPR	B	2,800,300	2,800,300
(c)	Payments to designated agents	GPR	A	–0–	–0–
(d)	Grants to local housing organizations	GPR	B	750,000	500,000
(dm)	Transitional housing grants	GPR	A	375,000	375,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(fm)	Shelter for homeless and transitional housing	GPR	A	1,131,000	1,131,000
(g)	Gifts and grants	PR	C	–0–	–0–
(gm)	Funding for the homeless	PR	C	–0–	–0–
(h)	Interest on real estate trust accounts	PR	C	–0–	–0–
(jf)	Mobile home parks	PR–S	A	82,000	82,000
(ji)	Regulation of mobile home dealers and salespersons	PR–S	A	37,000	37,000
(k)	Sale of materials or services	PR–S	C	–0–	–0–
(kg)	Housing program services	PR–S	C	6,692,300	6,692,300
(km)	Weatherization assistance	PR–S	C	10,000,000	10,000,000
(m)	Federal aid; state operations	PR–F	C	2,338,800	3,968,300
(n)	Federal aid; local assistance	PR–F	C	1,777,000	1,777,000
(o)	Federal aid; individuals and organizations	PR–F	C	20,056,200	72,269,300
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,991,100	5,697,100
	PROGRAM REVENUE			40,983,300	94,825,900
	FEDERAL			(24,172,000)	(78,014,600)
	OTHER			(–0–)	(–0–)
	SERVICE			(16,811,300)	(16,811,300)
	TOTAL–ALL SOURCES			46,974,400	100,523,000
(8)	DISTRICT ATTORNEYS				
(a)	General program operations	GPR	A	198,000	198,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(8) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			198,000	198,000
TOTAL–ALL SOURCES			198,000	198,000
20.505 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			21,759,200	30,859,100
PROGRAM REVENUE			240,227,500	297,327,100
FEDERAL			(43,204,900)	(96,754,400)
OTHER			(10,793,500)	(10,648,800)
SERVICE			(186,229,100)	(189,923,900)
SEGREGATED FUNDS			949,100	850,600
FEDERAL			(–0–)	(–0–)
OTHER			(949,100)	(850,600)
TOTAL–ALL SOURCES			262,935,800	329,036,800

20.510 Elections board

(1)	ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS					
(a)	General program operations;					
	general purpose revenue	GPR	B	738,700	738,700
(g)	Recount fees	PR	C	–0–	–0–
(h)	Materials and services	PR	A	25,300	25,300
(ka)	Information technology				
	development projects	PR–S	A	–0–	–0–
(q)	Wisconsin election campaign fund	SEG	C	100,000	700,000
20.510 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES				738,700	738,700
PROGRAM REVENUE				25,300	25,300
OTHER				(25,300)	(25,300)
SERVICE				(–0–)	(–0–)
SEGREGATED FUNDS				100,000	700,000
OTHER				(100,000)	(700,000)
TOTAL–ALL SOURCES				864,000	1,464,000

20.512 Employment relations, department of

(1)	EMPLOYMENT RELATIONS					

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(a)	General program operations	GPR	A	5,359,500	5,204,900
(i)	Services to nonstate governmental units	PR	A	141,400	141,400
(j)	Gifts and donations	PR	C	–0–	–0–
(jm)	Employe development and training services	PR	A	435,800	381,100
(ka)	Publications	PR–S	A	187,100	187,100
(kb)	Information technology development projects	PR–S	A	–0–	–0–
(km)	Collective bargaining grievance arbitrations	PR–S	A	60,000	60,000
(m)	Federal grants and contracts	PR–F	C	–0–	–0–
(pz)	Indirect cost reimbursements	PR–F	C	–0–	–0–
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,359,500	5,204,900
	PROGRAM REVENUE			824,300	769,600
	FEDERAL			(–0–)	(–0–)
	OTHER			(577,200)	(522,500)
	SERVICE			(247,100)	(247,100)
	TOTAL–ALL SOURCES			6,183,800	5,974,500
(2)	AFFIRMATIVE ACTION COUNCIL				
(a)	General program operations	GPR	A	8,200	8,200
(j)	Gifts and donations	PR	C	–0–	–0–
(m)	Federal grants and contracts	PR–F	C	–0–	–0–
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,200	8,200
	PROGRAM REVENUE			–0–	–0–
	FEDERAL			(–0–)	(–0–)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			8,200	8,200
20.512 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,367,700	5,213,100
PROGRAM REVENUE			824,300	769,600
FEDERAL			(–0–)	(–0–)
OTHER			(577,200)	(522,500)
SERVICE			(247,100)	(247,100)
TOTAL–ALL SOURCES			6,192,000	5,982,700
20.515 Employe trust funds, department of				
(1) EMPLOYE BENEFIT PLANS				
(a) Annuity supplements and payments	GPR	S	373,000	330,800
(c) Contingencies	GPR	S	–0–	–0–
(ka) Information technology development projects	PR–S	A	–0–	–0–
(t) Automated operating system	SEG	C	1,866,600	1,291,500
(u) Employe–funded reimbursement account plan	SEG	C	–0–	–0–
(um) Benefit administration	SEG	B	5,000	5,000
(ut) Health insurance data collection and analysis contracts	SEG	A	257,000	–0–
(w) Administration	SEG	A	11,579,900	11,570,200
20.515 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			373,000	330,800
PROGRAM REVENUE			–0–	–0–
SERVICE			(–0–)	(–0–)
SEGREGATED FUNDS			13,708,500	12,866,700
OTHER			(13,708,500)	(12,866,700)
TOTAL–ALL SOURCES			14,081,500	13,197,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
20.521 Ethics board				
(1) ETHICS AND LOBBYING REGULATION				
(a) General program operations; general purpose revenue	GPR	A	206,700	106,700
(g) General program operations; program revenue	PR	A	216,300	316,300
(h) Gifts and grants	PR	C	–0–	–0–
(i) Materials and services	PR	A	15,000	15,000
(ka) Information technology development projects	PR–S	A	–0–	–0–
20.521 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			206,700	106,700
PROGRAM REVENUE			231,300	331,300
OTHER			(231,300)	(331,300)
SERVICE			(–0–)	(–0–)
TOTAL–ALL SOURCES			438,000	438,000
20.525 Office of the governor				
(1) EXECUTIVE ADMINISTRATION				
(a) General program operations	GPR	S	2,118,400	2,006,700
(b) Contingent fund	GPR	S	21,700	21,700
(c) Membership in national associations	GPR	S	99,000	99,000
(d) Disability board	GPR	S	–0–	–0–
(i) Gifts and grants	PR	C	–0–	–0–
(ka) Information technology development projects	PR–S	A	–0–	–0–

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(m) Federal aid	PR–F	C	–0–	–0–
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,239,100	2,127,400
PROGRAM REVENUE			–0–	–0–
FEDERAL			(–0–)	(–0–)
OTHER			(–0–)	(–0–)
SERVICE			(–0–)	(–0–)
TOTAL–ALL SOURCES			2,239,100	2,127,400
(2) EXECUTIVE RESIDENCE				
(a) General program operations	GPR	S	159,000	151,300
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			159,000	151,300
TOTAL–ALL SOURCES			159,000	151,300
20.525 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,398,100	2,278,700
PROGRAM REVENUE			–0–	–0–
FEDERAL			(–0–)	(–0–)
OTHER			(–0–)	(–0–)
SERVICE			(–0–)	(–0–)
TOTAL–ALL SOURCES			2,398,100	2,278,700
20.536 Investment board				
(1) INVESTMENT OF FUNDS				
(k) General program operations	PR–S	A	7,872,000	7,932,000
(ka) General program operations; clean water fund	PR–S	C	–0–	–0–
20.536 DEPARTMENT TOTALS				
PROGRAM REVENUE			7,872,000	7,932,000
SERVICE			(7,872,000)	(7,932,000)
TOTAL–ALL SOURCES			7,872,000	7,932,000
20.540 Office of the lieutenant governor				
(1) EXECUTIVE COORDINATION				

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(a)	General program operations		GPR	A	414,000	363,500
(g)	Gifts, grants and proceeds		PR	C	–0–	–0–
(k)	Grants from state agencies		PR–S	C	–0–	–0–
(ka)	Information technology development projects		PR–S	A	–0–	–0–
(m)	Federal aid		PR–F	C	–0–	–0–
	20.540 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES				414,000	363,500
	PROGRAM REVENUE				–0–	–0–
	FEDERAL				(–0–)	(–0–)
	OTHER				(–0–)	(–0–)
	SERVICE				(–0–)	(–0–)
	TOTAL–ALL SOURCES				414,000	363,500

20.547 Personnel commission

(1) REVIEW OF PERSONNEL DECISIONS

(a)	General program operations		GPR	A	718,000	718,000
(h)	Publications		PR	A	3,000	3,000
(ka)	Information technology development projects		PR–S	A	–0–	–0–
(m)	Federal aid		PR–F	C	–0–	–0–
	20.547 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES				718,000	718,000
	PROGRAM REVENUE				3,000	3,000
	FEDERAL				(–0–)	(–0–)
	OTHER				(3,000)	(3,000)
	SERVICE				(–0–)	(–0–)
	TOTAL–ALL SOURCES				721,000	721,000

20.550 Public defender board

(1) LEGAL ASSISTANCE

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(a)	Program administration		GPR	A	1,604,700	1,640,300
(b)	Appellate representation		GPR	A	3,254,600	3,271,200
(c)	Trial representation		GPR	A	31,139,600	31,183,000
(d)	Private bar and investigator reimbursement		GPR	B	21,911,500	13,582,300
(e)	Private bar and investigator payments; administration costs		GPR	A	398,400	399,800
(f)	Transcript and record payments		GPR	A	1,399,600	1,399,600
(fb)	Payments from clients; administrative costs		PR	A	102,200	111,400
(g)	Gifts and grants		PR	C	–0–	–0–
(h)	Contractual agreements		PR–S	A	–0–	–0–
(i)	Tuition payments		PR	C	–0–	–0–
(j)	Conferences and training		PR	A	108,200	110,400
(L)	Private bar and inv. reimbursement; payments for legal representation		PR	C	3,333,000	4,170,300
(m)	Federal aid		PR–F	C	–0–	–0–

20.550 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	59,708,400	51,476,200
PROGRAM REVENUE	3,543,400	4,392,100
FEDERAL	(–0–)	(–0–)
OTHER	(3,543,400)	(4,392,100)
SERVICE	(–0–)	(–0–)
TOTAL–ALL SOURCES	63,251,800	55,868,300

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
20.566	**Revenue, department of**				
(1)	COLLECTION OF TAXES				
(a)	General program operations	GPR	A	31,431,000	30,012,900
(g)	Administration of county sales and use taxes	PR	A	1,878,300	1,879,100
(ga)	Cigarette tax stamps	PR	A	165,600	165,600
(gb)	Business tax registration	PR	A	756,700	1,247,600
(gc)	Audits of occasional sales of motor vehicles	PR	A	401,400	557,800
(gg)	Administration of local taxes	PR	A	–0–	–0–
(h)	Debt collection	PR	A	144,600	144,700
(ha)	Administration of liquor tax	PR	A	139,600	139,700
(hm)	Collections under contracts	PR	S	351,800	351,800
(hp)	Admin. of endan. res. & domestic abuse awareness & prev. voluntary payments	PR	A	50,100	50,200
(hq)	Delinquent tax collection fees	PR	C	8,299,000	9,352,900
(i)	Gifts and grants	PR	C	–0–	–0–
(m)	Federal funds; state operations	PR–F	C	50,000	50,000
(q)	Recycling surcharge administration	SEG	A	306,800	306,800
(s)	Petroleum inspection fee collection	SEG	A	202,900	101,900
(u)	Motor fuel tax administration	SEG	A	1,012,000	962,600
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			31,431,000	30,012,900

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
PROGRAM REVENUE					12,237,100	13,939,400
FEDERAL					(50,000)	(50,000)
OTHER					(12,187,100)	(13,889,400)
SEGREGATED FUNDS					1,521,700	1,371,300
OTHER					(1,521,700)	(1,371,300)
TOTAL–ALL SOURCES					45,189,800	45,323,600
(2) STATE AND LOCAL FINANCE						
	(a)	General program operations	GPR	A	9,205,200	8,765,600
	(g)	County assessment studies	PR	C	–0–	–0–
	(gi)	Municipal finance report compliance	PR	A	40,300	40,300
	(h)	Reassessments	PR	A	91,700	91,700
	(hi)	Wisconsin property assessment manual	PR	A	63,000	63,000
	(i)	Gifts and grants	PR	C	–0–	–0–
	(m)	Federal funds; state operations	PR–F	C	–0–	–0–
	(q)	Railroad and air carrier tax administration	SEG	A	75,900	76,000
	(r)	Lottery credit administration	SEG	A	191,100	191,300
(2) PROGRAM TOTALS						
GENERAL PURPOSE REVENUES					9,205,200	8,765,600
PROGRAM REVENUE					195,000	195,000
FEDERAL					(–0–)	(–0–)
OTHER					(195,000)	(195,000)
SEGREGATED FUNDS					267,000	267,300
OTHER					(267,000)	(267,300)
TOTAL–ALL SOURCES					9,667,200	9,227,900
(3) ADMINISTRATIVE SERVICES AND SPACE RENTAL						
	(a)	General program operations	GPR	A	14,842,300	14,603,900

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(c)	Expert professional services		GPR	A	8,000	8,000
(g)	Services		PR	A	56,600	56,600
(gm)	Reciprocity agreement and publications		PR	A	199,900	199,900
(i)	Gifts and grants		PR	C	–0–	–0–
(k)	Internal services		PR–S	A	169,100	169,100
(ka)	Information technology development projects		PR–S	A	–0–	–0–
(m)	Federal funds; state operations		PR–F	C	–0–	–0–
		(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				14,850,300	14,611,900
	PROGRAM REVENUE				425,600	425,600
	FEDERAL				(–0–)	(–0–)
	OTHER				(256,500)	(256,500)
	SERVICE				(169,100)	(169,100)
	TOTAL–ALL SOURCES				15,275,900	15,037,500
(7)	INVESTMENT AND LOCAL IMPACT FUND					
(e)	Investment and local impact fund supplement		GPR	A	–0–	–0–
(g)	Investment and local impact fund administrative expenses		PR	A	36,200	41,400
(n)	Federal mining revenue		PR–F	C	–0–	–0–
(v)	Investment and local impact fund		SEG	C	–0–	–0–
		(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				–0–	–0–
	PROGRAM REVENUE				36,200	41,400
	FEDERAL				(–0–)	(–0–)
	OTHER				(36,200)	(41,400)
	SEGREGATED FUNDS				–0–	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(–0–)	(–0–)
		TOTAL–ALL SOURCES			36,200	41,400
(8)		LOTTERY				
	(q)	General program operations	SEG	A	–0–	24,527,400
	(r)	Retailer compensation	SEG	A	–0–	29,106,100
	(s)	Prizes	SEG	A	–0–	–0–
	(v)	On–line vendor fees	SEG	A	–0–	11,328,000
		(8) PROGRAM TOTALS				
		SEGREGATED FUNDS			–0–	64,961,500
		OTHER			(–0–)	(64,961,500)
		TOTAL–ALL SOURCES			–0–	64,961,500
		20.566 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			55,486,500	53,390,400
		PROGRAM REVENUE			12,893,900	14,601,400
		FEDERAL			(50,000)	(50,000)
		OTHER			(12,674,800)	(14,382,300)
		SERVICE			(169,100)	(169,100)
		SEGREGATED FUNDS			1,788,700	66,600,100
		OTHER			(1,788,700)	(66,600,100)
		TOTAL–ALL SOURCES			70,169,100	134,591,900
20.575		**Secretary of state**				
(1)		MANAGING AND OPERATING PROGRAM RESPONSIBILITIES				
	(g)	Program fees	PR	A	2,173,600	2,146,900
	(gb)	Expedited service and telephone application for reservation of name	PR	A	115,200	115,200
	(h)	Search fees	PR	A	211,400	211,600
	(i)	Uniform commercial code statewide lien system	PR	A	456,500	456,900
	(ka)	Agency collections	PR–S	A	100,000	100,000

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		20.575 DEPARTMENT TOTALS				
		PROGRAM REVENUE			3,056,700	3,030,600
		OTHER			(2,956,700)	(2,930,600)
		SERVICE			(100,000)	(100,000)
		TOTAL–ALL SOURCES			3,056,700	3,030,600
20.585		**Treasurer, state**				
(1)		CUSTODIAN OF STATE FUNDS				
	(a)	General program operations	GPR	A	380,900	–0–
	(b)	Insurance	GPR	A	–0–	–0–
	(e)	Unclaimed property; contingency appropriation	GPR	S	–0–	–0–
	(g)	Processing services	PR	A	220,600	217,400
	(h)	Training conferences	PR	C	–0–	–0–
	(j)	Unclaimed property; claims and adminstrative expenses	PR	C	555,000	1,046,100
	(js)	Investment services	PR	A	23,200	–0–
	(jt)	Cash management services	PR	A	40,800	–0–
	(ka)	Information technology development projects	PR–S	A	–0–	–0–
	(km)	Credit card use charges	PR–S	C	–0–	–0–
		(1) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			380,900	–0–
		PROGRAM REVENUE			839,600	1,263,500
		OTHER			(839,600)	(1,263,500)
		SERVICE			(–0–)	(–0–)
		TOTAL–ALL SOURCES			1,220,500	1,263,500
(2)		TRUST LANDS AND INVESTMENTS				

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995-96	1996-97
(hg)	Trust lands and investments–general program operations		PR–S	A	723,800	726,000
(k)	Trust lands and investments–interagency and intragency assistance		PR–S	A	–0–	–0–
(mg)	Federal aid–flood control		PR–F	C	52,700	52,700
		(2) PROGRAM TOTALS				
	PROGRAM REVENUE				776,500	778,700
		FEDERAL			(52,700)	(52,700)
		SERVICE			(723,800)	(726,000)
	TOTAL–ALL SOURCES				776,500	778,700
		20.585 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES				380,900	–0–
	PROGRAM REVENUE				1,616,100	2,042,200
		FEDERAL			(52,700)	(52,700)
		OTHER			(839,600)	(1,263,500)
		SERVICE			(723,800)	(726,000)
	TOTAL–ALL SOURCES				1,997,000	2,042,200
		General Executive Functions FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES				147,551,200	145,475,200
	PROGRAM REVENUE				270,293,500	330,454,600
		FEDERAL			(43,307,600)	(96,857,100)
		OTHER			(31,644,800)	(34,499,400)
		SERVICE			(195,341,100)	(199,098,100)
	SEGREGATED FUNDS				16,546,300	81,017,400
		FEDERAL			(–0–)	(–0–)
		OTHER			(16,546,300)	(81,017,400)
		SERVICE			(–0–)	(–0–)
		LOCAL			(–0–)	(–0–)
	TOTAL–ALL SOURCES				434,391,000	556,947,200

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97

Judicial

20.625 Circuit courts

(1)	COURT OPERATIONS					
(a)	Circuit courts	GPR	S		42,269,700	41,921,300
(as)	Violent crime court costs	GPR	A		–0–	–0–
(b)	Permanent reserve judges	GPR	A		–0–	–0–
(c)	Court interpreter fees	GPR	A		107,100	116,400
(d)	Circuit court support payments	GPR	B		11,738,000	16,489,600
(e)	Guardian ad litum costs	GPR	A		4,738,500	4,738,500
(k)	Drug court costs; local assistance	PR	C		154,600	160,000
(m)	Federal aid	PR–F	C		–0–	–0–
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				58,853,300	63,265,800
	PROGRAM REVENUE				154,600	160,000
	FEDERAL				(–0–)	(–0–)
	OTHER				(154,600)	(160,000)
	TOTAL–ALL SOURCES				59,007,900	63,425,800
(3)	CHILD CUSTODY HEARINGS AND STUDIES IN OTHER STATES					
(a)	General program operations	GPR	S		–0–	–0–
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				–0–	–0–
	TOTAL–ALL SOURCES				–0–	–0–
	20.625 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES				58,853,300	63,265,800
	PROGRAM REVENUE				154,600	160,000
	FEDERAL				(–0–)	(–0–)
	OTHER				(154,600)	(160,000)
	TOTAL–ALL SOURCES				59,007,900	63,425,800

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
20.660 Court of appeals				
(1) APPELLATE PROCEEDINGS				
(a) General program operations	GPR	S	5,859,200	5,859,200
(m) Federal aid	PR–F	C	–0–	–0–
20.660 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,859,200	5,859,200
PROGRAM REVENUE			–0–	–0–
FEDERAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			5,859,200	5,859,200
20.665 Judicial commission				
(1) JUDICIAL CONDUCT				
(a) General program operations	GPR	A	160,600	160,600
(cm) Contractual agreements	GPR	B	18,200	18,200
(ka) Information technology development projects	PR–S	A	–0–	–0–
(mm) Federal aid	PR–F	C	–0–	–0–
20.665 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			178,800	178,800
PROGRAM REVENUE			–0–	–0–
FEDERAL			(–0–)	(–0–)
SERVICE			(–0–)	(–0–)
TOTAL–ALL SOURCES			178,800	178,800
20.680 Supreme court				
(1) SUPREME COURT PROCEEDINGS				
(a) General program operations	GPR	S	3,037,200	3,037,200
(m) Federal aid	PR–F	C	–0–	–0–
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,037,200	3,037,200
PROGRAM REVENUE			–0–	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		FEDERAL			(–0–)	(–0–)
		TOTAL–ALL SOURCES			3,037,200	3,037,200
(2)		DIRECTOR OF STATE COURTS				
	(a)	General program operations	GPR	A	4,244,100	4,184,100
	(b)	Judicial planning and research	GPR	A	–0–	–0–
	(g)	Gifts and grants	PR	C	–0–	–0–
	(h)	Materials and services	PR	A	40,000	40,000
	(i)	Municipal judge training	PR	A	100,500	100,500
	(j)	Circuit court automation systems	PR	A	4,793,400	4,793,400
	(k)	Data processing services	PR–S	A	41,900	41,900
	(ka)	Information technology development projects	PR–S	A	–0–	–0–
	(kc)	Central services	PR–S	A	41,800	41,800
	(kd)	Court operations information technology	PR–S	C	204,700	9,100
	(m)	Federal aid	PR–F	C	–0–	–0–
	(qm)	Mediation fund	SEG	C	636,400	636,400
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			4,244,100	4,184,100
		PROGRAM REVENUE			5,222,300	5,026,700
		FEDERAL			(–0–)	(–0–)
		OTHER			(4,933,900)	(4,933,900)
		SERVICE			(288,400)	(92,800)
		SEGREGATED FUNDS			636,400	636,400
		OTHER			(636,400)	(636,400)
		TOTAL–ALL SOURCES			10,102,800	9,847,200
(3)		BAR EXAMINERS AND RESPONSIBILITY				

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(g)	Board of bar examiners		PR	C	404,000	404,000
(h)	Board of attorneys professional responsibility		PR	C	1,252,900	1,252,900
	(3) PROGRAM TOTALS					
	PROGRAM REVENUE				1,656,900	1,656,900
	OTHER				(1,656,900)	(1,656,900)
	TOTAL–ALL SOURCES				1,656,900	1,656,900
(4)	LAW LIBRARY					
(a)	General program operations		GPR	A	899,800	899,800
(g)	Library collections and services		PR	A	83,400	83,400
(h)	Gifts and grants		PR	C	–0–	–0–
	(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				899,800	899,800
	PROGRAM REVENUE				83,400	83,400
	OTHER				(83,400)	(83,400)
	TOTAL–ALL SOURCES				983,200	983,200
	20.680 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES				8,181,100	8,121,100
	PROGRAM REVENUE				6,962,600	6,767,000
	FEDERAL				(–0–)	(–0–)
	OTHER				(6,674,200)	(6,674,200)
	SERVICE				(288,400)	(92,800)
	SEGREGATED FUNDS				636,400	636,400
	OTHER				(636,400)	(636,400)
	TOTAL–ALL SOURCES				15,780,100	15,524,500
	Judicial FUNCTIONAL AREA TOTALS					
	GENERAL PURPOSE REVENUES				73,072,400	77,424,900
	PROGRAM REVENUE				7,117,200	6,927,000
	FEDERAL				(–0–)	(–0–)
	OTHER				(6,828,800)	(6,834,200)
	SERVICE				(288,400)	(92,800)
	SEGREGATED FUNDS				636,400	636,400
	FEDERAL				(–0–)	(–0–)
	OTHER				(636,400)	(636,400)
	SERVICE				(–0–)	(–0–)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
LOCAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			80,826,000	84,988,300

Legislative

20.765 Legislature

(1)	ENACTMENT OF STATE LAWS					
(a)	General program operations — assembly	GPR	S	17,848,600	16,929,900
(b)	General program operations — senate	GPR	S	12,051,500	11,455,800
(d)	Legislative documents	GPR	S	5,286,400	4,712,000
(ka)	Information technology development projects	PR–S	A	–0–	–0–
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			35,186,500	33,097,700
	PROGRAM REVENUE			–0–	–0–
	SERVICE			(–0–)	(–0–)
	TOTAL–ALL SOURCES			35,186,500	33,097,700
(2)	SPECIAL STUDY GROUPS				
(a)	Retirement committees	GPR	A	157,800	166,700
(ab)	Retirement actuarial studies	GPR	B	15,000	15,000
(b)	Commission on uniform state laws	GPR	B	33,500	34,600
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			206,300	216,300
	TOTAL–ALL SOURCES			206,300	216,300
(3)	SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
(a)	Revisor of statutes bureau	GPR	B	547,800	573,800

	Statute, Agency and Purpose		Source	Type	1995–96	1996–97
(b)	Legislative reference bureau		GPR	B	2,875,400	3,016,100
(c)	Legislative audit bureau		GPR	B	3,255,400	3,447,800
(d)	Legislative fiscal bureau		GPR	B	2,018,500	2,128,600
(e)	Legislative council		GPR	B	2,260,100	2,372,400
(em)	Legislative data processing		GPR	B	844,300	886,400
(f)	Joint committee on legislative organization		GPR	B	–0–	–0–
(fa)	Membership in national associations		GPR	S	213,900	222,500
(fb)	National conference of state legislatures meeting		GPR	C	150,000	–0–
(g)	Gifts and grants to service agencies		PR	C	–0–	–0–
(ka)	Audit bureau reimbursable audits		PR–S	A	1,380,200	1,342,000
(m)	Federal aid		PR–F	C	–0–	–0–
		(3) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			12,165,400	12,647,600
		PROGRAM REVENUE			1,380,200	1,342,000
		FEDERAL			(–0–)	(–0–)
		OTHER			(–0–)	(–0–)
		SERVICE			(1,380,200)	(1,342,000)
		TOTAL–ALL SOURCES			13,545,600	13,989,600
		20.765 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			47,558,200	45,961,600
		PROGRAM REVENUE			1,380,200	1,342,000
		FEDERAL			(–0–)	(–0–)
		OTHER			(–0–)	(–0–)
		SERVICE			(1,380,200)	(1,342,000)
		TOTAL–ALL SOURCES			48,938,400	47,303,600
		Legislative FUNCTIONAL AREA TOTALS				
		GENERAL PURPOSE REVENUES			47,558,200	45,961,600

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
PROGRAM REVENUE			1,380,200	1,342,000
FEDERAL			(–0–)	(–0–)
OTHER			(–0–)	(–0–)
SERVICE			(1,380,200)	(1,342,000)
SEGREGATED FUNDS			–0–	–0–
FEDERAL			(–0–)	(–0–)
OTHER			(–0–)	(–0–)
SERVICE			(–0–)	(–0–)
LOCAL			(–0–)	(–0–)
TOTAL–ALL SOURCES			48,938,400	47,303,600

General Appropriations

20.835 Shared revenue and tax relief

(1)	SHARED REVENUE PAYMENTS					
(b)	Small municipalities shared revenue	GPR	S	14,000,000	10,000,000
(c)	Expenditure restraint program account	GPR	S	48,000,000	48,000,000
(d)	Shared revenue account	GPR	S	930,459,800	930,459,800
(f)	County mandate relief account	GPR	S	20,159,000	20,159,000
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,012,618,800	1,008,618,800
	TOTAL–ALL SOURCES			1,012,618,800	1,008,618,800
(2)	TAX RELIEF				
(b)	Claim of right credit	GPR	S	–0–	–0–
(c)	Homestead tax credit	GPR	S	104,600,000	96,300,000
(ci)	Development zones investment credit	GPR	S	2,500	2,500
(cL)	Development zones location credit	GPR	S	2,000	2,000

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
	(cm)	Development zones jobs credit	GPR	S	700,000	900,000
	(cn)	Development zones sales tax credit	GPR	S	60,000	70,000
	(d)	Farmers' drought property tax credit	GPR	S	–0–	–0–
	(dm)	Farmland preservation credit	GPR	S	29,200,000	26,200,000
	(ep)	Cigarette tax refunds	GPR	S	4,550,000	4,480,000
	(f)	Earned income tax credit	GPR	S	60,500,000	65,500,000
	(q)	Farmland tax relief credit	SEG	S	15,800,000	14,200,000
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			199,614,500	193,454,500
		SEGREGATED FUNDS			15,800,000	14,200,000
		OTHER			(15,800,000)	(14,200,000)
		TOTAL–ALL SOURCES			215,414,500	207,654,500
	(3)	STATE PROPERTY TAX CREDITS				
	(b)	School levy tax credit	GPR	S	319,305,000	319,305,000
	(q)	Lottery credit	SEG	S	150,731,600	141,772,300
	(r)	Lottery credit precertification	SEG	S	608,500	610,000
		(3) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			319,305,000	319,305,000
		SEGREGATED FUNDS			151,340,100	142,382,300
		OTHER			(151,340,100)	(142,382,300)
		TOTAL–ALL SOURCES			470,645,100	461,687,300
	(4)	COUNTY AND LOCAL TAXES				
	(g)	County taxes	PR	C	–0–	–0–
	(gg)	Local taxes	PR	C	–0–	–0–
		(4) PROGRAM TOTALS				
		PROGRAM REVENUE			–0–	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		OTHER			(–0–)	(–0–)
		TOTAL–ALL SOURCES			–0–	–0–
(5)		PAYMENTS IN LIEU OF TAXES				
	(a)	Payments for municipal services	GPR	A	16,828,800	16,828,800
		(5) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			16,828,800	16,828,800
		TOTAL–ALL SOURCES			16,828,800	16,828,800
(6)		COUNTY ASSESSMENT AIDS				
	(a)	County assessment aid	GPR	S	930,000	475,700
		(6) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			930,000	475,700
		TOTAL–ALL SOURCES			930,000	475,700
		20.835 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			1,549,297,100	1,538,682,800
		PROGRAM REVENUE			–0–	–0–
		OTHER			(–0–)	(–0–)
		SEGREGATED FUNDS			167,140,100	156,582,300
		OTHER			(167,140,100)	(156,582,300)
		TOTAL–ALL SOURCES			1,716,437,200	1,695,265,100
20.855		**Miscellaneous appropriations**				
(1)		CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
	(a)	Obligation on operating notes	GPR	S	8,000,000	9,500,000
	(b)	Operating note expenses	GPR	S	110,000	110,000
	(c)	Interest payments to program revenue accounts	GPR	S	–0–	–0–
	(d)	Interest payments to segregated funds	GPR	S	–0–	–0–
	(e)	Interest on prorated local government payments	GPR	S	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(q)	Redemption of operating notes		SEG	S	–0–	–0–
(r)	Interest payments to general fund		SEG	S	–0–	–0–
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				8,110,000	9,610,000
	SEGREGATED FUNDS				–0–	–0–
	OTHER				(–0–)	(–0–)
	TOTAL–ALL SOURCES				8,110,000	9,610,000
(3)	RELOCATION EXPENSES					
(a)	Capitol offices relocation		GPR	S	2,128,400	1,996,600
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				2,128,400	1,996,600
	TOTAL–ALL SOURCES				2,128,400	1,996,600
(4)	TAX, ASSISTANCE AND TRANSFER PAYMENTS					
(a)	Interest on overpayment of taxes		GPR	S	300,000	400,000
(am)	Great Lakes protection fund contribution		GPR	C	–0–	–0–
(b)	Election campaign payments		GPR	S	340,000	330,800
(c)	Minnesota income tax reciprocity		GPR	S	28,000,000	28,800,000
(ca)	Minnesota income tax reciprocity bench mark		GPR	A	–0–	–0–
(e)	Transfer to conservation fund; land acquisition reimbursement		GPR	S	228,300	229,200
(q)	Terminal tax distribution		SEG	S	1,162,100	1,162,100
(s)	Transfer to conservation fund; motorboat formula		SEG	S	8,442,600	8,638,000

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
(t)	Transfer to conservation fund; snowmobile formula	SEG	S	2,944,900	3,042,800
(u)	Transfer to conservation fund; all–terrain vehicle formula	SEG	S	366,400	389,800
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			28,868,300	29,760,000
	SEGREGATED FUNDS			12,916,000	13,232,700
	OTHER			(12,916,000)	(13,232,700)
	TOTAL–ALL SOURCES			41,784,300	42,992,700
(5)	STATE HOUSING AUTHORITY RESERVE FUND				
(a)	Enhancement of credit of authority debt	GPR	A	–0–	–0–
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			–0–	–0–
	TOTAL–ALL SOURCES			–0–	–0–
(6)	MISCELLANEOUS RECEIPTS				
(g)	Gifts and grants	PR	C	–0–	–0–
(h)	Vehicle and aircraft receipts	PR	A	–0–	–0–
(i)	Miscellaneous program revenue	PR	A	–0–	–0–
(j)	Custody accounts	PR	C	–0–	–0–
(k)	Aids to individuals and organizations	PR–S	C	–0–	–0–
(ka)	Local assistance	PR–S	C	–0–	–0–
(m)	Federal aid	PR–F	C	–0–	–0–
(pz)	Indirect cost reimbursements	PR–F	C	–0–	–0–
	(6) PROGRAM TOTALS				
	PROGRAM REVENUE			–0–	–0–
	FEDERAL			(–0–)	(–0–)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
OTHER			(–0–)	(–0–)
SERVICE			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
(7) DEBT COLLECTIONS				
(j) Delinquent support and maintenance payments	PR	C	–0–	–0–
(7) PROGRAM TOTALS				
PROGRAM REVENUE			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
(9) STATE CAPITOL RENOVATION AND RESTORATION				
(a) South wing renovation and restoration	GPR	C	15,000,000	–0–
(9) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			15,000,000	–0–
TOTAL–ALL SOURCES			15,000,000	–0–
20.855 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			54,106,700	41,366,600
PROGRAM REVENUE			–0–	–0–
FEDERAL			(–0–)	(–0–)
OTHER			(–0–)	(–0–)
SERVICE			(–0–)	(–0–)
SEGREGATED FUNDS			12,916,000	13,232,700
OTHER			(12,916,000)	(13,232,700)
TOTAL–ALL SOURCES			67,022,700	54,599,300
20.865 Program supplements				
(1) EMPLOYE COMPENSATION AND SUPPORT				
(a) Judgments and legal expenses	GPR	S	50,000	50,000
(c) Compensation and related adjustments	GPR	S	–0–	–0–

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
	(ci)	Nonrepresented university system faculty and academic pay adjustments	GPR	S	–0–	–0–
	(cj)	Pay adjustments for certain university employes	GPR	A	–0–	–0–
	(d)	Employer fringe benefit costs	GPR	S	3,111,200	3,111,200
	(em)	Financial services	GPR	A	58,300	200,800
	(fm)	Risk management	GPR	A	–0–	–0–
	(fn)	Physically handicapped supplements	GPR	A	6,900	6,900
	(g)	Judgments and legal expenses; program revenues	PR	S	–0–	–0–
	(i)	Compensation and related adjustments; program revenues	PR	S	–0–	–0–
	(ic)	Nonrepresented university system faculty and academic pay adjustments	PR	S	–0–	–0–
	(j)	Employer fringe benefit costs; program revenues	PR	S	–0–	–0–
	(js)	Financial services; program revenues	PR	S	–0–	–0–
	(kr)	Risk management; program revenues	PR	S	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(Ln)	Physically handicapped supplements; program revenues		PR	S	–0–	–0–
(q)	Judgments and legal expenses; segregated revenues		SEG	S	–0–	–0–
(s)	Compensation and related adjustments; segregated revenues		SEG	S	–0–	–0–
(si)	Nonrepresented university system faculty and academic pay adjustments		SEG	S	–0–	–0–
(t)	Employer fringe benefit costs; segregated revenues		SEG	S	–0–	–0–
(ts)	Financial services; segregated revenues		SEG	S	–0–	–0–
(ur)	Risk management; segregated revenues		SEG	S	–0–	–0–
(vn)	Physically handicapped supplements; segregated revenues		SEG	S	–0–	–0–
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				3,226,400	3,368,900
	PROGRAM REVENUE				–0–	–0–
	OTHER				(–0–)	(–0–)
	SEGREGATED FUNDS				–0–	–0–
	OTHER				(–0–)	(–0–)
	TOTAL–ALL SOURCES				3,226,400	3,368,900
(2)	STATE PROGRAMS AND FACILITIES					
(a)	Space management and child care		GPR	A	1,671,600	1,671,600
(ag)	State–owned office rent supplement		GPR	A	428,700	428,700

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
1	(d)	State deposit fund	GPR	S	–0–	–0–
2	(e)	Maintenance of capitol and				
3		executive residence	GPR	A	3,874,600	3,874,600
4	(eb)	Executive residence furnishings				
5		replacement	GPR	C	–0–	25,000
6	(em)	Groundwater survey and analysis	GPR	A	231,200	231,200
7	(g)	Space management and child care;				
8		program revenues	PR	S	–0–	–0–
9	(gg)	State–owned office rent				
10		supplement; program revenues	PR	S	–0–	–0–
11	(j)	State deposit fund; program				
12		revenues	PR	S	–0–	–0–
13	(L)	Data processing and				
14		telecommunications study; program				
15		revenues	PR–S	S	–0–	–0–
16	(q)	Space management and child care;				
17		segregated revenues	SEG	S	–0–	–0–
18	(qg)	State–owned office rent				
19		supplement; segregated revenues	SEG	S	–0–	–0–
20	(t)	State deposit fund; segregated				
21		revenues	SEG	S	–0–	–0–

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	6,206,100	6,231,100
PROGRAM REVENUE	–0–	–0–
OTHER	(–0–)	(–0–)
SERVICE	(–0–)	(–0–)
SEGREGATED FUNDS	–0–	–0–

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
	OTHER			(–0–)	(–0–)
	TOTAL–ALL SOURCES			6,206,100	6,231,100
(3)	TAXES AND SPECIAL CHARGES				
(a)	Property taxes	GPR	S	–0–	–0–
(g)	Property taxes; program revenues	PR	S	–0–	–0–
(i)	Payments for municipal services; program revenues	PR	S	–0–	–0–
(q)	Property taxes; segregated revenues	SEG	S	–0–	–0–
(s)	Payments for municipal services; segregated revenues	SEG	S	–0–	–0–
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			–0–	–0–
	PROGRAM REVENUE			–0–	–0–
	OTHER			(–0–)	(–0–)
	SEGREGATED FUNDS			–0–	–0–
	OTHER			(–0–)	(–0–)
	TOTAL–ALL SOURCES			–0–	–0–
(4)	JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
(a)	General purpose revenue funds general program supplementation	GPR	B	9,881,000	11,736,000
(g)	Program revenue funds general program supplementation	PR	S	–0–	–0–
(u)	Segregated funds general program supplementation	SEG	S	–0–	–0–
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,881,000	11,736,000
	PROGRAM REVENUE			–0–	–0–
	OTHER			(–0–)	(–0–)
	SEGREGATED FUNDS			–0–	–0–

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			9,881,000	11,736,000
(8) SUPPLEMENTATION OF PROGRAM REVENUE AND PROGRAM REV.–SERVICE APPROPRIATIONS				
(g) Supplementation of program revenue and program rev.–service appropriations	PR	S	–0–	–0–
(8) PROGRAM TOTALS				
PROGRAM REVENUE			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
20.865 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			19,313,500	21,336,000
PROGRAM REVENUE			–0–	–0–
OTHER			(–0–)	(–0–)
SERVICE			(–0–)	(–0–)
SEGREGATED FUNDS			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			19,313,500	21,336,000
20.866 Public debt				
(1) BOND SECURITY AND REDEMPTION FUND				
(u) Principal repayment and interest	SEG	S	–0–	–0–
20.866 DEPARTMENT TOTALS				
SEGREGATED FUNDS			–0–	–0–
OTHER			(–0–)	(–0–)
TOTAL–ALL SOURCES			–0–	–0–
20.867 Building commission				
(1) STATE OFFICE BUILDINGS				
(a) Principal repayment and interest; housing of state agencies	GPR	S	–0–	–0–

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
(b)	Principal repayment and interest; capitol and executive residence		GPR	S	4,021,200	3,993,600
	(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				4,021,200	3,993,600
	TOTAL–ALL SOURCES				4,021,200	3,993,600
(2)	ALL STATE-OWNED FACILITIES					
(b)	Asbestos removal		GPR	A	–0–	–0–
(c)	Hazardous materials removal		GPR	A	–0–	–0–
(f)	Facilities preventive maintenance		GPR	A	–0–	–0–
(ka)	Information technology development projects		PR–S	A	–0–	–0–
(q)	Building trust fund		SEG	C	–0–	–0–
(r)	Planning and design		SEG	C	–0–	–0–
(s)	State institution, park, forest and riverway roads		SEG	C	–0–	–0–
(u)	Aids for buildings		SEG	C	–0–	–0–
(v)	Building program funding contingency		SEG	C	–0–	–0–
(w)	Building program funding		SEG	C	–0–	–0–
	(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES				–0–	–0–
	PROGRAM REVENUE				–0–	–0–
	SERVICE				(–0–)	(–0–)
	SEGREGATED FUNDS				–0–	–0–
	OTHER				(–0–)	(–0–)
	TOTAL–ALL SOURCES				–0–	–0–
(3)	STATE BUILDING PROGRAM					

	STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	1995–96	1996–97
1	(a)	Principal repayment and interest	GPR	S	20,003,700	31,424,000
2	(b)	Principal repayment and interest	GPR	S	–0–	–0–
3	(c)	Lease rental payments	GPR	S	–0–	–0–
4 5	(d)	Interest rebates on obligation proceeds; general fund	GPR	S	–0–	–0–
6 7	(e)	Principal repayment, interest and rebates; parking ramp	GPR	S	–0–	–0–
8 9	(g)	Principal repayment, interest and rebates; program revenues	PR–S	S	–0–	–0–
10 11	(h)	Principal repayment, interest and rebates	PR–S	S	–0–	–0–
12 13	(i)	Principal repayment, interest and rebates; capital equipment	PR–S	S	–0–	–0–
14 15	(k)	Interest rebates on obligation proceeds; program revenues	PR–S	C	–0–	–0–
16 17	(q)	Principal repayment and interest; segregated revenues	SEG	S	–0–	–0–
18 19	(r)	Interest rebates on obligation proceeds; conservation fund	SEG	S	–0–	–0–
20 21	(s)	Interest rebates on obligation proceeds; transportation fund	SEG	S	–0–	–0–
22 23	(t)	Interest rebates on obligation proceeds; veterans trust fund	SEG	S	–0–	–0–
24	(w)	Bonding services	SEG	S	1,024,200	1,024,200

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
		(3) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			20,003,700	31,424,000
		PROGRAM REVENUE			–0–	–0–
		SERVICE			(–0–)	(–0–)
		SEGREGATED FUNDS			1,024,200	1,024,200
		OTHER			(1,024,200)	(1,024,200)
		TOTAL–ALL SOURCES			21,027,900	32,448,200
	(4)	CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
	(q)	Funding in lieu of borrowing	SEG	C	–0–	–0–
	(r)	Interest on veterans obligations	SEG	C	–0–	–0–
		(4) PROGRAM TOTALS				
		SEGREGATED FUNDS			–0–	–0–
		OTHER			(–0–)	(–0–)
		TOTAL–ALL SOURCES			–0–	–0–
		20.867 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			24,024,900	35,417,600
		PROGRAM REVENUE			–0–	–0–
		SERVICE			(–0–)	(–0–)
		SEGREGATED FUNDS			1,024,200	1,024,200
		OTHER			(1,024,200)	(1,024,200)
		TOTAL–ALL SOURCES			25,049,100	36,441,800
20.870		**Information technology investment fund**				
	(1)	INFORMATION TECHNOLOGY DEVELOPMENT				
	(q)	Special projects; fee revenue	SEG	A	5,000,000	5,000,000
	(r)	Special projects; agency revenues	SEG	A	–0–	–0–
	(s)	Special projects; gifts and grants	SEG	A	–0–	–0–
		20.870 DEPARTMENT TOTALS				
		SEGREGATED FUNDS			5,000,000	5,000,000
		OTHER			(5,000,000)	(5,000,000)
		TOTAL–ALL SOURCES			5,000,000	5,000,000
20.875		**Budget stabilization fund**				
	(1)	TRANSFERS TO FUND				

STATUTE, AGENCY AND PURPOSE			SOURCE	TYPE	1995–96	1996–97
(a)	General fund transfer		GPR	A	–0–	–0–
		(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES				–0–	–0–
	TOTAL–ALL SOURCES				–0–	–0–
(2)	TRANSFERS FROM FUND					
(q)	Budget stabilization fund transfer		SEG	A	–0–	–0–
		(2) PROGRAM TOTALS				
	SEGREGATED FUNDS				–0–	–0–
	OTHER				(–0–)	(–0–)
	TOTAL–ALL SOURCES				–0–	–0–
		20.875 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES				–0–	–0–
	SEGREGATED FUNDS				–0–	–0–
	OTHER				(–0–)	(–0–)
	TOTAL–ALL SOURCES				–0–	–0–
		General Appropriations FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES				1,646,742,200	1,636,803,000
	PROGRAM REVENUE				–0–	–0–
	FEDERAL				(–0–)	(–0–)
	OTHER				(–0–)	(–0–)
	SERVICE				(–0–)	(–0–)
	SEGREGATED FUNDS				186,080,300	175,839,200
	FEDERAL				(–0–)	(–0–)
	OTHER				(186,080,300)	(175,839,200)
	SERVICE				(–0–)	(–0–)
	LOCAL				(–0–)	(–0–)
	TOTAL–ALL SOURCES				1,832,822,500	1,812,642,200
	STATE TOTAL				14,709,836,700	15,431,217,200
	GENERAL PURPOSE REVENUES				8,272,075,500	9,123,607,600
	PROGRAM REVENUE				5,658,192,500	5,534,487,800
	FEDERAL				(3,482,242,300)	(3,563,872,300)
	OTHER				(1,823,000,300)	(1,600,257,600)
	SERVICE				(352,949,900)	(370,357,900)
	SEGREGATED FUNDS				779,568,700	773,121,800
	FEDERAL				(21,828,600)	(21,558,100)
	OTHER				(755,930,900)	(749,754,500)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	1995–96	1996–97
SERVICE			(1,809,200)	(1,809,200)
LOCAL			(–0–)	(–0–)

SECTION 474. 20.115 (1) (f) of the statutes is created to read:

20.115 **(1)** (f) *Food regulation lapse restoration.* A sum sufficient equal to the amount that lapsed to the general fund from the appropriation account under par. (gb) on June 30, 1995, to be transferred to the appropriation account under par. (gb).

SECTION 475. 20.115 (1) (f) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 476. 20.115 (1) (gb) of the statutes is amended to read:

20.115 **(1)** (gb) *Food regulation.* The amounts in the schedule for the regulation of food under chs. 93, 97 and 98. All moneys received under ss. 93.06 (1r) and (1w), 93.09, 93.11, 97.17, 97.175, 97.20, 97.21, 97.22, 97.24, 97.27, 97.29, 97.30 (3) (a), (b) and (c), 97.41, 98.145 and 98.146 for the regulation of food and all moneys transferred from the appropriation under par. (f) shall be credited to this appropriation~~, but any balance at the close of a biennium exceeding 20% of the previous fiscal year's expenditures under this appropriation shall lapse to the general fund~~.

SECTION 476b. 20.115 (1) (gb) of the statutes, as affected by 1995 Wisconsin Act .... (this act), section 476, is amended to read:

20.115 **(1)** (gb) *Food regulation.* The amounts in the schedule for the regulation of food under chs. 93, 97 and 98. All moneys received under ss. 93.06 (1r) and (1w), 93.09, 93.11, 93.12, 97.17, 97.175, 97.20, 97.21, 97.22, 97.24, 97.27, 97.29, 97.30 (3) (a), (b) and (c), 97.41, 98.145 and 98.146 for the regulation of food and all moneys transferred from the appropriation under par. (f) shall be credited to this appropriation.

SECTION 476c. 20.115 (1) (gb) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 476 and 476b, is amended to read:

20.115 **(1)** (gb) *Food regulation.* The amounts in the schedule for the regulation of food under chs. 93, 97 and 98. All moneys received under ss. 93.06 (1r) and (1w), 93.09, 93.11, 93.12, 97.17, 97.175, 97.20, 97.21, 97.22, 97.24, 97.27, 97.29, 97.30 (3) (a), (b) and (c), 97.41, 98.145 and 98.146 for the regulation of food ~~and all moneys transferred from the appropriation under par. (f)~~ shall be credited to this appropriation.

SECTION 476k. 20.115 (1) (gm) of the statutes is amended to read:

20.115 **(1)** (gm) *Dairy trade regulation; dairy and farm product producer security.* The amounts in the schedule for the regulation of farm product procurement under s. 100.03, of dairy plant financial condition under s. 100.06 and of dairy trade practices under s. 100.201. All moneys received under ss. 100.03 (3) (a) 3., 100.06 (9) and 100.201 (6) shall be credited to this appropriation~~, but any balance at the close of a fiscal biennium that exceeds 20% of the previous fiscal year's expenditures under this appropriation shall lapse to the general fund~~.

SECTION 477. 20.115 (2) (c) of the statutes is repealed.

SECTION 478. 20.115 (2) (e) of the statutes is repealed.

SECTION 478m. 20.115 (2) (j) of the statutes is amended to read:

20.115 **(2)** (j) *Dog licenses, rabies control and related services.* The amounts in the schedule to provide dog license tags and forms under s. 174.07 (2), to perform other program responsibilities under ch. 174, to administer the rabies control program under s. 95.21, to help administer the rabies control media campaign and to carry out the humane activities under s. 93.07 (11). All moneys received ~~by the state treasurer~~ under s. 174.09 (1) shall be credited to this appropriation.

SECTION 479. 20.115 (3) (g) of the statutes is amended to read:

20.115 **(3)** (g) *Related services.* The amounts in the schedule for the conduct of authorized marketing services, except services financed under ~~pars. (h) and (j)~~ par. (h). Except as provided in ~~pars. (h) and (j)~~ par. (h), all moneys received from authorized fees related to marketing services, including moneys received for inspection, grading and certification of fruits and vegetables under ss. 93.06 (1m), 93.09 (10) and 100.03 (3) (a) 1. and 2., shall be credited to this appropriation account.

SECTION 480. 20.115 (3) (h) of the statutes is amended to read:

20.115 **(3)** (h) (title) *Grain inspection and certification~~; Milwaukee~~.* All moneys received for the inspection and certification of grain received in or shipped from the port of Milwaukee, the port of Superior or other locations in ~~the southern portion of~~ this state under s. 93.06 (1m), to carry out the purposes for which they are received.

SECTION 481. 20.115 (3) (j) of the statutes is repealed.

SECTION 481h. 20.115 (4) (b) of the statutes is amended to read:

20.115 **(4)** (b) *Aids to county and district fairs.* A sum sufficient to provide state aids to counties and agricultural societies, associations or boards and to incorporated dairy or livestock associations, not to exceed $15,000 per fair as provided in s. 93.23. No moneys in excess of the difference between ~~$368,500~~ $585,000 and the amount of moneys available under par. (g) in each fiscal year may be expended from this appropriation~~, except that in fiscal year 1994–95 no moneys in excess of the difference between $650,000 and the amount of moneys available under par. (g) may be expended from this appropriation~~. If the total due the several counties and agricultural societies under this paragraph exceeds ~~$368,500, or in fiscal year 1994–95 $650,000~~ $585,000, the department shall equitably prorate that amount.

SECTION 482. 20.115 (7) (c) of the statutes is amended to read:

20.115 **(7)** (c) *Soil and water resource management program.* As a continuing appropriation, the amounts in the schedule for the soil and water resource management program under s. 92.14 and for sustainable agriculture grants under s. 93.47 (2).

SECTION 482h. 20.115 (7) (dm) of the statutes is renumbered 20.115 (7) (vm) and amended to read:

20.115 **(7)** (vm) *Wind erosion control aids.* ~~As~~ From the agrichemical management fund, as a continuing appropriation, the amounts in the schedule for grants to counties for wind erosion control activities under s. 92.103. No moneys may be encumbered under this paragraph after June 30, ~~1995~~ 1997.

SECTION 483. 20.115 (7) (ig) of the statutes is renumbered 20.143 (1) (ij) and amended to read:

20.143 **(1)** (ij) *Plat review.* All moneys received from service fees for plat review, for plat review services under s. 70.27 and ch. 236.

SECTION 484. 20.115 (7) (km) of the statutes is amended to read:

20.115 **(7)** (km) *Animal waste management grants.* All moneys transferred from the appropriation accounts under s. 20.370 ~~(4) (cc) and (cq)~~ (6) (aa) and (aq) for animal waste management grants under s. 92.14 (5).

SECTION 485. 20.115 (7) (qd) of the statutes is amended to read:

20.115 **(7)** (qd) *Soil and water management; environmental fund.* From the environmental fund, the amounts in the schedule for the soil and water resource management program under s. 92.14 and for sustainable agriculture grants under s. 93.47 (2).

SECTION 486. 20.115 (8) (j) of the statutes is amended to read:

20.115 **(8)** (j) *Stray voltage program.* The amounts in the schedule for the administration of s. 93.41. All moneys received under s. 196.857 ~~(1)~~ (1m) (b) and (2g) shall be credited to this appropriation. ~~No moneys may be encumbered under this paragraph after August 31, 1995.~~

SECTION 487. 20.115 (8) (jb) of the statutes is repealed.

SECTION 488. 20.115 (8) (k) of the statutes is amended to read:

20.115 **(8)** (k) *Computer system equipment, staff and services.* The amounts in the schedule for the costs of computer system equipment, staff and services. All moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), (j), (kp), (ks), (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i), ~~(j),~~ (ja), (L) and (m), (7) (g), (ga), (gm), (ig), (k) and (m) and (9) (m) shall be credited to this appropriation account.

SECTION 489. 20.115 (8) (k) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.115 **(8)** (k) *Computer system equipment, staff and services.* The amounts in the schedule for the costs of computer system equipment, staff and services. All moneys transferred for this purpose from pars. (ga), (gm), (h), (ha), (i), (j), (kp), (ks), (m) and (pz) and subs. (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i), (ja), (L) and (m), (7) (g), (ga), (gm), ~~(ig),~~ (k) and (m) and (9) (m) shall be credited to this appropriation account.

SECTION 490. 20.115 (8) (kt) of the statutes is created to read:

20.115 **(8)** (kt) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation

account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 491. 20.124 (intro.) and (1) (title) of the statutes are repealed.

SECTION 492. 20.124 (1) (a) of the statutes is renumbered 20.144 (1) (a).

SECTION 493. 20.124 (1) (g) of the statutes is repealed.

SECTION 494. 20.124 (1) (h) of the statutes is created to read:

20.124 **(1)** (h) *Gifts, grants, settlements and publications.* All moneys received from gifts, grants, bequests, forfeitures under s. 426.203, and settlements for the purposes for which made or received and all moneys received by the office as fees or other charges for photocopying, microfilm copying, generation of copies of documents from optical disk storage, sales of books and other services provided in carrying out the functions of the office shall be credited to this appropriation.

SECTION 495. 20.124 (1) (h) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.144 (1) (h) and amended to read:

20.144 **(1)** (h) *Gifts, grants, settlements and publications.* All moneys received from gifts, grants, bequests, forfeitures under s. 426.203, and settlements for the purposes for which made or received and all moneys received by the ~~office~~ department as fees or other charges for photocopying, microfilm copying, generation of copies of documents from optical disk storage, sales of books and other services provided in carrying out the functions of the ~~office~~ department shall be credited to this appropriation.

SECTION 498. 20.124 (1) (u) of the statutes is renumbered 20.144 (1) (u).

SECTION 499. 20.141 (title) of the statutes is renumbered 20.144 (2) (title) and amended to read:

20.144 **(2)** (title) ~~CREDIT~~ OFFICE OF CREDIT UNIONS~~, OFFICE OF THE COMMISSIONER OF~~.

SECTION 500. 20.141 (intro.) and (1) (title) of the statutes are repealed.

SECTION 501. 20.141 (1) (g) of the statutes is renumbered 20.144 (2) (g) and amended to read:

20.144 **(2)** (g) *General program operations.* The amounts in the schedule for the general program operations of the office of credit unions and for supervision of credit unions under ch. 186. ~~Ninety percent of all~~ Except as provided in par. (ka), 88% of all moneys received by the office shall be credited to this appropriation, but any balance at the close of a fiscal year exceeding 10% of the previous fiscal year's expenditures under this appropriation shall lapse to the general fund.

SECTION 504. 20.141 (1) (m) of the statutes is renumbered 20.144 (2) (m).

SECTION 505. 20.143 (title) of the statutes is amended to read:

20.143 (title) ~~**Development**~~ **Commerce, department of.**

SECTION 508. 20.143 (1) (c) of the statutes, as affected by 1993 Wisconsin Act 232, is amended to read:

20.143 **(1)** (c) (title) *Wisconsin development fund, grants and loans and reimbursements.* Biennially, the amounts in the schedule for grants and loans under ss. 560.62, 560.625, 560.63 and 560.66; for loans under ~~ss.~~ s. 560.16 ~~and 560.165; for grants and loans under 1989 Wisconsin Act 336, section 3015 (1m); and for the grant under 1993 Wisconsin Act 5, section 3~~; for reimbursements under s. 560.167; and for the grant under 1995 Wisconsin Act .... (this act), section 9116 (7gg).

SECTION 508d. 20.143 (1) (cb) of the statutes is created to read:

20.143 **(1)** (cb) *Wisconsin development fund; technology and pollution control and abatement grants and loans, assistance.* Biennially, the amounts in the schedule

for technology and pollution control and abatement grants and loans under s. 560.65. No funds may be encumbered from this appropriation after June 30, 1997.

SECTION 510. 20.143 (1) (em) of the statutes is amended to read:

20.143 **(1)** (em) (title) *Hazardous pollution prevention ~~assessment grants~~; contract*. The amounts in the schedule for ~~hazardous pollution prevention assessment grants~~ contracting under s. 560.19 (2).

SECTION 511. 20.143 (1) (fc) of the statutes is amended to read:

20.143 **(1)** (fc) *Health care provider loan assistance program; repayments*. ~~Biennially~~ As a continuing appropriation, the amounts in the schedule for loan repayments under s. 560.184.

SECTION 512. 20.143 (1) (ie) of the statutes is amended to read:

20.143 **(1)** (ie) *Wisconsin development fund, repayments*. All moneys received in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.16, s. 560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m) and 1989 Wisconsin Act 336, section 3015 (3gx), to be used for grants and loans under subch. V of ch. 560 except s. 560.65, for loans under ~~ss.~~ s. 560.16 ~~and 560.165~~, for reimbursements under s. 560.167, to transfer $100,000 in each of fiscal years 1995–96 and 1996–97 to the appropriation account under par. (km) and to transfer $250,000 in fiscal year 1996–97 to the appropriation account under par. (kf).

SECTION 512bc. 20.143 (1) (ie) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.143 **(1)** (ie) *Wisconsin development fund, repayments*. All moneys received in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.16, s. 560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989 Wisconsin Act 336,

section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m) and 1989 Wisconsin Act 336, section 3015 (3gx), to be used for grants and loans under subch. V of ch. 560 except s. 560.65, for loans under s. 560.16 and for reimbursements under s. 560.167.

SECTION 512gb. 20.143 (1) (kf) of the statutes is created to read:

20.143 **(1)** (kf) *Aid to Forward Wisconsin, Inc.; transfer.* The amounts in the schedule for aids to Forward Wisconsin, Inc., to be used for advertising, marketing and promotional activities within the United States for economic development of this state and for salary, travel and other expenses directly incurred by Forward Wisconsin, Inc., in its economic development promotion activities, subject to s. 16.501. All moneys transferred from the appropriation account under par. (ie) shall be credited to this appropriation.

SECTION 512gm. 20.143 (1) (kf) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 512mp. 20.143 (1) (km) of the statutes is created to read:

20.143 **(1)** (km) *Minority business projects; transfer.* Biennially, the amounts in the schedule for grants and loans under ss. 560.82 and 560.83. All moneys transferred from the appropriation account under par. (ie) shall be credited to this appropriation.

SECTION 512mr. 20.143 (1) (km) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 514b. 20.143 (1) (r) of the statutes, as affected by 1993 Wisconsin Act 75, is repealed.

SECTION 514e. 20.143 (1) (s) of the statutes is created to read:

20.143 **(1)** (s) *Wisconsin development fund; technology and pollution control and abatement grants and loans, recycling fund.* Biennially, from the recycling fund,

the amounts in the schedule for technology and pollution control and abatement grants and loans under s. 560.65. No funds may be encumbered from this appropriation after June 30, 1997.

SECTION 514g. 20.143 (1) (sm) of the statutes is created to read:

20.143 **(1)** (sm) *Wisconsin development fund; technology and pollution control and abatement grants and loans, environmental fund.* Biennially, from the environmental fund, the amounts in the schedule for technology and pollution control and abatement grants and loans under s. 560.65. No funds may be encumbered from this appropriation after June 30, 1997.

SECTION 515b. 20.143 (2) (title) of the statutes is renumbered 20.380 (1) (title).

SECTION 515c. 20.143 (2) (a) of the statutes is renumbered 20.380 (1) (a) and amended to read:

20.380 **(1)** (a) *General program operations.* The amounts in the schedule for general program operations under subch. II of ch. ~~560~~ 41 except for those functions under ss. ~~560.23~~ 41.11 (4) and ~~560.29~~ 41.17.

SECTION 515d. 20.143 (2) (b) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

20.143 **(2)** (b) *Tourism marketing.* The amounts in the schedule for tourism marketing service expenses and the execution of the functions under ss. 560.23 (4) and 560.29. Of the amounts under this paragraph, not more than 50% shall be used to match funds allocated under s. 560.29 by private or public organizations for the joint effort marketing of tourism with the state. The department shall expend at least $125,000 in each fiscal year from this appropriation to conduct or contract for marketing activities related to sporting activities and events.

SECTION 515e. 20.143 (2) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.380 (1) (b) and amended to read:

20.380 **(1)** (b) *Tourism marketing.* The amounts in the schedule for tourism marketing service expenses and the execution of the functions under ss. ~~560.23~~ 41.11 (4) and ~~560.29~~ 41.17. Of the amounts under this paragraph, not more than 50% shall be used to match funds allocated under s. ~~560.29~~ 41.17 by private or public organizations for the joint effort marketing of tourism with the state. The department shall expend at least $125,000 in each fiscal year from this appropriation to conduct or contract for marketing activities related to sporting activities and events.

SECTION 515f. 20.143 (2) (bm) of the statutes is renumbered 20.380 (1) (bm) and amended to read:

20.380 **(1)** (bm) *Heritage tourism pilot program.* Biennially, the amounts in the schedule to establish and operate the heritage tourism pilot program under s. ~~560.31 and to make the grants under 1993 Wisconsin Act 16, section 9115 (1j)~~ 41.19.

SECTION 515g. 20.143 (2) (g) of the statutes is renumbered 20.380 (1) (g).

SECTION 515h. 20.143 (2) (k) of the statutes is renumbered 20.380 (1) (k).

SECTION 515i. 20.143 (2) (ka) of the statutes is renumbered 20.380(1) (ka).

SECTION 515j. 20.143 (2) (kb) of the statutes is renumbered 20.380 (1) (kb).

SECTION 515k. 20.143 (2) (m) of the statutes is renumbered 20.380 (1) (m).

SECTION 515L. 20.143 (2) (n) of the statutes is renumbered 20.380 (1) (n).

SECTION 515m. 20.143 (2) (o) of the statutes is renumbered 20.380 (1) (o).

SECTION 516. 20.143 (3) of the statutes is created to read:

20.143 **(3)** REGULATION OF INDUSTRY, SAFETY AND BUILDINGS. (a) *General program operations.* The amounts in the schedule for general program operations relating to

the regulation of industry, buildings and safety under chs. 101, 107, 145 and 168 and ss. 32.19 to 32.27, 167.10, 167.11 and 167.27.

(g) *Gifts and grants.* All moneys received as gifts or grants to carry out the purposes for which made.

(ga) *Auxiliary services.* All moneys received from fees collected under s. 101.02 (18) and (18m) for the delivery of services under s. 101.02 (18) and (18m).

(gb) *Local agreements.* All moneys received through contracts or financial agreements for provision of services to local units of government or local organizations, for the purpose of providing the services.

(ka) *Interagency agreements.* All moneys received through contracts or financial agreements for provision of services to other state agencies, except moneys appropriated under par. (kc) or (ks), for the purpose of providing the services.

(kc) *Administrative services.* The amounts in the schedule for administrative and support services for programs administered by the department. All moneys received by the department from the department, not directed to be deposited under par. (ks), as payment for administrative and support services for programs administered by the department shall be credited to this appropriation.

(ks) *Data processing.* All moneys received from data processing services provided internally to be used to meet the costs associated with the services.

(m) *Federal funds.* All federal moneys received as authorized under s. 16.54, except as otherwise appropriated under this subsection, for the purposes of the programs administered by the department.

(ma) *Federal aid–program administration.* All moneys received from the federal government, as authorized by the governor under s. 16.54, to fund the state's administrative costs for general program operations.

(pz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b).

SECTION 517. 20.143 (4) (kc) of the statutes is created to read:

20.143 **(4)** (kc) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 517p. 20.143 (7) of the statutes is created to read:

20.143 **(7)** INDUSTRY, SAFETY AND BUILDINGS CODE DEVELOPMENT. (jz) *Code development operations.* From all moneys received under ch. 145 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.973 (7), 168.12 (6) and 236.12 (7), the amounts in the schedule for the purpose of assisting the department of industry, labor and human relations in developing and promulgating codes and rules relating to the regulation of industry, safety and buildings under chs. 101, 145 and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335 and for the purpose of allowing the department of development to develop and promulgate codes and rules relating to the regulation of industry, safety and buildings in anticipation of the transfer of industry, safety and buildings regulation to the department of development from the department of industry, labor and human relations under 1995 Wisconsin Act .... (this act). The unencumbered balance in this appropriation on June 30, 1996, shall be transferred to the appropriation under s. 20.445 (1) (j).

SECTION 517r. 20.143 (7) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 518. 20.144 (intro.) of the statutes is created to read:

20.144 Financial institutions, department of. (intro.) There is appropriated to the department of financial institutions for the following programs:

SECTION 519. 20.144 (1) (title) of the statutes is created to read:

20.144 **(1)** (title) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REGULATION AND OTHER FUNCTIONS.

SECTION 520. 20.144 (1) (g) of the statutes is created to read:

20.144 **(1)** (g) *General program operations.* The amounts in the schedule for the general program operations of the department of financial institutions. Except as provided in pars. (a), (h), (i), (ka) and (u), all moneys received by the department's division of securities and 88% of all moneys received by the department's division of banking and the department's division of savings and loan shall be credited to this appropriation, but any balance at the close of a fiscal year exceeding 10% of the previous fiscal year's expenditures under this appropriation shall lapse to the general fund.

SECTION 521. 20.145 (1) (g) of the statutes is amended to read:

20.145 **(1)** (g) *General program operations.* The amounts in the schedule for general operations and for funding the activities of the office of health care information under s. 153.05 (8). Ninety percent of all moneys received under ss. 601.31, 601.32, 601.45 and 601.47 shall be credited to this appropriation.

SECTION 523. 20.145 (2) (v) of the statutes, as affected by 1995 Wisconsin Act 10, is amended to read:

20.145 **(2)** (v) (title) ~~*Operations and benefits*~~ *Specified responsibilities, investment board payments and future medical expenses*. After deducting the amounts appropriated under pars. (q), (u) and (um), the ~~balances~~ balance of the moneys paid into the patients compensation fund under s. 655.27 (3) to carry out the responsibilities of the commissioner of insurance specified under s. 655.27, excluding payment of expenses related to administering the fund, to make payments to the investment board under s. 20.536 and to pay future medical expenses under s. 655.015.

SECTION 524. 20.145 (3) (v) (title) of the statutes is amended to read:

20.145 **(3)** (v) (title) ~~*Operations and benefits*~~ *Specified payments, fire dues and reinsurance*.

SECTION 525. 20.145 (4) (v) of the statutes is amended to read:

20.145 **(4)** (v) (title) ~~*Operations and benefits*~~ *Specified payments and losses*. After deducting the amounts appropriated under par. (u), the balance of moneys in the state life fund ~~to carry out the purposes of that fund~~ for payments authorized under chs. 604 and 607, excluding payment of expenses related to administering the fund except for those administrative expenses specifically authorized in ch. 604 or 607. Payments to the investment board pursuant to s. 20.536, payments to the general fund under s. 607.21 (4) and payments for medical examinations and inspection reports shall be charged directly to this subsection.

SECTION 528. 20.155 (1) (L) of the statutes is amended to read:

20.155 **(1)** (L) *Stray voltage program.* The amounts in the schedule for any activity of the public service commission under s. 196.857. All moneys received under s. 196.857 ~~(1)~~ (1m) (a), (2k) and (2m) for such activity shall be credited to this

appropriation. ~~No moneys may be encumbered under this paragraph after August 31, 1995.~~

SECTION 529. 20.155 (1) (Lb) of the statutes is amended to read:

20.155 **(1)** (Lb) *Gifts for stray voltage program.* All moneys received from gifts and grants for the purpose of the stray voltage program. ~~No moneys may be encumbered under this paragraph after August 31, 1995.~~

SECTION 531. 20.165 (1) (g) of the statutes is amended to read:

20.165 **(1)** (g) *General program operations.* The amounts in the schedule for the licensing, rule making and regulatory functions of the department, except for preparing, administering and grading examinations. Ninety percent of all moneys received under chs. 440 to 480, except s. 440.05 (1) (b), less $10 of each renewal fee received under s. 452.12 (5), and all moneys transferred from the appropriation under par. (i) and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

SECTION 533. 20.175 of the statutes is repealed.

SECTION 535. 20.185 (intro.) and (1) (title) and (g) of the statutes are repealed.

SECTION 536b. 20.185 (1) (h) of the statutes is amended to read:

20.185 **(1)** (h) *Investor education fund.* The amounts in the schedule for educating residents of this state about securities and franchise investments as provided in ss. 551.605 (2) and 553.605 (2). All moneys received from administrative assessments under ss. 551.605 (1) and 553.605 (1) shall be credited to this appropriation. If the unencumbered balance in this appropriation account exceeds $100,000 immediately before the end of any fiscal year, the excess shall lapse to the general fund at the end of that fiscal year.

SECTION 536c. 20.185 (1) (h) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.144 (1) (i).

SECTION 538m. 20.190 (1) (c) of the statutes is created to read:

20.190 **(1)** (c) *Housing facilities principal repayment, interest and rebates.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing housing facilities at the state fair park in West Allis and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing these facilities.

SECTION 539. 20.190 (1) (h) of the statutes is amended to read:

20.190 **(1)** (h) *State fair operations.* The amounts in the schedule for general program operations and for the grant program under s. 42.12. All moneys received for or on account of the state fair, state fair park or other events and all moneys received from ~~the~~ any lease of the Olympic ice training center under s. 42.11 (3) shall be credited to this appropriation. The unencumbered balance of this appropriation on June 30 of each year shall be transferred to the appropriation under par. (i).

SECTION 540. 20.190 (1) (i) of the statutes is amended to read:

20.190 **(1)** (i) *State fair capital expenses.* The surplus of receipts transferred from par. (h), to be used for the acquisition of land, the payment of construction costs, including architectural and engineering services, furnishings and equipment, maintenance of state–owned housing and temporary financing necessary to provide facilities for exposition purposes. The state fair park board may use moneys in this appropriation to reimburse s. 20.866 (1) (u) for payment of principal and interest costs incurred in financing state fair park facilities.

SECTION 543. 20.197 (1) (g) (intro.) of the statutes is amended to read:

20.197 **(1)** (g) (title) *General program operations; racing~~, charitable and crane games~~*. (intro.) The amounts in the schedule for general program operations under ~~chs. 561 to 569~~ ch. 562. All moneys received by the gaming commission under ss. 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d), 562.05 (2), 562.065 (3) (d) and (e) 2. and (4) and 562.09 (2) (e), ~~under ch. 563, except s. 563.80, and under s. 564.02 (2),~~ less the amounts appropriated under s. 20.455 (2) (g), shall be credited to this appropriation account. The unencumbered balance in this appropriation on June 30 of each fiscal year which exceeds 10% of that fiscal year's expenditures under this appropriation, but not more than the total amount received during that fiscal year under s. 562.065 (3) (d) and (e) 2. and (4), shall be transferred as follows:

SECTION 543m. 20.197 (1) (g) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.197 **(1)** (g) *General program operations; racing.* (intro.) The amounts in the schedule for general program operations under ch. 562. All moneys received by the gaming ~~commission~~ board under ss. 562.02 (2) (f), 562.04 (1) (b) 4. and (2) (d), 562.05 (2), 562.065 (3) (d) and (e) 2. and (4) and 562.09 (2) (e), less the amounts appropriated under s. 20.455 (2) (g), shall be credited to this appropriation account. The unencumbered balance in this appropriation on June 30 of each fiscal year which exceeds 10% of that fiscal year's expenditures under this appropriation, but not more than the total amount received during that fiscal year under s. 562.065 (3) (d) and (e) 2. and (4), shall be transferred as follows:

SECTION 544. 20.197 (1) (h) of the statutes is amended to read:

20.197 **(1)** (h) G*eneral program operations; Indian gaming regulation.* The amounts in the schedule for general program operations under chs. 561 to 569. All

Indian gaming receipts, as defined in s. 569.01 (1m), less the amounts appropriated under s. 20.455 (2) (gc), shall be credited to this appropriation account.

SECTION 544m. 20.197 (1) (h) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.197 **(1)** (h) G*eneral program operations; Indian gaming regulation.* The amounts in the schedule for general program operations under ~~chs. 561 to~~ ch. 569. All Indian gaming receipts, as defined in s. 569.01 (1m), less the amounts appropriated under s. 20.455 (2) (gc), shall be credited to this appropriation account.

SECTION 545. 20.197 (1) (j) of the statutes is created to read:

20.197 **(1)** (j) *General program operations; charitable and crane games.* The amounts in the schedule for general program operations under chs. 563 and 564. All moneys received by the gaming commission under ch. 563, except s. 563.80, and under s. 564.02 (2) shall be credited to this appropriation account.

SECTION 545m. 20.197 (1) (j) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

20.197 **(1)** (j) *General program operations; charitable and crane games.* The amounts in the schedule for general program operations under chs. 563 and 564. All moneys received by the gaming ~~commission~~ board under ch. 563, except s. 563.80, and under s. 564.02 (2) shall be credited to this appropriation account.

SECTION 546b. 20.197 (1) (q) of the statutes is amended to read:

20.197 **(1)** (q) *General program operations; lottery.* *F*rom the lottery fund, the amounts in the schedule for general program operations under ~~chs. 561 to 569~~ ch. 565.

SECTION 546d. 20.197 (2) (title) of the statutes is repealed.

SECTION 546h. 20.197 (2) (r) of the statutes is renumbered 20.566 (8) (r).

SECTION 546p. 20.197 (2) (s) of the statutes is renumbered 20.566 (8) (s).

SECTION 546t. 20.197 (2) (v) of the statutes is renumbered 20.566 (8) (v).

SECTION 548m. 20.215 (1) (a) of the statutes is amended to read:

20.215 **(1)** (a) *General program operations.* The amounts in the schedule for general program operations. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 548p. 20.215 (1) (b) of the statutes is amended to read:

20.215 **(1)** (b) *State aid for the arts.* The amounts in the schedule for grants–in–aid or contract payments to groups, individuals, organizations and institutions by the arts board under s. 44.53 (1) (f) and (2) (a) and for grants and loans related to arts incubators under s. 44.60. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 548r. 20.215 (1) (c) of the statutes is amended to read:

20.215 **(1)** (c) *Portraits of governors.* The amounts in the schedule to pay for costs associated with the selection and purchase of portraits of governors under s. 44.53 (1) (g). No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 548t. 20.215 (1) (d) of the statutes is amended to read:

20.215 **(1)** (d) *Challenge grant program.* The amounts in the schedule for challenge grants under ss. 44.53 (1) (i) and 44.565. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has

approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 549. 20.215 (1) (f) of the statutes is created to read:

20.215 **(1)** (f) *Wisconsin regranting program.* The amounts in the schedule for grants under s. 44.62. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 549c. 20.215 (1) (g) of the statutes is amended to read:

20.215 **(1)** (g) *Gifts and grants; state operations.* All moneys received as gifts and grants for expenses other than aids, to be used for the purposes for which made. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 549e. 20.215 (1) (h) of the statutes is amended to read:

20.215 **(1)** (h) *Gifts and grants; aids to individuals and organizations.* All moneys received as gifts and grants for the purpose of providing aids to individuals and organizations, to be used for the purposes for which made. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 549g. 20.215 (1) (k) of the statutes is amended to read:

20.215 **(1)** (k) *Funds received from other state agencies.* All moneys received from other state agencies, less moneys transferred to s. 20.215 (1) (ka), for the fine arts in state buildings program under s. 44.57. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has

approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 549j. 20.215 (1) (ka) of the statutes is amended to read:

20.215 **(1)** (ka) *Percent–for–art administration.* The amounts in the schedule for ~~the~~ percent–for–art administration ~~of the percent–for–art program~~ under s. 44.57 (2). All moneys transferred from the appropriation under s. 20.215 (1) (k) shall be credited to this appropriation. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 550. 20.215 (1) (kb) of the statutes is created to read:

20.215 **(1)** (kb) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 550g. 20.215 (1) (m) of the statutes is amended to read:

20.215 **(1)** (m) *Federal grants; state operations.* All moneys received from the federal government for expenses other than aids, to be used for the purposes for which made. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 550j. 20.215 (1) (o) of the statutes is amended to read:

20.215 **(1)** (o) *Federal grants; aids to individuals and organizations.* All moneys received from the federal government for the purpose of providing aids to individuals and organizations, to be used for the purposes for which made. No moneys may be encumbered under this paragraph after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 555. 20.225 (1) (g) of the statutes is amended to read:

20.225 **(1)** (g) (title) *Gifts, grants, contracts and leases.* All moneys received from gifts, grants, contracts and the lease of excess capacity to carry out the purposes for which received.

SECTION 556. 20.225 (1) (k) of the statutes is created to read:

20.225 **(1)** (k) *Funds received from other state agencies.* All moneys received from other state agencies to carry out the purposes for which received.

SECTION 557. 20.225 (1) (ka) of the statutes is created to read:

20.225 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 558. 20.235 (title) of the statutes is amended to read:

20.235 (title) ~~**Higher**~~ **Department of education; higher educational aids** ~~**board.**~~

SECTION 558m. 20.235 (1) (cr) of the statutes is amended to read:

20.235 **(1)** (cr) *Minority teacher loans.* ~~A sum sufficient not exceeding $50,000~~ The amounts in the schedule for the minority teacher loan program under s. 39.40.

SECTION 558n. 20.235 (1) (fe) of the statutes is amended to read:

20.235 **(1)** (fe) (title) *Wisconsin higher education grants; University of Wisconsin System students*. Biennially, the amounts in the schedule for the Wisconsin higher education grant program under s. 39.435 for University of Wisconsin System students, except for grants awarded under s. 39.435 (2) or (5).

SECTION 558p. 20.235 (1) (ff) of the statutes is created to read:

20.235 **(1)** (ff) *Wisconsin higher education grants; technical college students.* Biennially, the amounts in the schedule for the Wisconsin higher education grant program under s. 39.435 for technical college students, except for grants awarded under s. 39.435 (2) or (5).

SECTION 558q. 20.235 (1) (fg) of the statutes is amended to read:

20.235 **(1)** (fg) (title*) Minority undergraduate retention grants program; ~~private~~*. Biennially, the amounts in the schedule for the minority undergraduate retention grant program ~~for private institutions~~ under s. 39.44.

SECTION 558r. 20.235 (1) (fh) of the statutes is repealed.

SECTION 558s. 20.235 (1) (fj) of the statutes is created to read:

20.235 **(1)** (fj) *Handicapped student grants*. Biennially, the amounts in the schedule for handicapped student grants under s. 39.435 (5).

SECTION 559m. 20.235 (1) (gm) of the statutes is created to read:

20.235 **(1)** (gm) *Indian student assistance; contributions.* All moneys received from contributions under s. 39.38 (2), to be used for grants under s. 39.38.

SECTION 560. 20.235 (2) (aa) of the statutes is repealed.

SECTION 561. 20.235 (2) (ka) of the statutes is created to read:

20.235 **(2)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development

projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 562. 20.235 (2) (n) of the statutes is repealed.

SECTION 563. 20.235 (2) (qb) of the statutes is renumbered 20.255 (1) (u).

SECTION 563m. 20.245 (1) (e) of the statutes is created to read:

20.245 **(1)** (e) *Principal repayment, interest and rebates.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition and installation of systems and equipment necessary to prepare historic records for transfer to new storage facilities and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing this acquisition and installation.

SECTION 564. 20.245 (1) (g) of the statutes is amended to read:

20.245 **(1)** (g) *Admissions, sales and other receipts.* ~~The amounts in the schedule for general program operations related to research services.~~ All moneys received from admissions, sales, fines, and use of the main library, and other moneys received by the society for research services, except moneys that are otherwise specifically appropriated by law, ~~shall be credited to this appropriation~~ for general program operations related to research services.

SECTION 564g. 20.245 (4) (d) of the statutes is created to read:

20.245 **(4)** (d) *Wisconsin sesquicentennial commission; general program operations.* The amounts in the schedule for the general program operations of the Wisconsin sesquicentennial commission under s. 44.25, to be expended upon approval of the director of the historical society.

SECTION 564r. 20.245 (4) (h) of the statutes is amended to read:

20.245 **(4)** (h) *Gifts and grants.* All moneys received by the historical society and the Wisconsin sesquicentennial commission from gifts ~~and~~, grants or bequests, except moneys that are otherwise specifically appropriated, for purposes related to executive and administrative services of the society and for the purposes for which made to and received by the commission, to be expended upon approval of the director of the historical society.

SECTION 565. 20.245 (4) (ka) of the statutes is created to read:

20.245 **(4)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 566. 20.250 (1) (a) of the statutes is amended to read:

20.250 **(1)** (a) *General program operations.* The amounts in the schedule for medical education, teaching and research as provided under s. 39.155. From this appropriation, an amount of $10,091 in the 1989–90 fiscal year and annually thereafter shall be disbursed under s. 39.155 for each Wisconsin resident enrolled as a student in pursuit of a doctor of medicine (M.D.) degree who is paying full tuition and otherwise qualifies under s. 39.155. The number of Wisconsin residents enrolled ~~in the class entering~~ at the college in ~~1986–87 and~~ each academic year ~~thereafter~~ to be funded under this appropriation shall be determined by multiplying the total number of students enrolled ~~in that class~~ at the college by 0.56, but may not exceed ~~104~~ 416.

SECTION 567. 20.255 (title) of the statutes is amended to read:

20.255 (title) ~~**Public instruction**~~ **Education, department of.**

SECTION 568. 20.255 (1) (a) of the statutes is amended to read:

20.255 **(1)** (a) *General program operations.* The amounts in the schedule for the improvement of curriculum, instruction and educational resources for local educational agencies ~~and~~, the improvement of library services and the administration of higher educational aids. The amounts include the matching of federal funds available under applicable federal acts or programs. At least $5,000 of the amounts in the schedule in each fiscal year shall be allocated for support of the governor's council on business and education partnerships.

SECTION 569. 20.255 (1) (cp) of the statutes is renumbered 20.255 (2) (ee).

SECTION 569m. 20.255 (1) (dw) of the statutes is created to read:

20.255 **(1)** (dw) *Pupil assessment.* The amounts in the schedule for the costs of the examinations and performance assessments administered under s. 118.30.

SECTION 570m. 20.255 (1) (e) of the statutes is renumbered 20.255 (3) (e).

SECTION 571. 20.255 (1) (eb) of the statutes is renumbered 20.255 (3) (eb).

SECTION 572. 20.255 (1) (ec) of the statutes is renumbered 20.255 (3) (ec).

SECTION 573. 20.255 (1) (fa) of the statutes is renumbered 20.255 (3) (fa).

SECTION 574. 20.255 (1) (fg) of the statutes is renumbered 20.255 (3) (fg).

SECTION 575. 20.255 (1) (fz) of the statutes is renumbered 20.255 (3) (fz).

SECTION 576. 20.255 (1) (kt) of the statutes is created to read:

20.255 **(1)** (kt) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 577. 20.255 (1) (mm) of the statutes is renumbered 20.255 (3) (mm).

SECTION 578. 20.255 (1) (ms) of the statutes is renumbered 20.255 (3) (ms).

SECTION 579. 20.255 (1) (r) of the statutes is renumbered 20.255 (2) (ra).

SECTION 580. 20.255 (2) (ac) of the statutes, as affected by 1993 Wisconsin Act 437, is amended to read:

20.255 **(2)** (ac) *General equalization aids.* ~~A sum sufficient~~ The amounts in the schedule for the payment of educational aids under ss. 121.08, 121.09 and 121.105 and subch. VI of ch. 121 ~~equal to the amount necessary to ensure that the total amount appropriated under this paragraph and par. (bm) equals the amount determined by the joint committee on finance under s. 121.15 (3)~~.

SECTION 580m. 20.255 (2) (ac) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.255 **(2)** (ac) *General equalization aids.* A sum sufficient for the payment of educational aids under ss. 121.08, 121.09 and 121.105 and subch. VI of ch. 121 equal to the amount determined by the joint committee on finance under s. 121.15 (3m) (c).

SECTION 582. 20.255 (2) (be) of the statutes is repealed.

SECTION 583. 20.255 (2) (bm) of the statutes is amended to read:

20.255 **(2)** (bm) *Minimum state aid and general equalization aids.* The amounts in the schedule for minimum state aid under s. 121.10 and educational aids under s. 121.08. The amount distributed from this appropriation for educational aids under s. 121.08 in any fiscal year shall equal the total amount of aid reductions under s. 121.10 (6) in that fiscal year. No moneys may be encumbered under this paragraph after June 30, 1996.

SECTION 586g. 20.255 (2) (cs) of the statutes is repealed.

SECTION 586r. 20.255 (2) (cu) of the statutes is created to read:

20.255 **(2)** (cu) *Achievement guarantee contracts.* The amounts in the schedule for aid to school districts and the program evaluation under s. 118.43. No funds may be encumbered from this appropriation after June 30, 2001.

SECTION 587g. 20.255 (2) (d) of the statutes is amended to read:

20.255 **(2)** (d) *Youth initiatives program.* The amounts in the schedule for grants for standardized assessment and programs for instruction in basic skills and work experience under the youth initiatives program. No funds may be encumbered from this appropriation after June 30, 1996.

SECTION 587r. 20.255 (2) (dc) of the statutes is amended to read:

20.255 **(2)** (dc) *Professional development.* The amounts in the schedule for professional development activities under s. 119.84. No funds may be encumbered from this appropriation after June 30, 1996.

SECTION 587t. 20.255 (2) (dt) of the statutes is repealed.

SECTION 588. 20.255 (2) (ed) of the statutes is amended to read:

20.255 **(2)** (ed) *Youth service centers, truancy abatement and burglary suppression.* The amounts in the schedule for youth service centers, truancy abatement and burglary suppression under 1993 Wisconsin Act 16, section 9145 (1t) (b). No moneys may be encumbered under this paragraph after June 30, ~~1995~~ 1996.

SECTION 588g. 20.255 (2) (ef) of the statutes is amended to read:

20.255 **(2)** (ef) *Collaborative projects.* The amounts in the schedule for grants to school districts for collaborative projects under s. 115.28 (35). No funds may be encumbered from this appropriation after June 30, 1996.

SECTION 588r. 20.255 (2) (eg) of the statutes is amended to read:

20.255 **(2)** (eg) *Collaborative service programs.* The amounts in the schedule for grants for collaborative service programs under s. 115.40. No funds may be encumbered from this appropriation after June 30, 1996.

SECTION 589. 20.255 (2) (em) of the statutes is repealed.

SECTION 591. 20.255 (2) (ez) of the statutes is repealed.

SECTION 592. 20.255 (2) (fh) of the statutes is repealed.

SECTION 592g. 20.255 (2) (fi) of the statutes is repealed.

SECTION 592r. 20.255 (2) (fj) of the statutes is repealed.

SECTION 593. 20.255 (2) (fm) of the statutes is repealed.

SECTION 593m. 20.255 (2) (ft) of the statutes is repealed.

SECTION 594. 20.255 (2) (r) of the statutes is amended to read:

20.255 **(2)** (r) *Driver education; local assistance.* From the transportation fund, the amounts in the schedule to be distributed to school districts which operate driver education courses in accordance with s. 121.41 (1). The distribution shall be made to school districts upon such reports in such form and containing such information as the ~~state superintendent~~ department of education requires.

SECTION 596. 20.255 (3) (title) of the statutes is created to read:

20.255 **(3)** (title) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS.

SECTION 597. 20.255 (3) (ea) of the statutes is created to read:

20.255 **(3)** (ea) *Library service contracts.* The amounts in the schedule for library service contracts under s. 43.03 (6) and (7).

SECTION 598. 20.255 (3) (ed) of the statutes is created to read:

20.255 **(3)** (ed) *Wisconsin Institute for School Executives.* The amounts in the schedule for payments to the Wisconsin Institute for School Executives under 1995

Wisconsin Act .... (this act), section 9137 (1x). No funds may be encumbered from this appropriation after June 30, 1997.

SECTION 599. 20.255 (4) (title) of the statutes is created to read:

20.255 **(4)** (title) PROPRIETARY SCHOOLS.

SECTION 600. 20.265 of the statutes is created to read:

20.265 Office of the state superintendent of public instruction. (1) ADMINISTRATION. (a) *General program operations.* The amounts in the schedule for the general program operations of the office of the state superintendent of public instruction.

SECTION 600m. 20.285 (1) (b) of the statutes is created to read:

20.285 **(1)** (b) *Area health education center.* The amounts in the schedule for the area health education center at the University of Wisconsin–Madison under s. 36.25 (37).

SECTION 601. 20.285 (1) (db) of the statutes is amended to read:

20.285 **(1)** (db) *Self–amortizing facilities principal and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for any amounts advanced to meet principal and interest costs on self–amortizing university facilities whenever the combined balances of all accounts of activities, of any campus, included in par. (h) and sub. (6) (g) are insufficient, as determined by the department of administration, to make transfers to pars. ~~(gb)~~ (kd) and ~~(gc)~~ (ke) as required by par. (h) and sub. (6) (g). Amounts advanced under the authority of this paragraph shall be repaid to the general fund in instalments to be determined jointly by the department of administration and the campus concerned. Annually, an amount equal to 80% of the principal and interest costs for maintenance of university of Wisconsin–Madison

intercollegiate athletic facilities shall be paid from the appropriation under this paragraph.

SECTION 601m. 20.285 (1) (fa) of the statutes is repealed.

SECTION 602. 20.285 (1) (fm) of the statutes is amended to read:

20.285 **(1)** (fm) *Laboratories.* The amounts in the schedule for laboratory modernization. ~~No money may be expended from this appropriation after June 30, 1996.~~

SECTION 603m. 20.285 (1) (gb) of the statutes is renumbered 20.285 (1) (kd) and amended to read:

20.285 **(1)** (kd) *Principal repayment, interest and rebates.* From the revenues credited under par. (h) and sub. (6) (g), a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of self–amortizing university facilities and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities. Annually, an amount equal to 20% of the principal and interest costs for maintenance of university of Wisconsin–Madison intercollegiate athletic facilities shall be paid from the appropriation under this paragraph.

SECTION 604m. 20.285 (1) (gc) of the statutes is renumbered 20.285 (1) (ke) and amended to read:

20.285 **(1)** (ke) *Lease rental payments.* From the revenues credited under par. (h) and sub. (6) (g), a sum sufficient to pay the rentals required to be made on self–amortizing facilities under leases entered into under s. 36.06, 1969 stats., and s. 37.02, 1969 stats.

SECTION 605g. 20.285 (1) (h) of the statutes is amended to read:

20.285 **(1)** (h) *Auxiliary enterprises.* ~~The amounts in the schedule for the operation, maintenance and capital expenditures of activities specified in this paragraph, including the transfer of funds to nonprofit building corporations to be used by the corporations for the retirement of existing indebtedness and such other payments as may be required under existing loan agreements, and for optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for such activities.~~ Except as provided under par. (gm) and ~~sub.~~ subs. (5) (i) and (6) (g), all moneys received by the university of Wisconsin system for or on account of any housing facility, commons, dining halls, cafeteria, student union, athletic activities, stationery stand or bookstore, parking facilities or car fleet, or such other auxiliary enterprise activities as the board designates and including such fee revenues as allocated by the board and including such moneys received under leases entered into previously with nonprofit building corporations as the board designates to be receipts under this paragraph ~~shall be credited to this appropriation~~, to be used for the operation, maintenance and capital expenditures of activities specified in this paragraph, including the transfer of funds to pars. (kd) and (ke) and to nonprofit building corporations to be used by the corporations for the retirement of existing indebtedness and such other payments as may be required under existing loan agreements, and for optional rental payments in addition to the mandatory rental payments under the leases and subleases in connection with the providing of facilities for such activities. A separate account shall be maintained for each campus, the center system and extension.

SECTION 605r. 20.285 (1) (iz) of the statutes is amended to read:

20.285 **(1)** (iz) *General operations receipts.* ~~The amounts in the schedule for general operations.~~ All moneys received for or on account of the university of Wisconsin system, unless otherwise specifically appropriated ~~shall be credited to this appropriation~~, to be used for general operations.

SECTION 606. 20.285 (1) (kb) of the statutes is amended to read:

20.285 **(1)** (kb) (title) *University of Wisconsin ~~hospital and clinics~~ Hospitals and Clinics.* The amounts in the schedule for operating expenses of the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics and related services, including the initial costs of establishment and operation of the University of Wisconsin Hospitals and Clinics Authority and the University of Wisconsin Hospitals and Clinics Board. All fees and other moneys received for or on account of the operation of the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics for the treatment of patients, the operations of the hospital cafeteria, outpatient housing, parking service and other services shall be credited to this appropriation.

SECTION 607. 20.285 (1) (kb) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 608. 20.285 (1) (kc) of the statutes is created to read:

20.285 **(1)** (kc) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5), excluding projects for university system administration and University of Wisconsin–Madison intercollegiate athletics. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 608s. 20.285 (1) (L) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.143 (1) (L).

SECTION 609. 20.285 (1) (Lm) of the statutes is amended to read:

20.285 **(1)** (Lm) *Laboratories.* From moneys received as academic student fees, the amounts in the schedule for laboratory modernization. ~~No money may be expended from or credited to this appropriation after June 30, 1996.~~

SECTION 609g. 20.285 (1) (s) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.143 (1) (s).

SECTION 609j. 20.285 (1) (t) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.143 (1) (tm).

SECTION 609k. 20.285 (1) (tb) of the statutes is amended to read:

20.285 **(1)** (tb) *Extension recycling education.* From the recycling fund, the amounts in the schedule for university of Wisconsin–extension educational and technical assistance programs in recycling and recycling market development.

SECTION 610. 20.285 (2) (a) 3. of the statutes is amended to read:

20.285 **(2)** (a) 3. ~~Prior to July 1, 1996, the~~ The board of regents may transfer moneys from the appropriation under sub. (1) (Lm) to the appropriation under sub. (1) (fm).

SECTION 611g. 20.285 (2) (b) of the statutes is amended to read:

20.285 **(2)** (b) *Contingent fund.* Notwithstanding s. 20.920 (1) (b), the board of regents may use balances in university of Wisconsin system program revenue appropriations as contingent funds for the payment of miscellaneous expenses and student financial aid if immediate payment is deemed necessary ~~but not to exceed $4,000,000 in total~~. Other than payments for student financial aid, the daily balance

of these funds may not exceed $3,000,000 and total disbursements from these funds may not exceed $100,000,000 in any fiscal year.

SECTION 611m. 20.285 (3) (iz) of the statutes is amended to read:

20.285 **(3)** (iz) *General operations receipts.* ~~The amounts in the schedule for general operations of the university system administration.~~ All moneys received for or on account of the university system administration ~~shall be credited to this appropriation~~, to be used for general operations of the university system administration.

SECTION 612. 20.285 (3) (ka) of the statutes is created to read:

20.285 **(3)** (ka) *Information technology development projects; system administration.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for university system administration. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 612m. 20.285 (4) (dc) of the statutes is repealed.

SECTION 612p. 20.285 (5) (g) of the statutes is repealed.

SECTION 613. 20.285 (5) (i) of the statutes is amended to read:

20.285 **(5)** (i) *Nonincome sports.* ~~From~~ All moneys received from the sale of parking provided for all events at athletic facilities at the university of Wisconsin–Madison, ~~$431,900 annually~~ less related expenses appropriated under sub. (1) (h), to be used for the sports administered by the division of intercollegiate athletics at the university of Wisconsin–Madison other than men's basketball, football and hockey and for debt service on any sports–related facility. Of the amount

appropriated under this paragraph, the board shall allocate at least $50,000 annually to support scholarships for women athletes.

SECTION 614. 20.285 (5) (iw) of the statutes is repealed.

SECTION 615m. 20.285 (6) of the statutes is created to read:

20.285 **(6)** UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. (a) *Services received from authority.* The amounts in the schedule to pay for services received from the University of Wisconsin Hospitals and Clinics Authority.

(g) *Services provided to authority.* All moneys received from the University of Wisconsin Hospitals and Clinics Authority under any agreements entered into under s. 233.03 (10) or 233.04 (7), (7g), (7m) or (7p) for services provided to the authority and for leases and rentals to the authority. Moneys may be transferred from this appropriation account to the appropriation account under sub. (1) (kd) or (ke).

SECTION 616. 20.292 (1) (gm) of the statutes is amended to read:

20.292 **(1)** (gm) *Fire schools; state operations.* The amounts in the schedule for supervising and conducting schools for instruction in fire protection and prevention under s. 38.04 (9). All moneys transferred from s. ~~20.445 (1)~~ 20.143 (3) (L) to this appropriation shall be credited to this appropriation.

SECTION 617. 20.292 (1) (gr) of the statutes is amended to read:

20.292 **(1)** (gr) *Fire schools; local assistance.* The amounts in the schedule for district fire fighter training programs under s. 38.12 (9). All moneys transferred from s. ~~20.445 (1)~~ 20.143 (3) (L) to this appropriation shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation under s. ~~20.445 (1)~~ 20.143 (3) (L).

SECTION 618. 20.292 (1) (kc) of the statutes is created to read:

20.292 **(1)** (kc) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 619. 20.292 (1) (s) of the statutes is repealed.

SECTION 620. 20.292 (2) (title) of the statutes is repealed.

SECTION 621. 20.292 (2) (a) of the statutes is repealed.

SECTION 622. 20.292 (2) (g) of the statutes is renumbered 20.255 (4) (g).

SECTION 623. 20.292 (2) (m) of the statutes is renumbered 20.255 (4) (m).

SECTION 624. 20.315 (1) (ka) of the statutes is created to read:

20.315 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 625. 20.320 (1) (d) of the statutes is amended to read:

20.320 **(1)** (d) *Clean water fund loan capital.* ~~A sum sufficient equal to the amounts expended under par. (t)~~ The amounts in the schedule to be transferred to the clean water fund for the purposes of the clean water fund program under ss. 144.241 and 144.2415.

SECTION 626. 20.360 (1) (ka) of the statutes is created to read:

20.360 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation

account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 627. 20.370 (1) (cr) of the statutes is created to read:

20.370 **(1)** (cr) *Forestry -- recording fees.* All moneys received under ss. 77.82 (2) (intro.), (4) and (4m) (bn) and 77.88 (2) (d) for the payment of fees to the registers of deeds under s. 77.91 (5).

SECTION 628. 20.370 (1) (cs) of the statutes is created to read:

20.370 **(1)** (cs) *Forestry -- forest fire emergencies.* Except as provided in s. 26.11 (7), all moneys received from other states for forest fire fighting activities provided by the department to be used for forest fire fighting activities.

SECTION 629m. 20.370 (1) (ea) of the statutes is amended to read:

20.370 **(1)** (ea) *Parks — general program operations.* From the general fund, the amounts in the schedule ~~equivalent to the portion of the appropriation under par. (mu) allocated~~ for the operation of the state parks and state recreation areas under s. 23.091 and ch. 27.

SECTION 629p. 20.370 (1) (eq) of the statutes is created to read:

20.370 **(1)** (eq) *Parks and forests — operation and maintenance.* From the heritage state parks and forests trust fund, a sum sufficient for grants under s. 27.016 and for the operation and maintenance of the state parks, of the southern state forests, as defined in s. 27.016 (1) (c), and of state recreation areas as provided in s. 27.016 (7).

SECTION 633. 20.370 (1) (ht) of the statutes is created to read:

20.370 **(1)** (ht) *Resource acquisition and development — wild turkey restoration.* All moneys received from the sale of wild turkey hunting stamps under

s. 29.103 for developing, managing, preserving, restoring and maintaining the wild turkey population in the state.

SECTION 634. 20.370 (1) (it) of the statutes is created to read:

20.370 **(1)** (it) *Atlas revenues.* All moneys received from the sale of atlases of the lands that are under the jurisdiction of the department to be used for expenses associated with maintenance of facilities and the production of maps and other customer services.

SECTION 635. 20.370 (1) (jq) of the statutes is renumbered 20.370 (7) (ar) and amended to read:

20.370 **(7)** (ar) *Dam repair and removal — principal repayment and interest.* ~~A~~ From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the aid program for dams under s. 20.866 (2) (tL) and, beginning on July 1, 1995, the payment of principal and interest costs incurred in financing the aid program for dams under s. 20.866 (2) (tx).

SECTION 637. 20.370 (1) (kc) of the statutes is renumbered 20.370 (7) (aa) and amended to read:

20.370 **(7)** (aa) *Resource acquisition and development — principal repayment and interest.* ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the placement of structures and fill under s. 30.203, in financing the acquisition, construction, development, enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and (tr), in financing state aids for land acquisition and development of local parks under s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and (tt), ~~in financing the aid program for dams under s. 20.866 (2)~~

~~(tx),~~ in financing ice age trail development under s. 20.866 (2) (tw) and in funding the stewardship program under s. 20.866 (2) (tz), but not including payments made under sub. ~~(4) (jb)~~ (7) (ac) and not including, beginning on July 1, 1995, payment of principal and interest for costs incurred in financing the aid program for dams under s. 20.866 (2) (tx).

SECTION 638. 20.370 (1) (kq) of the statutes is amended to read:

20.370 **(1)** (kq) *Resource acquisition and development — taxes and assessments.* The amounts in the schedule to pay taxes and assessments that are or may become a lien on property ~~acquired prior to date of conveyance to the state~~ under the control of the department.

SECTION 640. 20.370 (1) (kv) of the statutes is amended to read:

20.370 **(1)** (kv) *Resource acquisition and development — trout habitat improvement.* All moneys received under s. 29.149 for improving and maintaining trout habitat in inland trout waters, for conducting trout surveys in inland trout waters and for administering that section.

SECTION 641. 20.370 (1) (kw) of the statutes is renumbered 20.370 (7) (aq) and amended to read:

20.370 **(7)** (aq) *Resource acquisition and development — principal repayment and interest.* ~~A~~ From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing land acquisition activities under s. 20.866 (2) (ty).

SECTION 642. 20.370 (1) (kx) of the statutes is renumbered 20.370 (7) (at) and amended to read:

20.370 **(7)** (at) *Recreation development — principal repayment and interest.* ~~A~~ From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the

payment of principal and interest costs incurred in acquiring, constructing, developing, enlarging or improving state recreation facilities and state fish hatcheries under s. 20.866 (2) (tu).

SECTION 644. 20.370 (1) (Lu) of the statutes is created to read:

20.370 **(1)** (Lu) *Handling fees.* All moneys received under s. 29.09 (9r) for the handling of approvals by the department under s. 29.09 (9r).

SECTION 647. 20.370 (1) (mz) of the statutes is created to read:

20.370 **(1)** (mz) *Forest fire emergencies -- federal funds.* Except as provided in s. 26.11 (7), all moneys received as federal aid for forest fire fighting activities provided by the department to be used for forest fire fighting activities.

SECTION 648. 20.370 (2) (ar) of the statutes is created to read:

20.370 **(2)** (ar) *Water resources — groundwater management.* Biennially, from the environmental fund, the amounts in the schedule for groundwater management.

SECTION 648h. 20.370 (2) (bg) of the statutes is amended to read:

20.370 **(2)** (bg) *Air management — stationary sources.* The amounts in the schedule for purposes related to stationary sources of air contaminants as specified in s. 144.399 (2) (b) and to transfer the amounts appropriated under s. 20.143 (1) (kc) to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees imposed under s. 144.399 (2) (a), except moneys appropriated under sub. (8) (mg), and all moneys received from fees imposed under s. 144.399 (7) shall be credited to this appropriation.

SECTION 648z. 20.370 (2) (dj) of the statutes is amended to read:

20.370 **(2)** (dj) *Waste tire removal and recovery programs; program activities.* ~~From the moneys received as fees collected under s. 342.14 (1m), all moneys not appropriated under par. (dL)~~ The amounts in the schedule for the waste tire removal

and recovery programs under ss. 144.449 and 159.17. All moneys received as fees collected under s. 342.14 (1m) that are not appropriated under par. (dL) shall be credited to this appropriation account.

SECTION 649. 20.370 (2) (dj) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 650. 20.370 (2) (dL) of the statutes is repealed.

SECTION 652w. 20.370 (2) (dv) of the statutes is amended to read:

20.370 **(2)** (dv) *Solid waste management — environmental repair; spills; abandoned containers.* As a continuing appropriation, from the environmental fund, the amounts in the schedule for the administration of the environmental repair program under s. 144.442, but not for payments under s. 144.442 (9m); for the hazardous substance spills program under s. 144.76; for the abandoned container program under s. 144.77; consistent with a court order under s. 147.23 (3), to remove, terminate or remedy the adverse effects of a discharge or deposit of pollutants into the waters of the state, to restore or develop the water environment for public use or to provide grants under s. 66.365; and for the payment of this state's share of environmental repair which is funded under 42 USC 9601, et seq., and any additional costs which this state is required to incur under 42 USC 9601, et seq.

SECTION 653w. 20.370 (2) (fq) of the statutes is repealed.

SECTION 654. 20.370 (2) (fr) of the statutes is created to read:

20.370 **(2)** (fr) *Cooperative remedial action; contributions.* From the environmental fund, all moneys received under s. 144.968 (2) for cooperative remedial action to conduct the cooperative remedial action for which received.

SECTION 655. 20.370 (2) (fs) of the statutes is created to read:

20.370 **(2)** (fs) *Cooperative remedial action; interest on contributions.* From the environmental fund, a sum sufficient equal to the amounts earned by the investment fund on revenue received by the department of natural resources under par. (fr), as determined quarterly by the department of administration, to conduct cooperative remedial action.

SECTION 656. 20.370 (2) (hq) of the statutes is amended to read:

20.370 **(2)** (hq) *Recycling; administration.* From the recycling fund, the amounts in the schedule for the administration of subch. II of ch. 159, other than ss. 159.17, 159.21, 159.23 and 159.25~~, and to provide staff support for the recycling market development board under s. 159.48 (2)~~.

SECTION 657. 20.370 (2) (jc) of the statutes is renumbered 20.370 (7) (ba).

SECTION 658. 20.370 (3) (bi) of the statutes is created to read:

20.370 **(3)** (bi) *Water regulation and zoning–fees.* All moneys received under ss. 23.32 (3), 30.28, 31.39 and 144.0252 for activities relating to permits and approvals issued under chs. 30 and 31, water quality standards under s. 144.025 and for wetland mapping under s. 23.32.

SECTION 659. 20.370 (3) (mu) of the statutes is amended to read:

20.370 **(3)** (mu) *General program operations — state funds.* The amounts in the schedule for law enforcement operations under ss. ~~16.21 (12),~~ 23.09 to 23.11 and 166.04 and chs. 29 and 30 and for review of environmental impact requirements under ss. 1.11 and 23.40.

SECTION 660. 20.370 (4) (title) of the statutes is repealed.

SECTION 661. 20.370 (4) (am) of the statutes is renumbered 20.370 (5) (bx).

SECTION 662. 20.370 (4) (an) of the statutes is renumbered 20.370 (5) (dx).

SECTION 663. 20.370 (4) (aq) of the statutes is renumbered 20.370 (5) (aq).

SECTION 664. 20.370 (4) (ar) of the statutes is renumbered 20.370 (5) (bv).

SECTION 665. 20.370 (4) (as) of the statutes is renumbered 20.370 (5) (ar) and amended to read:

20.370 **(5)** (ar) *Resource aids — county conservation aids.* ~~The~~ As a continuing appropriation, the amounts in the schedule for county fish and game projects under s. 23.09 (12). ~~An amount, from funds allocated to counties by s. 23.09 (12) (c), not to exceed $10,000 of the unencumbered balance on June 30 of each year shall be carried forward to the succeeding fiscal year to provide for prior year contingencies.~~

SECTION 666. 20.370 (4) (at) of the statutes is renumbered 20.370 (5) (bs).

SECTION 667. 20.370 (4) (au) of the statutes is renumbered 20.370 (5) (br).

SECTION 668. 20.370 (4) (av) of the statutes is renumbered 20.370 (5) (bw).

SECTION 669. 20.370 (4) (aw) of the statutes is renumbered 20.370 (5) (bq).

SECTION 670. 20.370 (4) (ax) of the statutes is renumbered 20.370 (5) (bt).

SECTION 671. 20.370 (4) (ay) of the statutes is renumbered 20.370 (5) (bu).

SECTION 672. 20.370 (4) (az) of the statutes is renumbered 20.370 (5) (aw).

SECTION 673b. 20.370 (4) (bb) of the statutes is repealed.

SECTION 674. 20.370 (4) (bq) of the statutes is renumbered 20.370 (5) (as) and amended to read:

20.370 **(5)** (as) *Recreation aids — fish, wildlife and forestry recreation aids.* ~~The~~ As a continuing appropriation, the amounts in the schedule for wildlife habitat development and planning on county forest lands, and recreational development on county forest lands under s. 23.09 (11).

SECTION 675. 20.370 (4) (br) of the statutes is renumbered 20.370 (5) (cw).

SECTION 676. 20.370 (4) (bs) of the statutes is renumbered 20.370 (5) (cr).

SECTION 677g. 20.370 (4) (bt) of the statutes is renumbered 20.370 (5) (cs) and amended to read:

20.370 **(5)** (cs) *Recreation aids — snowmobile trail areas.* As a continuing appropriation, from the snowmobile account in the conservation fund, an amount equal to the estimated snowmobile gas tax payment, as determined under s. 25.29 (1) (d), plus, for fiscal year 1995–96, an additional $259,300, for the purposes specified under s. 350.12 (4) (b).

SECTION 678. 20.370 (4) (bu) of the statutes is renumbered 20.370 (5) (cq) and amended to read:

20.370 **(5)** (cq) (title) *Recreation aids — recreational boating projects; Portage levee system; Milwaukee river study.* As a continuing appropriation, the amounts in the schedule for recreational boating aids under s. 30.92, for the Portage levee ~~renovation and repair~~ system under s. ~~30.95~~ 31.309 and for the engineering and environmental study under s. 31.307.

SECTION 679. 20.370 (4) (bv) of the statutes is renumbered 20.370 (5) (cv).

SECTION 680. 20.370 (4) (bx) of the statutes is renumbered 20.370 (5) (cy).

SECTION 681. 20.370 (4) (by) of the statutes is renumbered 20.370 (5) (cu).

SECTION 682. 20.370 (4) (bz) of the statutes is renumbered 20.370 (5) (ct).

SECTION 683. 20.370 (4) (cc) of the statutes is renumbered 20.370 (6) (aa) and amended to read:

20.370 **(6)** (aa) *Environmental aids; nonpoint source.* Biennially, ~~from the general fund,~~ the amounts in the schedule for grants and assistance under the nonpoint source water pollution abatement program under s. 144.25 and for transfers to the appropriation account under s. 20.115 (7) (km) as provided in s.

144.25 (4) (t). The department shall allocate $300,000 in each fiscal year from this appropriation for grants under s. 144.25 (8) (cm).

SECTION 684. 20.370 (4) (cj) of the statutes is renumbered 20.370 (6) (bj) and amended to read:

20.370 **(6)** (bj) *Environmental aids — waste reduction and recycling grants and gifts*. ~~From the general fund, all~~ All moneys received from gifts, grants, bequests, devises and donations relating to waste reduction and recycling to carry out the purpose for which made.

SECTION 685. 20.370 (4) (cm) of the statutes is renumbered 20.370 (6) (cm).

SECTION 686. 20.370 (4) (cq) of the statutes is renumbered 20.370 (6) (aq).

SECTION 687. 20.370 (4) (cr) of the statutes is renumbered 20.370 (6) (bs).

SECTION 688. 20.370 (4) (cs) of the statutes is renumbered 20.370 (6) (ar) and amended to read:

20.370 **(6)** (ar) *Environmental aids — lake management grants*. ~~As~~ From the conservation fund, as a continuing appropriation, the amounts in the schedule for lake management grants under s. 144.254.

SECTION 689. 20.370 (4) (ct) of the statutes is renumbered 20.370 (6) (br).

SECTION 690. 20.370 (4) (cu) of the statutes is renumbered 20.370 (6) (as) and amended to read:

20.370 **(6)** (as) *Environmental aids — lake management planning grants*. ~~As~~ From the conservation fund, as a continuing appropriation, the amounts in the schedule for lake management planning grants under s. 144.253.

SECTION 691. 20.370 (4) (cv) of the statutes is renumbered 20.370 (6) (cr).

SECTION 692. 20.370 (4) (cw) of the statutes is renumbered 20.370 (6) (bq), and 20.370 (bq) 2. to 8., as renumbered, is amended to read:

20.370 **(6)** (bq) 2. In fiscal year 1992–93, $42,300,000 plus the amount of any refunds under s. 159.23 in prior fiscal years, less the amount encumbered under subd. 1.

3. In fiscal year 1993–94, $72,149,200 plus the amount of any refunds under s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. and 2.

4. In fiscal year 1994–95, $101,349,200 plus the amount of any refunds under s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 3.

5. In fiscal year 1995–96, $130,549,200 plus the amount of any refunds under s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 4.

6. In fiscal year 1996–97, $159,749,200 plus the amount of any refunds under s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 5.

7. In fiscal year 1997–98, $183,749,200 plus the amount of any refunds under s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 6.

8. In fiscal year 1998–99, $200,749,200 plus the amount of any refunds under s. 159.23 in prior fiscal years, less the amount encumbered under subds. 1. to 7.

SECTION 693. 20.370 (4) (da) of the statutes is renumbered 20.370 (6) (da) and amended to read:

20.370 **(6)** (da) *Environmental planning aids — local water quality planning.* ~~From the general fund, the~~ The amounts in the schedule to provide state assistance to designated local agencies and to local governmental units that are not designated local agencies for water quality planning activities under s. 144.235.

SECTION 694. 20.370 (4) (db) of the statutes is renumbered 20.370 (6) (ba) and amended to read:

20.370 **(6)** (ba) *Environmental aids — dump closure cost share.* ~~From the general fund, as~~ As a continuing appropriation, the amounts in the schedule for the

state contribution to the costs of closing nonapproved solid waste disposal facilities owned by political subdivisions under s. 144.455.

SECTION 695. 20.370 (4) (dd) of the statutes is renumbered 20.370 (6) (ca) and amended to read:

20.370 **(6)** (ca) *Environmental aids — scenic urban waterways.* As a continuing appropriation ~~from the general fund~~, the amounts in the schedule to administer a program for scenic urban waterways under s. 30.275.

SECTION 696. 20.370 (4) (de) of the statutes is repealed.

SECTION 697. 20.370 (4) (di) of the statutes is repealed.

SECTION 698. 20.370 (4) (dj) of the statutes is renumbered 20.370 (5) (hL).

SECTION 699. 20.370 (4) (dn) of the statutes is renumbered 20.370 (6) (dm).

SECTION 700. 20.370 (4) (do) of the statutes is renumbered 20.370 (5) (hx).

SECTION 701. 20.370 (4) (dq) of the statutes is renumbered 20.370 (5) (hu).

SECTION 702. 20.370 (4) (dr) of the statutes is repealed.

SECTION 703. 20.370 (4) (ds) of the statutes is renumbered 20.370 (6) (cq).

SECTION 704. 20.370 (4) (ea) of the statutes is renumbered 20.370 (5) (da).

SECTION 705. 20.370 (4) (eq) of the statutes is renumbered 20.370 (5) (dq).

SECTION 706g. 20.370 (4) (fq) of the statutes is renumbered 20.370 (5) (eq) and amended to read:

20.370 **(5)** (eq) *Enforcement aids — boating enforcement.* From the moneys received under s. 30.52 (3), the amounts in the schedule for the payment of state aids under s. 30.79, after first deducting the amounts appropriated under subs. (3) (ar) and (8) (dr). All the moneys appropriated under this paragraph shall be from the moneys received under s. 30.52 (3), except for $200,000 in fiscal year 1995–96 and $200,000 in fiscal year 1996–97.

SECTION 707. 20.370 (4) (ft) of the statutes is renumbered 20.370 (5) (es).

SECTION 708. 20.370 (4) (fu) of the statutes is renumbered 20.370 (5) (er).

SECTION 709. 20.370 (4) (fy) of the statutes is renumbered 20.370 (5) (ex).

SECTION 710. 20.370 (4) (ga) of the statutes is renumbered 20.370 (5) (ea) and amended to read:

20.370 **(5)** (ea) *Enforcement aids — spearfishing enforcement.* As a continuing appropriation from the general fund, the amounts in the schedule to make payments to counties and municipalities under s. 29.599 to reimburse them for certain law enforcement costs associated with spearfishing. ~~On June 30 of each year, the unencumbered balance shall be transferred to the Wisconsin development reserve fund under s. 234.93.~~

SECTION 711. 20.370 (4) (gb) of the statutes is renumbered 20.370 (5) (fa).

SECTION 712. 20.370 (4) (gq) of the statutes is renumbered 20.370 (5) (fq).

SECTION 713. 20.370 (4) (hb) of the statutes is renumbered 20.370 (5) (ga) and amended to read:

20.370 **(5)** (ga) (title) ~~*Youth and education*~~ *Education programs — state funds.* From the general fund, the amounts in the schedule for department education programs~~, for the construction and operation of youth conservation camps under s. 23.09 (23) and for conservation work projects under s. 23.09 (22) (a)~~.

SECTION 714. 20.370 (4) (hc) of the statutes is repealed.

SECTION 715. 20.370 (4) (hm) of the statutes is renumbered 20.370 (5) (gx).

SECTION 716. 20.370 (4) (hq) of the statutes is renumbered 20.370 (5) (gq) and amended to read:

20.370 **(5)** (gq) (title) ~~*Youth and education*~~ *Education programs — conservation fund.* ~~From the conservation fund, the~~ The amounts in the schedule for department

education programs~~, for the operation of youth conservation camps under s. 23.09 (23) and for conservation work projects under s. 23.09 (22) (a)~~.

SECTION 717. 20.370 (4) (hr) of the statutes is repealed.

SECTION 718. 20.370 (4) (hs) of the statutes is renumbered 20.370 (6) (mq).

SECTION 719. 20.370 (4) (ht) of the statutes is renumbered 20.370 (6) (mr).

SECTION 720. 20.370 (4) (ia) of the statutes is renumbered 20.370 (6) (ma) and amended to read:

20.370 **(6)** (ma) *Aids administration — general program operations, state funds.* ~~From the general fund, the~~ The amounts in the schedule for environmental aids administration.

SECTION 721. 20.370 (4) (im) of the statutes is renumbered 20.370 (6) (mm).

SECTION 722. 20.370 (4) (is) of the statutes is renumbered 20.370 (5) (mw).

SECTION 723. 20.370 (4) (it) of the statutes is renumbered 20.370 (5) (mv).

SECTION 724. 20.370 (4) (iu) of the statutes is renumbered 20.370 (5) (mu).

SECTION 725. 20.370 (4) (iv) of the statutes is renumbered 20.370 (6) (mu).

SECTION 726. 20.370 (4) (iw) of the statutes is renumbered 20.370 (6) (ms).

SECTION 727b. 20.370 (4) (ix) of the statutes is renumbered 20.370 (6) (mx) and amended to read:

20.370 **(6)** (mx) *Aids administration — clean water fund program; federal funds.* ~~As a continuing appropriation, from~~ From the federal revolving loan fund account in the clean water fund, ~~the amounts in the schedule~~ all moneys received from the federal government to administer the clean water fund program, as authorized by the governor under s. 16.54, for the administration of s. 144.241 or 144.2415.

SECTION 728. 20.370 (4) (iy) of the statutes is renumbered 20.370 (5) (my).

SECTION 729. 20.370 (4) (jb) of the statutes is renumbered 20.370 (7) (ac) and amended to read:

20.370 **(7)** (ac) *Principal repayment and interest — recreational boating bonds.* ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in assisting municipalities and other qualifying entities in the acquisition, construction, development, enlargement or improvement of recreational boating facilities under s. 30.92.

SECTION 730. 20.370 (4) (jc) of the statutes is renumbered 20.370 (7) (cb) and amended to read:

20.370 **(7)** (cb) *Principal repayment and interest — pollution abatement bonds.* ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of point source water pollution abatement facilities and sewage collection facilities under ss. 144.21, 144.23 and 144.24.

SECTION 731. 20.370 (4) (jd) of the statutes is renumbered 20.370 (7) (cc) and amended to read:

20.370 **(7)** (cc) *Principal repayment and interest — combined sewer overflow; pollution abatement bonds.* ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction of combined sewer overflow projects under s. 144.242.

SECTION 732. 20.370 (4) (je) of the statutes is renumbered 20.370 (7) (cd) and amended to read:

20.370 **(7)** (cd) *Principal repayment and interest — municipal clean drinking water grants.* ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1)

(u) for the payment of principal and interest costs incurred in making municipal clean drinking water grants under s. 144.0255.

SECTION 733. 20.370 (4) (jf) of the statutes is renumbered 20.370 (7) (ca) and amended to read:

20.370 **(7)** (ca) *Principal repayment and interest — nonpoint source grants.* ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in providing funds for nonpoint source water pollution abatement projects under s. 144.25.

SECTION 734. 20.370 (4) (kb) of the statutes is repealed.

SECTION 735. 20.370 (4) (Lq) of the statutes is repealed.

SECTION 736. 20.370 (4) (mk) of the statutes is renumbered 20.370 (5) (mk).

SECTION 737. 20.370 (5) (title) of the statutes is created to read:

20.370 **(5)** (title) CONSERVATION AIDS.

SECTION 737c. 20.370 (5) (ax) of the statutes is created to read:

20.370 **(5)** (ax) *Resource aids — lake states wood utilization consortium.* As a continuing appropriation, the amounts in the schedule for grants and administrative costs under s. 26.37.

SECTION 737e. 20.370 (5) (ax) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 737g. 20.370 (5) (cs) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.370 **(5)** (cs) *Recreation aids — snowmobile trail areas.* As a continuing appropriation, from the snowmobile account in the conservation fund an amount equal to the estimated snowmobile gas tax payment, as determined under s. 25.29 (1) (d), for the purposes specified under s. 350.12 (4) (b).

SECTION 737h. 20.370 (5) (eq) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.370 **(5)** (eq) *Enforcement aids — boating enforcement.* From the moneys received under s. 30.52 (3), the amounts in the schedule for the payment of state aids under s. 30.79, after first deducting the amounts appropriated under subs. (3) (ar) and (8) (dr).

SECTION 737m. 20.370 (5) (gb) of the statutes is created to read:

20.370 **(5)** (gb) *Education programs — program fees.* From the general fund, the amounts in the schedule for department educational activities at the MacKenzie environmental center. All moneys received from fees collected under s. 23.405 (2) for the use of the center shall be credited to this appropriation.

SECTION 737r. 20.370 (5) (gr) of the statutes is created to read:

20.370 **(5)** (gr) *Education programs — environmental fund.* From the environmental fund, the amounts in the schedule for department education programs.

SECTION 738. 20.370 (6) (intro) of the statutes is created to read:

20.370 **(6)** ENVIRONMENTAL AIDS. (intro.) From the general fund or other fund if so indicated:

SECTION 739. 20.370 (6) (at) of the statutes is created to read:

20.370 **(6)** (at) *Environmental aids — nonpoint source contracts.* Biennially, from the environmental fund, the amounts in the schedule for nonpoint source water pollution abatement program contracts under s. 144.25 (4g).

SECTION 739m. 20.370 (6) (bt) of the statutes is created to read:

20.370 **(6)** (bt) *Environmental aids — lake states wood utilization consortium.* From the recycling fund, as a continuing appropriation, the amounts in the schedule for grants and administrative costs under s. 26.37.

SECTION 739r. 20.370 (6) (bt) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 740. 20.370 (6) (mk) of the statutes is created to read:

20.370 **(6)** (mk) *General program operations — service funds.* From the general fund, all moneys received by the department from the department and from other state agencies for facilities, materials or services provided by the department relating to environmental local support, to provide those facilities, materials or services.

SECTION 741. 20.370 (7) (intro.) of the statutes is created to read:

20.370 **(7)** DEBT SERVICE. (intro.) From the general fund or other fund if so indicated:

SECTION 742d. 20.370 (7) (aa) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.370 **(7)** (aa) *Resource acquisition and development — principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the placement of structures and fill under s. 30.203, in financing the acquisition, construction, development, enlargement or improvement of state recreation facilities under s. 20.866 (2) (tp) and (tr), in financing state aids for land acquisition and development of local parks under s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and (tt), in financing the aid program for dams under s. 20.866 (2) (tx), in financing ice

age trail development under s. 20.866 (2) (tw) and in funding the stewardship program under s. 20.866 (2) (tz), but not including payments made under sub. (4) (jb).

SECTION 742g. 20.370 (7) (ar) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.370 **(7)** (ar) *Dam repair and removal — principal repayment and interest.* From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the aid program for dams under s. 20.866 (2) (tL).

SECTION 743. 20.370 (8) (cq) of the statutes is created to read:

20.370 **(8)** (cq) *Taxes and assessments — environmental fund.* From the environmental fund, the amounts in the schedule to pay taxes or assessments that are or may become a lien on property under the control of the department.

SECTION 744. 20.370 (8) (ir) of the statutes is amended to read:

20.370 **(8)** (ir) *Promotional activities and publications.* ~~All~~ Except as provided in sub. (1) (it), all moneys received from subscriptions and other revenues generated by promotional activities, photographs, slides, videotapes, artwork, publications, magazines and other periodicals, except the Wisconsin natural resources magazine, to be used for these promotional activities, photographs, slides, videotapes, artwork, publications and magazines and for educational and informational activities concerning conservation and the environment.

SECTION 745. 20.370 (8) (Lb) of the statutes is renumbered 20.370 (7) (ea) and amended to read:

20.370 **(7)** (ea) *Administrative facilities — principal repayment and interest.* ~~From the general fund, a~~ A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition,

construction, development, enlargement or improvement of administrative office, laboratory, equipment storage or maintenance facilities.

SECTION 746. 20.370 (8) (Ls) of the statutes is renumbered 20.370 (7) (eq) and amended to read:

20.370 **(7)** (eq) *Administrative facilities — principal repayment and interest.* ~~A~~ From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of administrative office, laboratory, equipment storage or maintenance facilities.

SECTION 747. 20.370 (8) (mh) of the statutes is created to read:

20.370 **(8)** (mh) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5), excluding projects for the Lower Wisconsin State Riverway board. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

Section 748. 20.370 (8) (mr) of the statutes is created to read:

20.370 **(8)** (mr) *General program operations — clean water fund.* From the clean water fund, the amounts in the schedule for the general administration and field administration of the department.

SECTION 749. 20.370 (8) (ni) of the statutes is created to read:

20.370 **(8)** (ni) *Geographic information systems, general program operations — other funds.* From the general fund, all moneys received by the department from entities other than the department or other state agencies for providing facilities, support services and materials related to geographic information systems, to provide

those facilities, services or materials to entities other than the department and other state agencies.

SECTION 750. 20.370 (9) (yx) of the statutes is amended to read:

20.370 **(9)** (yx) *Program balances.* At the close of each fiscal year the unencumbered balances of appropriations financed by unassigned revenues of the conservation fund under subs. (1), (3), ~~(4)~~ (5), (6) and (8) shall revert to the respective accounts under sub. (1) in the ratio that revenues were allotted from such accounts and, together with the anticipated respective unassigned revenues by programs in the succeeding year, shall constitute the source of moneys available for appropriation to the programs under such subsections in the succeeding year.

SECTION 751. 20.370 (9) (yy) of the statutes is amended to read:

20.370 **(9)** (yy) *Revenues and appropriations.* All moneys received pursuant to the operation of programs under subs. (1), (3) ~~and~~ (4), (5) and (6) shall be credited to the program which generated them. Revenues which are assigned by law to a particular purpose shall be credited to and may be expended for that purpose. Unassigned revenue shall be credited to the general purpose segregated revenue of the proper program, but the expenditure from such revenue shall be limited to the appropriation of general purpose segregated revenue appearing in the schedule. Whenever the estimated unassigned revenues and available unassigned revenue appropriation balances are insufficient to cover the appropriations of general purpose segregated revenue under each program, the department shall so inform the department of administration and shall indicate the amounts which should be deducted from respective unassigned revenue appropriations to bring the appropriated amounts into agreement with the money available, and the department of administration shall adjust its records accordingly. Actual

unassigned revenues in excess of estimated unassigned revenues appropriated may not be spent unless released by the joint committee on finance.

SECTION 752. 20.380 (intro.) of the statutes is created to read:

20.380 Tourism, department of. (intro.) There is appropriated to the department of tourism for the following programs:

SECTION 758bc. 20.380 (1) (kc) of the statutes is created to read:

20.380 **(1)** (kc) *Marketing clearinghouse charges.* The amounts in the schedule to provide marketing clearinghouse services and products under s. 41.21. All moneys collected from charges for services and products under s. 41.21 shall be credited to this apropriation account.

SECTION 759. 20.380 (1) (kd) of the statutes is created to read:

20.380 **(1)** (kd) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 765. 20.380 (2) (title) of the statutes is created to read:

20.380 **(2)** (title) KICKAPOO VALLEY RESERVE.

SECTION 766. 20.380 (3) (title) of the statutes is created to read:

20.380 **(3)** (title) ADMINISTRATIVE SERVICES.

SECTION 767. 20.380 (3) (a) of the statutes is created to read:

20.380 **(3)** (a) *Administrative services -- general program operations.* The amounts in the schedule for general program operations related to the administrative services of the department.

SECTION 768. 20.380 (3) (j) of the statutes is created to read:

20.380 **(3)** (j) *Administrative services — private and public sources.* All moneys not otherwise appropriated that are received from private or public sources, other than state agencies and the federal government, for facilities, materials or services provided by the department relating to administrative services to pay for expenses associated with those facilities, materials or services.

SECTION 769. 20.380 (3) (k) of the statutes is created to read:

20.380 **(3)** (k) *Administrative services — service funds.* All moneys received by the department from the department and from other state agencies for facilities, materials or services provided by the department relating to the department's administrative services under an agreement or other arrangement with the department or other state agencies to pay for expenses associated with those facilities, materials or services.

SECTION 770. 20.380 (3) (q) of the statutes is created to read:

20.380 **(3)** (q) *Administrative services -- conservation fund.* From the conservation fund, the amounts in the schedule for general program operations related to the administrative services of the department.

SECTION 771. 20.380 (3) (y) of the statutes is created to read:

20.380 **(3)** (y) *Administrative services — federal funds.* From the conservation fund, all moneys received as federal aid as authorized by the governor under s. 16.54 for the payment of administrative services.

SECTION 772. 20.380 (4) of the statutes is created to read:

20.380 **(4)** GENERAL PROVISIONS. (g) *Gifts and grants.* All moneys received from gifts, grants and bequests to carry out the purposes for which received.

SECTION 772mm. 20.395 (1) (by) of the statutes is renumbered 20.445 (1) (ux) and amended to read:

20.445 **(1)** (ux) *Employment transit aids, federal funds.* ~~All~~ From the transportation fund, all moneys received from the federal government for the employment transit assistance program under s. ~~85.26~~ 106.26, for that purpose.

SECTION 772mn. 20.395 (1) (bz) of the statutes is renumbered 20.445 (1) (uy) and amended to read:

20.445 **(1)** (uy) *Employment transit aids, federal oil overcharge funds.* ~~All~~ From the transportation fund, all moneys transferred from the appropriation under s. 20.505 (1) (md) to this appropriation for the employment transit assistance program under s. ~~85.26~~ 106.26, for that purpose.

SECTION 774. 20.395 (4) (as) of the statutes is created to read:

20.395 **(4)** (as) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 775g. 20.395 (9) (gg) of the statutes is amended to read:

20.395 **(9)** (gg) *Credit card use charges.* All moneys received under ch. 194, 218, 341, 342, 343 or 348 as provided in s. 85.14 (1) (a) that are required to be paid to the ~~state treasurer~~ secretary of administration under s. 85.14 (1) (b) for the purpose of the payment of charges associated with the use of credit cards that are assessed to the department under s. 85.14 (1) (b).

SECTION 776b. 20.399 (intro.) of the statutes is repealed.

SECTION 776d. 20.399 (1) (title) of the statutes is repealed.

SECTION 776m. 20.399 (1) (a) of the statutes is repealed.

SECTION 776n. 20.399 (1) (b) of the statutes is created to read:

20.399 **(1)** (b) *General enrollee operations.* Biennially, the amounts in the schedule for general program operations of the Wisconsin conservation corps board.

SECTION 776p. 20.399 (1) (b) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (6) (b).

SECTION 776r. 20.399 (1) (j) of the statutes is renumbered 20.445 (6) (j) and amended to read:

20.445 **(6)** (j) (title) ~~*Corps*~~ *General enrollee* ~~*compensation and support*~~ *operations; sponsor contribution.* All moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with local units of government and nonprofit organizations, except moneys appropriated under ~~sub. (2) (j)~~ par. (ja), for the payment of the sponsor's share of costs for Wisconsin conservation corps projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 777m. 20.399 (1) (k) of the statutes is renumbered 20.445 (6) (k) and amended to read:

20.445 **(6)** (k) (title) ~~*Corps*~~ *General enrollee* ~~*compensation and support*~~ *operations; service funds.* All moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with state agencies, except moneys appropriated under ~~sub. (2) (k)~~ par. (kb), for the payment of the sponsor's share of costs for Wisconsin conservation corps projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 778b. 20.399 (1) (m) of the statutes is renumbered 20.445 (6) (m) and amended to read:

20.445 **(6)** (m) (title) ~~*Corps*~~ *General enrollee* ~~*compensation and support*~~ *operations; federal funds.* All moneys received from the federal government as authorized under s. 16.54 from federal assistance for Wisconsin conservation corps projects including the payment of any corps enrollee compensation as specified in that assistance and all moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with the federal government, except moneys received from these agreements which are appropriated under ~~sub. (2) (m)~~ par. (n), for the payment of the federal government's share of costs for Wisconsin conservation corps projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 778d. 20.399 (1) (q) of the statutes is repealed.

SECTION 778f. 20.399 (1) (r) of the statutes is repealed.

SECTION 778g. 20.399 (1) (s) of the statutes is repealed.

SECTION 778j. 20.399 (1) (t) of the statutes is repealed.

SECTION 778k. 20.399 (1) (u) of the statutes is created to read:

20.399 **(1)** (u) *General enrollee operations; conservation fund.* Biennially, from the conservation fund, the amounts in the schedule for the payment of Wisconsin conservation corps enrollee compensation and for the payment of other Wisconsin conservation corps costs for conservation activities if those costs are not paid by project sponsors. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 778L. 20.399 (1) (u) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (6) (u).

SECTION 778m. 20.399 (1) (v) of the statutes is created to read:

20.399 **(1)** (v) *General enrollee operations; transportation fund.* Biennially, from the transportation fund, the amounts in the schedule for the payment of Wisconsin conservation corps enrollee compensation and for the payment of other Wisconsin conservation corps costs for projects if those costs are not paid by project sponsors. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 778n. 20.399 (1) (v) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (6) (v).

SECTION 778p. 20.399 (1) (w) of the statutes is created to read:

20.399 **(1)** (w) *General enrollee operations; environmental fund.* Biennially, from the environmental fund, the amounts in the schedule for Wisconsin conservation corps projects required under a shoreland management ordinance.

SECTION 778q. 20.399 (1) (w) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (6) (w).

SECTION 788u. 20.399 (1) (x) of the statutes is created to read:

20.399 **(1)** (x) *General enrollee operations; waterfront projects; conservation fund.* Biennially, from the conservation fund, the amounts in the schedule for the payment of Wisconsin conservation corps enrollee compensation and for the payment of other Wisconsin conservation corps costs for projects along waterfronts if those costs are not paid by project sponsors. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 778v. 20.399 (1) (x) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (6) (x).

SECTION 778x. 20.399 (2) (title) of the statutes is repealed.

SECTION 778z. 20.399 (2) (a) of the statutes is renumbered 20.445 (6) (c) and amended to read:

20.445 **(6)** (c) *Administrative support; general program operations.* The amounts in the schedule for general program operations for the Wisconsin conservation corps board.

SECTION 779m. 20.399 (2) (j) of the statutes is renumbered 20.445 (6) (ja) and amended to read:

20.445 **(6)** (ja) *Administrative support; sponsor contribution.* All moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with local units of government and nonprofit organizations, except moneys appropriated under ~~sub. (1)~~ par. (j), for the payment of administrative expenses related to the Wisconsin conservation corps program as specified in those agreements.

SECTION 780m. 20.399 (2) (k) of the statutes is renumbered 20.445 (6) (kb) and amended to read:

20.445 **(6)** (kb) (title) ~~*Conservation corps — administrative*~~ *Administrative support; service funds.* All moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with state agencies, except moneys appropriated under ~~sub. (1)~~ par. (k), for the payment of administrative expenses related to the Wisconsin conservation corps program as specified in those agreements.

SECTION 781. 20.399 (2) (ka) of the statutes is created to read:

20.399 **(2)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 781m. 20.399 (2) (ka) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (6) (ka) and amended to read:

20.445 **(6)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects for the Wisconsin conservation corps board that are approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 782m. 20.399 (2) (m) of the statutes is renumbered 20.445 (6) (n) and amended to read:

20.445 **(6)** (n) *Administrative support; federal funds.* All moneys received from the federal government as authorized under s. 16.54 for the payment of administrative expenses related to the Wisconsin conservation corps program and all moneys received under agreements entered into under s. ~~16.20~~ 106.215 (8) (i) with the federal government, except moneys received from these agreements which are appropriated under ~~sub. (1)~~ par. (m), for the payment of administrative expenses related to the Wisconsin conservation corps program as specified in those agreements.

SECTION 782p. 20.399 (2) (q) of the statutes is renumbered 20.445 (6) (y).

SECTION 782r. 20.399 (3) (title) of the statutes is repealed.

SECTION 782u. 20.399 (3) (g) of the statutes is renumbered 20.445 (6) (jb) amended to read:

20.445 **(6)** (jb) *Gifts and related support.* All moneys received from gifts, grants and bequests received by the Wisconsin conservation corps board to be expended for the purpose made.

SECTION 782m. 20.410 (1) (title) of the statutes is amended to read:

20.410 **(1)** (title) ~~CORRECTIONAL~~ ADULT CORRECTIONAL SERVICES.

SECTION 783m. 20.410 (1) (am) of the statutes, as created by 1993 Wisconsin Act 377, is repealed.

SECTION 783r. 20.410 (1) (c) of the statutes is amended to read:

20.410 **(1)** (c) (title) *Reimbursement claims of counties containing state ~~institutions~~ prisons*. A sum sufficient to pay all valid claims made by county clerks of counties containing ~~certain~~ state ~~institutions~~ prisons as provided in s. 16.51 (7).

SECTION 783t. 20.410 (1) (ge) of the statutes is created to read:

20.410 **(1)** (ge) *Administrative and minimum supervision.* The amounts in the schedule for the supervision of probationers and parolees under minimum or administrative supervision and for the department's costs associated with contracts under s. 301.08 (1) (c) 2. All moneys received from vendors under contracts under s. 301.08 (1) (c) 2. and from fees charged under s. 304.073 (2) shall be credited to this appropriation account.

SECTION 783v. 20.410 (1) (gf) of the statutes is created to read:

20.410 **(1)** (gf) *Probation and parole.* The amounts in the schedule for probation and parole. All moneys received under s. 304.074 (2) shall be credited to this appropriation account.

SECTION 783x. 20.410 (1) (gi) of the statutes is created to read:

20.410 **(1)** (gi) *General operations.* The amounts in the schedule to operate institutions and provide field services and administrative services. All moneys received under s. 303.01 (8) that are attributable to moneys collected under s. 303.01 (2) (em) and all moneys received under ss. 302.386 (2m) and (3) (d) and 303.065 (6) shall be credited to this appropriation account.

SECTION 784. 20.410 (1) (gr) of the statutes is amended to read:

20.410 **(1)** (gr) *Home detention services.* The amounts in the schedule to obtain, install, operate and monitor electronic equipment for the home detention program under s. 302.425. All moneys received under s. 302.425 (3m) or (4) shall be credited to this appropriation. On June 30, 1992, June 30, 1993, and June 30, 1994, one–third of the amount expended in fiscal year 1990–91 from the appropriation under par. (cm) shall lapse to the general fund.

SECTION 787. 20.410 (1) (hx) of the statutes is amended to read:

20.410 **(1)** (hx) *Extended jurisdiction services.* The amounts in the schedule for services to persons younger than ~~19~~ 18 years old placed with the department under s. 48.366 (8). All moneys received in payment for services provided by the department specified in s. 46.26 (4) (d) 1m. and all moneys transferred under s. 46.26 (4) (cm) 2. shall be credited to this appropriation.

SECTION 788m. 20.410 (1) (hx) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 789. 20.410 (1) (kw) of the statutes is created to read:

20.410 **(1)** (kw) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 790. 20.410 (1) (kx) of the statutes is amended to read:

20.410 **(1)** (kx) *Interagency and intra–agency programs.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under par. (gr), (kk) or (km) for the administration of programs or projects for which received.

SECTION 791. 20.410 (2) (kx) of the statutes is created to read:

20.410 **(2)** (kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department not directed to be deposited under sub. (1) (kk) or (km) for the administration of programs or projects for which received.

SECTION 791m. 20.410 (3) of the statutes is created to read:

20.410 **(3)** JUVENILE CORRECTIONAL SERVICES. (a) *General program operations.* The amounts in the schedule to operate juvenile correctional institutions, to provide field services and administrative services and to provide for the operating costs of the gang violence prevention council.

(c) *Reimbursement claims of counties containing secured correctional facilities.* The amounts in the schedule to pay all valid claims made by county clerks of counties containing state juvenile correctional institutions as provided in s. 16.51 (7).

(cd) *Community youth and family aids.* The amounts in the schedule for the improvement and provision of juvenile delinquency–related services under s. 301.26 and for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services as provided in s. 48.06 (4). Disbursements may be made from this appropriation under s. 301.085. Refunds received relating to payments made under s. 301.085 shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of corrections may transfer moneys under this paragraph between fiscal years. Except for moneys authorized for transfer under s. 301.26 (3), all moneys from this paragraph allocated under s. 301.26 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.

(cg) *Serious juvenile offenders.* The amounts in the schedule for juvenile correctional institution, corrective sanctions, alternate care, aftercare and other juvenile program services specified in s. 48.538 (3) provided for the persons specified in s. 301.26 (4) (cm), for juvenile correctional institution services for persons placed in juvenile correctional institutions under s. 973.013 (3m) and for juvenile correctional services for persons under 18 years of age placed with the department under s. 48.366 (8).

(e) *Principal repayment and interest.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of juvenile correctional facilities.

(f) *Community intervention program.* The amounts in the schedule for the community intervention program under s. 301.263.

(hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions, all moneys received as payments in restitution of property damaged at juvenile correctional institutions, all moneys received from miscellaneous services provided at a juvenile correctional institution, all moneys transferred under s. 301.26 (4) (cm) and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the

total number of days of placement at juvenile correctional institutions. Counties shall use the funds for purposes specified in s. 301.26.

(ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 48.553 (3) and (8), 48.557 and 49.19 (10) (d). All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 48.553 (3) and (8), 48.557 and 49.19 (10) (d) as specified in s. 301.26 (4) (e) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year foster care, treatment foster care, group home care and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement in foster care, treatment foster care, group home care or institutional child care.

(hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account.

(i) *Gifts and grants.* All moneys received from gifts, grants, donations, and the girls school benevolent trust fund under s. 25.31 and burial trusts for the execution of its functions consistent with the purpose of the gift, grant, donation or trust.

(j) *State–owned housing maintenance.* The amounts in the schedule for maintenance of state–owned housing at state correctional institutions. All moneys

received by the department from rentals of state–owned housing at state correctional institutions shall be credited to this appropriation.

(jk) *Youth diversion program.* Biennially, the amounts in the schedule for youth diversion services under s. 301.265 (1) and (3). All moneys transferred from s. 20.505 (6) (g) shall be credited to this appropriation.

(jr) *Institutional operations and charges.* The amounts in the schedule for the use, production and provision of state institutional facilities, services and products. All moneys received from the sale of institutional services and products shall be credited to this appropriation.

(kx) *Interagency and intra–agency programs.* All moneys received from other state agencies and all moneys received by the department from the department for the administration of programs or projects for which received.

(ky) *Interagency and intra–agency aids.* All moneys received from other state agencies and all moneys received by the department from the department for aids to individuals and organizations.

(kz) *Interagency and intra–agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department n for local assistance.

(m) *Federal project operations.* All moneys received from the federal government or any of its agencies for the state administration of specific limited term projects to be expended for the purposes specified.

(n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs to be expended for the purposes specified.

(o) *Federal aid; foster care and treatment foster care.* All federal moneys received for meeting the costs of providing foster care, treatment foster care and institutional child care to delinquent children under ss. 48.533 (3) and (8) and 48.557, and for the cost of care for children under s. 49.19 (10) (d). All moneys received under this paragraph shall be deposited in the general fund as a nonappropriated receipt.

(oo) *Federal aid; community youth and family aids.* All federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985 and all federal moneys received relating to providing care in foster homes, treatment foster homes, group homes or child caring institutions for the purposes of s. 301.26, and all other federal moneys received for meeting costs under s. 301.26.

(p) *Federal aid; alcohol and other drug abuse.* All federal moneys received for alcohol and other drug abuse education and treatment as limited under s. 301.265 (2).

(q) *Girls school benevolent trust fund.* From the girls school benevolent trust fund, all moneys received as contributions, grants, gifts and bequests for that trust fund under s. 25.31 to carry out the purpose for which made and received.

SECTION 796m. 20.425 (1) (i) of the statutes is created to read:

20.425 **(1)** (i) *Fees.* The amounts in the schedule for the performance of fact–finding, mediation and arbitration functions and for the provision of copies of transcripts. All moneys received under ss. 111.09 (1) and (2), 111.71 (1) and (2) and 111.94 (1) and (2), except as otherwise provided in those sections, shall be credited to this appropriation account.

SECTION 797. 20.425 (1) (ka) of the statutes is created to read:

20.425 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development

projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 798. 20.425 (1) (ka) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 800. 20.432 (1) (kc) of the statutes is created to read:

20.432 **(1)** (kc) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 801. 20.433 (1) (c) of the statutes is repealed.

SECTION 802. 20.433 (1) (d) of the statutes is repealed.

SECTION 802m. 20.433 (1) (g) of the statutes is amended to read:

20.433 **(1)** (g) *General program operations.* From all moneys received under s. 69.22 (1) (c), the amounts in the schedule to be used for the expenses of the child abuse and neglect prevention board under s. 48.982 (2) and (3) ~~and,~~ for the general program operations of the early childhood family education center grant program under s. 48.982 (6) and the right from the start program under s. 48.982 (7) and for technical assistance to right from the start grant recipients under s. 48.982 (7) (a).

SECTION 803. 20.433 (1) (h) of the statutes is amended to read:

20.433 **(1)** (h) *Grants to organizations.* All moneys received under s. 69.22 (1) (c), less the amounts appropriated under par. (g), to be used for grants to organizations under s. 48.982 (4) ~~and,~~ (6) and (7).

SECTION 804m. 20.434 (1) (a) of the statutes is amended to read:

20.434 **(1)** (a) *General program operations.* The amounts in the schedule for the general program operations of the adolescent pregnancy prevention and pregnancy services board under s. 46.93 (3) and 1995 Wisconsin Act .... (this act), section 9102 (1z).

SECTION 805. 20.434 (1) (ka) of the statutes is created to read:

20.434 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 806. 20.435 (1) (am) of the statutes is amended to read:

20.435 **(1)** (am) *Services, reimbursement and payment related to acquired immunodeficiency syndrome.* The amounts in the schedule for the purchase of services under s. 252.12 (2) (a) for individuals with respect to acquired immunodeficiency syndrome and related infections, to subsidize premium payments under ss. 252.16 and 252.17 and to reimburse or supplement the reimbursement of the cost of AZT, pentamidine and certain other drugs under s. ~~49.486~~ 49.686.

SECTION 807. 20.435 (1) (b) of the statutes is amended to read:

20.435 **(1)** (b) *Medical assistance program benefits.* Biennially, the amounts in the schedule to provide the state share of medical assistance program benefits administered under s. 49.45, to provide medical assistance program benefits administered under s. 49.45 that are not also provided under par. (o) and to fund the pilot project under s. 46.27 (9) and (10). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation under sub. (7) (kb) funds in the amount of and for the purposes specified in s. 46.485 ~~(2) (a) and (2m)~~.

Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation and may transfer between fiscal years funds that it transfers from the appropriation under sub. (7) (kb) for the purposes specified in s. 46.485 ~~(3). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation under sub. (7) (bd) funds in the amount of and for the purposes specified in s. 49.45 (6v)~~ (3r).

SECTION 808. 20.435 (1) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.435 **(1)** (b) *Medical assistance program benefits.* Biennially, the amounts in the schedule to provide the state share of medical assistance program benefits administered under s. 49.45, to provide medical assistance program benefits administered under s. 49.45 that are not also provided under par. (o) and to fund the pilot project under s. 46.27 (9) and (10). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation under sub. ~~(7)~~ (3) (kb) funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation and may transfer between fiscal years funds that it transfers from the appropriation under sub. ~~(7)~~ (3) (kb) for the purposes specified in s. 46.485.

SECTION 808b. 20.435 (1) (bs) of the statutes is created to read:

20.435 **(1)** (bs) *Relief block grants to tribal governing bodies.* The amounts in the schedule for relief block grants under s. 49.029 to tribal governing bodies.

SECTION 808c. 20.435 (1) (bt) of the statutes is created to read:

20.435 **(1)** (bt) *Relief block grants to counties with a population of 500,000 or more.* The amounts in the schedule for relief block grants under s. 49.025 to counties with a population of 500,000 or more.

SECTION 808d. 20.435 (1) (bu) of the statutes is created to read:

20.435 **(1)** (bu) *Relief block grants to counties with a population of less than 500,000.* The amounts in the schedule for relief block grants under s. 49.027 to counties with a population of less than 500,000.

SECTION 808e. 20.435 (1) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 808f. 20.435 (1) (cb) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 809. 20.435 (1) (cc) of the statutes is amended to read:

20.435 **(1)** (cc) *Cancer treatment, training, follow-up, control and prevention.* The amounts in the schedule for cancer control and prevention grants under s. 255.05, for the breast cancer screening ~~and services~~ program under s. 255.06 and for grants for training to perform colposcopic examinations and follow–up activities under s. 255.07. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds for grants under s. 255.05, funds for screening and services under s. 255.06 and funds for grants under s. 255.07 between fiscal years under this paragraph. All funds allocated by the department under s. 255.05 (2) but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 810. 20.435 (1) (cr) of the statutes is repealed.

SECTION 811. 20.435 (1) (dm) (title) of the statutes is amended to read:

20.435 **(1)** (dm) (title) *Nursing home monitoring and receivership supplement.*

SECTION 812. 20.435 (1) (ds) of the statutes is amended to read:

20.435 **(1)** (ds) (title) *Statewide poison control ~~system~~ program*. The amounts in the schedule to supplement the operation of ~~regional~~ a statewide poison control ~~centers that are designated by the department~~ program under s. 146.57 (3) and for the statewide collection and reporting of poison control data.

SECTION 813. 20.435 (1) (e) of the statutes is amended to read:

20.435 **(1)** (e) *Disease aids.* Biennially, the amounts in the schedule for assisting victims of diseases, as provided in ss. 49.48, 49.483, 49.485, 58.06, 252.08 (4) and (5) and 252.10 (6) and (7), as allocated by the department.

SECTION 814. 20.435 (1) (e) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.435 **(1)** (e) *Disease aids.* Biennially, the amounts in the schedule for assisting victims of diseases, as provided in ss. ~~49.48, 49.483, 49.485,~~ 49.68, 49.683, 49.685, 58.06, 252.08 (4) and (5) and 252.10 (6) and (7), as allocated by the department.

SECTION 816. 20.435 (1) (gm) of the statutes is amended to read:

20.435 **(1)** (gm) *Licensing, review and certifying activities.* The amounts in the schedule for the purposes specified in ss. 50.135, 50.49 (2) (b), 146.50 (8), 250.05 (6), 252.22 (7), 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and 255.08 (2), subch. IV of ch. 50 and ch. 150. All moneys received under ss. 50.135, 50.49 (2) (b), 50.93 (1) (c), 146.50 (8) (d), 150.13, 250.05 (6), 252.22 (7), 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and 255.08 (2) (b)~~, less the amounts appropriated under s. 20.488 (1) (g),~~ shall be credited to this appropriation.

SECTION 816m. 20.435 (1) (gm) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.435 **(1)** (gm) *Licensing, review and certifying activities.* The amounts in the schedule for the purposes specified in ss. 50.135, 50.49 (2) (b), 146.50 (8), 250.05 (6), ~~252.22 (7),~~ 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and 255.08 (2), subch. IV of ch. 50 and ch. 150. All moneys received under ss. 50.135, 50.49 (2) (b), 50.93 (1) (c), 146.50 (8) (d), 150.13, 250.05 (6), ~~252.22 (7),~~ 254.176, 254.178, 254.20 (5) and (8), 254.31 to 254.39, 254.47, 254.61 to 254.89 and 255.08 (2) (b) shall be credited to this appropriation.

SECTION 817j. 20.435 (1) (gn) of the statutes is created to read:

20.435 **(1)** (gn) *Fees for review of assisted living facilities.* The amounts in the schedule to review applications for certification or registration of assisted living facilities under s. 50.034 (4) (c). All moneys received under s. 50.034 (1) (a) and (4) (d) shall be credited to this appropriation.

SECTION 817m. 20.435 (1) (hk) of the statutes is created to read:

20.435 **(1)** (hk) *Domestic abuse awareness and prevention.* All moneys received as amounts designated under s. 71.10 (5m) (b), the net amounts certified under s. 71.10 (5m) (h) 4., for the purposes of the domestic abuse awareness and prevention program under s. 46.95 (4).

SECTION 818. 20.435 (1) (im) of the statutes is amended to read:

20.435 **(1)** (im) *Medical assistance; recovery of correct payments.* All moneys received from the recovery of correct medical assistance payments under ss. 49.496 and 867.035 for payments to counties and tribal governing bodies under s. 49.496 (4), payment of claims under s. 867.035 (3), payments to the federal government for its share of medical assistance benefits recovered and for the state share of medical

assistance benefits ~~administered under s. 49.45~~ under subch. IV of ch. 49 as provided in ss. 49.496 (5) and 867.035 (4).

SECTION 818b. 20.435 (1) (in) of the statutes is created to read:

20.435 **(1)** (in) *Community options program; costs of care recovery administration.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035, the amounts in the schedule for administration of the recovery of costs of the care.

SECTION 819. 20.435 (1) (j) of the statutes is amended to read:

20.435 **(1)** (j) *Fees for services and supplies.* The amounts in the schedule for the purposes provided in ch. 69 and ss. 50.02 (2), 50.025, 50.13, 50.36 (2) and 254.41 and to conduct health facility plan and rule development activities, for accrediting nursing homes, convalescent homes and homes for the aged ~~and,~~ for the purchase and distribution of the medical supplies and to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2). All moneys received under ch. 69 and ss. 50.02 (2), 50.025, 50.13, 50.36 (2) and 254.41 and as reimbursement for medical supplies shall be credited to this appropriation.

SECTION 820. 20.435 (1) (k) of the statutes is amended to read:

20.435 **(1)** (k) (title) *Nursing home monitoring and receivership operations.* All moneys received as payments from medical assistance and from all other sources to reimburse the department for the ~~cost of~~ costs of placing a monitor in a nursing home under s. 50.05 (2) and (3), receivership of a nursing home and operation of a nursing home held in receivership by the department under s. 50.05 (4) and (5).

SECTION 821. 20.435 (1) (o) of the statutes is amended to read:

20.435 **(1)** (o) *Federal aid; medical assistance.* All federal moneys received for meeting costs of medical assistance ~~administered under s. 49.45~~ under subch. IV of ch. 49.

SECTION 822. 20.435 (2) (a) of the statutes is amended to read:

20.435 **(2)** (a) *General program operations.* The amounts in the schedule to operate institutions, to provide administrative services and to evaluate, treat and care for persons under ch. 980, including persons placed on supervised release under s. 980.06 (2) or 980.08.

SECTION 823. 20.435 (2) (gk) of the statutes is amended to read:

20.435 **(2)** (gk) *Institutional operations and charges.* The amounts in the schedule for care provided by the centers for the developmentally disabled to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c)~~,~~; for care provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2~~,~~; for maintenance of state–owned housing at centers for the developmentally disabled and mental health institutes~~,~~; for repair or replacement of property damaged at the mental health institutes or at centers for the developmentally disabled; and for reimbursing the total cost of using, producing and providing services, products and care. All moneys received as payments from medical assistance on and after August 1, 1978~~,~~; as payments from all other sources including other payments under s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978~~,~~; as medical assistance payments, other payments under s. 46.10 and payments under s. 51.42 (3) (as) 2 received on and after January 1, 1979~~, and~~; as payments for the rental of

state–owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes~~,~~; for the sale of electricity, steam or chilled water; as payments in restitution of property damaged at the mental health institutes or at centers for the developmentally disabled; for the sale of surplus property, including vehicles, at the mental health institutes or at centers for the developmentally disabled; and for other services, products and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of patients transferred from a state prison under s. 51.37 (5), to Mendota mental health institute or Winnebago mental health institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4).

SECTION 823g. 20.435 (3) (a) of the statutes is amended to read:

20.435 **(3)** (a) *General program operations*. The amounts in the schedule ~~to operate juvenile correctional institutions, to provide~~ for general program operations relating to children's services, including field services and administrative services ~~and to provide for the operating costs of the gang violence prevention council~~.

SECTION 823m. 20.435 (3) (am) of the statutes is repealed.

SECTION 823r. 20.435 (3) (at) of the statutes is repealed.

SECTION 824. 20.435 (3) (au) of the statutes is repealed.

SECTION 825. 20.435 (3) (bg) of the statutes is repealed.

SECTION 825m. 20.435 (3) (c) of the statutes is created to read:

20.435 **(3)** (c) *Reimbursement claims of counties containing secured correctional facilities.* The amounts in the schedule to pay all valid claims made by county clerks of counties containing state juvenile correctional institutions as provided in s. 16.51 (7).

SECTION 825p. 20.435 (3) (c) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 826. 20.435 (3) (cd) of the statutes is amended to read:

20.435 **(3)** (cd) *Community youth and family aids.* The amounts in the schedule for the improvement and provision of juvenile delinquency–related services under s. 46.26 and for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services as provided in s. 48.06 (4). Disbursements may be made from this appropriation under s. 46.03 (20). Refunds received relating to payments made under s. 46.03 (20) shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), ~~but subject to s. 46.26 (3) (f),~~ the department of health and social services may transfer moneys under this paragraph between fiscal years. Except for moneys authorized for transfer under s. 46.26 (3), all moneys from this paragraph allocated under s. 46.26 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.

SECTION 826m. 20.435 (3) (cd) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 827. 20.435 (3) (cg) of the statutes is repealed.

SECTION 828. 20.435 (3) (cx) of the statutes is repealed.

SECTION 828m. 20.435 (3) (e) of the statutes is repealed.

SECTION 828p. 20.435 (3) (ej) of the statutes is repealed.

SECTION 828r. 20.435 (3) (f) of the statutes is amended to read:

20.435 **(3)** (f) (title) ~~*Capacity building for early and intensive*~~ *Community intervention* ~~*services*~~ *program*. The amounts in the schedule for ~~capacity building for early and intensive intervention services~~ the community intervention program under s. 46.263.

SECTION 828t. 20.435 (3) (f) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 829. 20.435 (3) (hm) of the statutes is amended to read:

20.435 **(3)** (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 46.26 (4) (c) and (d), for the repair or replacement of property damaged at juvenile correctional institutions operated by the department and for the provision of miscellaneous services at those institutions. All moneys transferred under s. 46.26 (4) (cm) 1., all moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received for miscellaneous services provided at a juvenile correctional institution operated by the department and, except as provided in par. (hr) and s. 20.410 (1) (hx), all moneys received in payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of

placement at juvenile correctional institutions. Counties shall use the funds for purposes specified in s. 46.26.

SECTION 830. 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), section 829, is repealed and recreated to read:

20.435 **(3)** (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 46.26 (4) (c) and (d), for the repair or replacement of property damaged at juvenile correctional institutions operated by the department and for the provision of miscellaneous services at those institutions. All moneys transferred under s. 46.26 (4) (cm) 1., all moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department and, except as provided in par. (hr) and s. 20.410 (1) (hx), all moneys received in payment for juvenile correctional services specified in s. 46.26 (4) (d) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement at juvenile correctional institutions. Counties shall use the funds for purposes specified in s. 46.26.

SECTION 831m. 20.435 (3) (hm) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), sections 829 and 830, is repealed.

SECTION 832. 20.435 (3) (ho) of the statutes is amended to read:

20.435 **(3)** (ho) *Juvenile residential aftercare.* ~~Under s. 46.26 (4) (e), the~~ The amounts in the schedule for providing foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 48.48 (4) and (14), 48.52 and 49.19 (10) (d). All moneys received in payment for providing foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 48.48 (4) and (14), 48.52 and 49.19 (10) (d) as specified in s. 46.26 (4) (e) shall be credited to this appropriation. If moneys generated by the monthly rate exceed actual fiscal year foster care, treatment foster care, group home care and institutional child care costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year. Each county shall receive a proportionate share of the remittance depending on the total number of days of placement in foster care, treatment foster care, group home care or institutional child care.

SECTION 832m. 20.435 (3) (ho) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 833g. 20.435 (3) (hr) of the statutes is repealed.

SECTION 833m. 20.435 (3) (j) of the statutes is repealed.

SECTION 833p. 20.435 (3) (jk) of the statutes is repealed.

SECTION 833r. 20.435 (3) (jr) of the statutes is repealed.

SECTION 834m. 20.435 (3) (k) of the statutes, as created by 1993 Wisconsin Act 377, is repealed.

SECTION 835. 20.435 (3) (ma) of the statutes is created to read:

20.435 **(3)** (ma) *Federal project aids.* See sub. (9) (ma).

SECTION 836. 20.435 (3) (mb) of the statutes is created to read:

20.435 **(3)** (mb) *Federal project local assistance.* See sub. (9) (mb).

SECTION 837. 20.435 (3) (mc) of the statutes is created to read:

20.435 **(3)** (mc) *Federal block grant operations.* See sub. (9) (mc).

SECTION 838. 20.435 (3) (md) of the statutes is created to read:

20.435 **(3)** (md) *Federal block grant aids.* See sub. (9) (md).

SECTION 839. 20.435 (3) (na) of the statutes is created to read:

20.435 **(3)** (na) *Federal program aids.* See sub. (9) (na).

SECTION 840. 20.435 (3) (nL) of the statutes is created to read:

20.435 **(3)** (nL) *Federal program local assistance.* See sub. (9) (nL).

SECTION 840m. 20.435 (3) (o) of the statutes is repealed.

SECTION 840p. 20.435 (3) (oo) of the statutes is repealed.

SECTION 840r. 20.435 (3) (p) of the statutes is created to read:

20.435 **(3)** (p) *Federal aid; alcohol and other drug abuse.* All federal moneys received for alcohol and other drug abuse education and treatment as limited under s. 46.265 (2).

SECTION 840t. 20.435 (3) (p) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 841. 20.435 (4) (title) of the statutes is renumbered 20.445 (3) (title).

SECTION 842. 20.435 (4) (a) of the statutes is renumbered 20.445 (3) (a).

SECTION 843. 20.435 (4) (br) of the statutes is renumbered 20.435 (1) (br) and amended to read:

20.435 **(1)** (br) *Welfare reform studies.* As a continuing appropriation, the amounts in the schedule for the studies of welfare reform under s. 46.03 (38)~~, a study of the school attendance requirement for recipients of aid under s. 49.19 who are 6~~

~~to 12 years of age and the evaluation of the parental responsibility pilot program under s. 49.25 (9)~~.

SECTION 843m. 20.435 (4) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (c) and amended to read:

20.445 **(3)** (c) *Child support collection — county administration.* The amounts in the schedule for payments to counties for establishing paternity under s. ~~46.25~~ 49.143 (12), for the county child support order revision programs under s. ~~46.258~~ 49.163 (1), for state incentive payments under s. ~~46.258~~ 49.163 (2), for assistance to pilot counties in establishing paternity and obtaining child support under ss. 49.25 (8) (a) and 49.27 (10) (e) and for payments to Milwaukee County under s. 49.25 (8) (b) to fund an additional family court commissioner.

SECTION 843p. 20.435 (4) (cd) of the statutes is created to read:

20.435 **(4)** (cd) *Child support state operations.* The amounts in the schedule for administering the program under s. 46.25 and all other purposes specified in s. 46.25. No moneys may be expended under this paragraph unless moneys appropriated under par. (j) are insufficient for the purposes specified under that paragraph.

SECTION 843r. 20.435 (4) (cd) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (cd) and amended to read:

20.445 **(3)** (cd) *Child support state operations.* The amounts in the schedule for administering the program under s. ~~46.25~~ 49.143 and all other purposes specified in s. ~~46.25~~ 49.143. No moneys may be expended under this paragraph unless moneys appropriated under par. ~~(j)~~ (ja) are insufficient for the purposes specified under that paragraph.

SECTION 844. 20.435 (4) (ch) of the statutes is repealed.

SECTION 845. 20.435 (4) (ci) of the statutes is repealed.

SECTION 846. 20.435 (4) (cn) of the statutes is renumbered 20.445 (3) (cn) and amended to read:

20.445 **(3)** (cn) *Child care for recipients and former recipients of aid to families with dependent children.* The amounts in the schedule for paying child care costs of individuals who secure unsubsidized employment and lose eligibility for aid to families with dependent children as provided under s. ~~49.50 (6g)~~ 49.191 (2), for child care and related transportation costs under s. ~~49.50 (7) (e)~~ 49.26 (1) (e), for child care costs under s. ~~49.50 (6e) (b)~~ 49.191 (1) (b) and, with the approval of the department under s. ~~49.50 (6k) (b)~~ 49.191 (3) (b), for child care costs under s. 49.191 (1) (a) or 49.193 (8) ~~or 49.50 (6e) (a)~~. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 847b. 20.435 (4) (cr) of the statutes is renumbered 20.445 (3) (cr) and amended to read:

20.445 **(3)** (cr) *State supplement to employment opportunity demonstration projects.* The amounts in the schedule for the purpose of providing state funds to supplement, on a one–to–one matching basis, federal employment opportunity demonstration project funds received under 42 USC 1315 or from other federal or private foundation sources, to be allocated under s. ~~46.30 (4)~~ 49.32 (11).

SECTION 848. 20.435 (4) (d) of the statutes is amended to read:

20.435 **(4)** (d) (title) *Income maintenance payments to individuals and counties.* A sum sufficient to provide state aid for county administered public assistance programs under s. 49.52 and to provide reimbursement to counties for the cost of

foster care and treatment foster care provided by nonlegally responsible relatives under state or county administered programs, if the relatives are licensed to operate foster homes or treatment foster homes under s. 48.62. Total payments under this paragraph to a county for the reimbursement of nonlegally responsible relative foster care costs incurred in a calendar year may not exceed the amount for which the county was reimbursed under this paragraph for nonlegally responsible relative foster care costs incurred in 1994. Disbursements for public assistance may be made directly from this appropriation including the state and county share under s. 46.03 (20) (a). Refunds received relating to payments made under s. 46.03 (20) (a) shall be returned to this appropriation. The receipt of the counties' payments for their share under s. 46.03 (20) shall be returned to this appropriation.

SECTION 849. 20.435 (4) (d) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (d) and amended to read:

20.445 **(3)** (d) *Income maintenance payments to individuals and counties.* A sum sufficient to provide state aid for county administered public assistance programs for which reimbursement is provided under s. ~~49.52~~ 49.33 (9) and to provide reimbursement to counties for the cost of foster care and treatment foster care provided by nonlegally responsible relatives under state or county administered programs, if the relatives are licensed to operate foster homes or treatment foster homes under s. 48.62. Total payments under this paragraph to a county for the reimbursement of nonlegally responsible relative foster care costs incurred in a calendar year may not exceed the amount for which the county was reimbursed under this paragraph for nonlegally responsible relative foster care costs incurred in 1994. Disbursements for public assistance may be made directly from this appropriation including the state and county share under s. 46.03 (20) (a). Refunds

received relating to payments made under s. 46.03 (20) (a) shall be returned to this appropriation. The receipt of the counties' payments for their share under s. 46.03 (20) shall be returned to this appropriation.

SECTION 850. 20.435 (4) (dc) of the statutes is renumbered 20.445 (3) (dc).

SECTION 851. 20.435 (4) (de) of the statutes is amended to read:

20.435 **(4)** (de) *Income maintenance county administration.* The amounts in the schedule for payment distribution under s. 49.52 (1) for county administration of public assistance benefits and medical assistance eligibility determination and payments to American Indian tribes for administration of public assistance programs. ~~Payments may be made from this appropriation to agencies under contract with the department for administration of relief to needy Indian persons under ss. 49.046 and 49.047. Payments may be made from this appropriation for the purpose authorized in s. 49.049.~~ Payments may be made from this appropriation to counties for fraud investigation and error reduction under s. 49.197 (1m) and (4) and, before January 1, 1994, for the cost of the case management pilot project under s. 49.50 (7w) (e), 1991 stats. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. The department may transfer funds returned to this appropriation between calendar years.

SECTION 852. 20.435 (4) (de) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (de) and amended to read:

20.445 **(3)** (de) *Income maintenance county administration.* The amounts in the schedule for payment distribution under s. ~~49.52 (1)~~ 49.33 (8) for county administration of public assistance benefits and medical assistance eligibility determination and payments to American Indian tribes for administration of public

assistance programs. Payments may be made from this appropriation to counties for fraud investigation and error reduction under s. 49.197 (1m) and (4) ~~and, before January 1, 1994, for the cost of the case management pilot project under s. 49.50 (7w) (e), 1991 stats~~. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. The department may transfer funds returned to this appropriation between calendar years.

SECTION 853. 20.435 (4) (df) of the statutes is amended to read:

20.435 **(4)** (df) *Employment and training programs.* The amounts in the schedule for the ~~school attendance requirement~~ learnfare program under s. 49.50 (7) ~~(g)~~, the job opportunities and basic skills program under s. 49.193, the work experience and job training program under s. 46.253, the food stamp employment and training project under s. 49.124, the parental responsibility pilot program under s. 49.25, paying child care costs under s. 49.50 (6e) (a) and, with the approval of the department under s. 49.193 (8) (bm), for child care costs under s. 49.50 (6e) (b), (6g) or (7) (e). Moneys appropriated under this paragraph may be used to match federal funds received under par. (ps). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 854. 20.435 (4) (df) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (df) and amended to read:

20.445 **(3)** (df) *Employment and training programs.* The amounts in the schedule for the learnfare program under s. ~~49.50 (7)~~ 49.26 (1), the job opportunities and basic skills program under s. 49.193, the work experience and job training

program under s. ~~46.253~~ 49.36, the food stamp employment and training project under s. 49.124 (1m), the parental responsibility pilot program under s. 49.25, paying child care costs under s. ~~49.50 (6e) (a)~~ 49.191 (1) (a) and, with the approval of the department under s. 49.193 (8) (bm), for child care costs under s. ~~49.50 (6e) (b), (6g) or (7) (e)~~ 49.191 (1) (b) or (2) or 49.26 (1) (e). Moneys appropriated under this paragraph may be used to match federal funds received under par. (ps). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 855. 20.435 (4) (dg) of the statutes is renumbered 20.445 (3) (dg) and amended to read:

20.445 **(3)** (dg) *Services for learnfare pupils.* The amounts in the schedule for case management services for learnfare pupils under s. ~~46.62~~ 49.26 (2).

SECTION 858b. 20.435 (4) (dk) of the statutes is amended to read:

20.435 **(4)** (dk) *New hope project.* As a continuing appropriation, the amounts in the schedule for the new hope project under s. 46.31. No funds may be encumbered from the appropriation under this paragraph after June 30, ~~1995~~ 1997.

SECTION 858c. 20.435 (4) (dk) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (dk) and amended to read:

20.445 **(3)** (dk) *New hope project.* As a continuing appropriation, the amounts in the schedule for the new hope project under s. ~~46.31~~ 49.37. No funds may be encumbered from the appropriation under this paragraph after June 30, 1997.

SECTION 859. 20.435 (4) (dn) of the statutes is renumbered 20.435 (7) (dn).

SECTION 860. 20.435 (4) (dq) of the statutes is repealed.

SECTION 861. 20.435 (4) (ds) of the statutes is renumbered 20.435 (7) (dr).

SECTION 863. 20.435 (4) (e) of the statutes is renumbered 20.435 (1) (c).

SECTION 865. 20.435 (4) (eb) of the statutes is renumbered 20.435 (1) (cb).

SECTION 866. 20.435 (4) (g) of the statutes is amended to read:

20.435 **(4)** (g) *Child support collections.* ~~From the~~ All moneys received for the support of dependent children, ~~all moneys not appropriated under par. (ga),~~ to be distributed in accordance with federal and state laws, rules and regulations.

SECTION 867. 20.435 (4) (g) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (g).

SECTION 868. 20.435 (4) (ga) of the statutes is renumbered 20.435 (4) (c) and amended to read:

20.435 **(4)** (c) *Child support collection — county administration.* ~~From the moneys received for the support of dependent children, the~~ The amounts in the schedule for the county child support order revision programs under s. 46.258 (1), for state incentive payments under s. 46.258 (2), for assistance to pilot counties in establishing paternity and obtaining child support under ss. 49.25 (8) (a) and 49.27 (10) (e) and for payments to Milwaukee County under s. 49.25 (8) (b) to fund an additional family court commissioner.

SECTION 870. 20.435 (4) (i) of the statutes is repealed.

SECTION 871b. 20.435 (4) (j) of the statutes is amended to read:

20.435 **(4)** (j) (title) *Child support state operations — fees.* All moneys received from fees charged under s. 46.25 (8) and from fees charged and incentive payments and collections retained under s. 46.25 (7m), for ~~the purpose of implementing~~

administering the program under s. 46.25 ~~(7m) and (8)~~ and all other purposes specified in s. 46.25.

SECTION 872b. 20.435 (4) (j) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (ja) and amended to read:

20.445 **(3)** (ja) *Child support state operations — fees.* All moneys received from fees charged under s. ~~46.25~~ 49.143 (8) and from fees charged and incentive payments and collections retained under s. ~~46.25~~ 49.143 (7m), for administering the program under s. ~~46.25~~ 49.143 and all other purposes specified in s. ~~46.25~~ 49.143.

SECTION 873. 20.435 (4) (jb) of the statutes is renumbered 20.445 (3) (jb).

SECTION 874. 20.435 (4) (kx) of the statutes is renumbered 20.445 (3) (kx).

SECTION 875. 20.435 (4) (ky) of the statutes is renumbered 20.445 (3) (ky).

SECTION 876. 20.435 (4) (kz) of the statutes is renumbered 20.445 (3) (kz).

SECTION 877. 20.435 (4) (L) of the statutes is amended to read:

20.435 **(4)** (L) *Welfare fraud and error reduction; state operations.* From the moneys received as the state's share of the recovery of overpayments and incorrect payments under ss. 49.125 (2), 49.195 ~~and~~, 49.497 (1) and 49.50 (6k) (c), the amounts in the schedule for the department's activities to reduce error and fraud in the food stamp, aid to families with dependent children and medical assistance programs.

SECTION 878. 20.435 (4) (L) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (L) and amended to read:

20.445 **(3)** (L) *Welfare fraud and error reduction; state operations.* From the moneys received as the state's share of the recovery of overpayments and incorrect payments under ss. 49.125 (2), 49.191 (3) (c), 49.195~~,~~ and 49.497 (1) ~~and 49.50 (6k) (c)~~, the amounts in the schedule for the department's activities to reduce error and

fraud in the food stamp, aid to families with dependent children and medical assistance programs.

SECTION 879. 20.435 (4) (Lm) of the statutes is amended to read:

20.435 **(4)** (Lm) *Welfare fraud and error reduction; local assistance.* From the moneys received as the state's share of the recovery of overpayments and incorrect payments under ss. 49.125 (2), 49.195 ~~and~~, 49.497 (1) and 49.50 (6k) (c), all moneys not appropriated under par. (L) for county and tribal activities to reduce error and fraud in the food stamp, aid to families with dependent children and medical assistance program.

SECTION 880. 20.435 (4) (Lm) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (Lm) and amended to read:

20.445 **(3)** (Lm) *Welfare fraud and error reduction; local assistance.* From the moneys received as the state's share of the recovery of overpayments and incorrect payments under ss. 49.125 (2), 49.191 (3) (c), 49.195~~,~~ and 49.497 (1) ~~and 49.50 (6k) (c)~~, all moneys not appropriated under par. (L) for county and tribal activities to reduce error and fraud in the food stamp, aid to families with dependent children and medical assistance program.

SECTION 881. 20.435 (4) (m) of the statutes is repealed.

SECTION 882. 20.435 (4) (ma) of the statutes is repealed.

SECTION 883. 20.435 (4) (mb) of the statutes is repealed.

SECTION 884. 20.435 (4) (mc) of the statutes is repealed.

SECTION 885. 20.435 (4) (md) of the statutes is repealed.

SECTION 886. 20.435 (4) (n) of the statutes is repealed.

SECTION 887. 20.435 (4) (na) of the statutes is repealed.

SECTION 888. 20.435 (4) (nL) of the statutes is repealed.

SECTION 889. 20.435 (4) (p) of the statutes is amended to read:

20.435 **(4)** (p) *Federal aid; income maintenance payments.* All federal moneys received for meeting costs of county administered public assistance programs under s. 49.52, ~~the cost of foster care and treatment foster care provided by nonlegally responsible relatives under state or county administered programs,~~ the costs of the child and spousal support and establishment of paternity program under s. 46.25 and the cost of child care and related transportation under s. 49.50 (7) (e). Disbursements under s. 46.03 (20) may be made from this appropriation. Any disbursement made under this appropriation to carry out a contract under ss. 46.25 (7) and 59.07 (97) shall be in accordance with the formula established by the department of health and social services under s. 46.25 (7).

SECTION 890. 20.435 (4) (p) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (3) (p) and amended to read:

20.445 **(3)** (p) *Federal aid; income maintenance payments.* All federal moneys received for meeting costs of county administered public assistance programs under ~~s. 49.52~~ subch. III of ch. 49, the costs of the child and spousal support and establishment of paternity program under s. ~~46.25~~ 49.143 and the cost of child care and related transportation under s. ~~49.50 (7) (e)~~ 49.26 (1) (e). Disbursements under s. 46.03 (20) may be made from this appropriation. Any disbursement made under this appropriation to carry out a contract under ss. ~~46.25~~ 49.143 (7) and 59.07 (97) shall be in accordance with the formula established by the department of ~~health and social services~~ industry, labor and human relations under s. ~~46.25~~ 49.143 (7).

SECTION 892b. 20.435 (4) (pm) of the statutes is renumbered 20.445 (3) (pm) and amended to read:

20.445 **(3)** (pm) *Employment programs; administration.* All federal moneys received for the administrative costs associated with the ~~school attendance requirement~~ learnfare program under s. ~~49.50 (7) (g)~~ 49.26 (1), the job opportunities and basic skills program under s. 49.193 and the food stamp employment and training program under s. 49.124 (1m), to carry out ~~that purpose~~ those purposes.

SECTION 894b. 20.435 (4) (ps) of the statutes is renumbered 20.445 (3) (ps) and amended to read:

20.445 **(3)** (ps) *Employment programs; aids.* All federal moneys received for the provision or purchase of services for the ~~school attendance requirement~~ learnfare program under s. ~~49.50 (7) (g)~~ 49.26 (1), the job opportunities and basic skills program under s. 49.193, the parental responsibility pilot program under s. 49.25 and the food stamp employment and training program under s. 49.124 (1m), to carry out those purposes.

SECTION 895. 20.435 (5) (title) of the statutes is renumbered 20.445 (5) (title).

SECTION 896. 20.435 (5) (a) of the statutes is renumbered 20.445 (5) (a).

SECTION 897. 20.435 (5) (bm) of the statutes is amended to read:

20.435 **(5)** (bm) *Purchased services for clients.* The amounts in the schedule for the purchase of goods and services authorized under ch. 47 and for vocational rehabilitation and other independent living services to handicapped persons. ~~The department shall, in each state fiscal year, transfer from this appropriation to sub. (7) (kc) $41,400 if funds are transferred to sub. (7) (kc) from par. (na).~~ Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds appropriated for a particular fiscal year that are transferred to the next fiscal year and are not spent or

encumbered by September 30 of that next fiscal year shall lapse to the general fund on the succeeding October 1.

SECTION 898. 20.435 (5) (bm) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (5) (bm).

SECTION 899. 20.435 (5) (d) of the statutes is renumbered 20.435 (7) (d) and amended to read:

20.435 **(7)** (d) *Telecommunication aid for the hearing impaired.* The amounts in the schedule for the purpose of providing assistance under the telecommunication assistance program for the hearing impaired under s. ~~47.20~~ 46.297.

SECTION 900. 20.435 (5) (e) of the statutes is renumbered 20.445 (5) (e).

SECTION 901. 20.435 (5) (gg) of the statutes is renumbered 20.445 (5) (gg).

SECTION 902. 20.435 (5) (gp) of the statutes is renumbered 20.445 (5) (gp).

SECTION 903. 20.435 (5) (h) of the statutes is renumbered 20.445 (5) (h) and amended to read:

20.445 **(5)** (h) *Enterprises and services for blind and visually impaired.* All moneys received from charges on net proceeds from the sale of products and services through the supervised business enterprise program under s. 47.03 (4), to support the supervised business enterprise program under s. 47.03 (4)~~; and all moneys received from charges on net proceeds from the operation of vending machines under s. 47.03 (7), less the amounts appropriated under par. (hd), to support the supervised business enterprise program under s. 47.03 (4) and to support services provided under s. 47.03 (1)~~.

SECTION 904. 20.435 (5) (hd) of the statutes is renumbered 20.445 (5) (hd) and amended to read:

20.445 **(5)** (hd) *Rehabilitation teaching aids.* From ~~all~~ the moneys received from charges on net proceeds from the operation of vending machines under s. 47.03 (7), the amounts in the schedule to ~~provide assistance under the rehabilitation teaching program for blind and visually impaired persons under s. 47.03 (1) (a)~~ be transferred to the department of health and social services under s. 20.435 (7) (kd).

SECTION 905. 20.435 (5) (hh) of the statutes is renumbered 20.435 (6) (hs) and amended to read:

20.435 **(6)** (hs) *Interpreter services for hearing impaired.* The amounts in the schedule for interpreter services for hearing–impaired persons under s. ~~47.03 (10) (a)~~ 46.295 (1). All moneys received from fees charged for the interpreter services shall be credited to this appropriation.

SECTION 906. 20.435 (5) (i) of the statutes is repealed.

SECTION 907. 20.435 (5) (kx) of the statutes is renumbered 20.445 (5) (kx).

SECTION 908. 20.435 (5) (ky) of the statutes is renumbered 20.445 (5) (ky).

SECTION 909. 20.435 (5) (kz) of the statutes is renumbered 20.445 (5) (kz).

SECTION 910. 20.435 (5) (m) of the statutes is repealed.

SECTION 911. 20.435 (5) (ma) of the statutes is repealed.

SECTION 912. 20.435 (5) (n) of the statutes is repealed.

SECTION 913. 20.435 (5) (na) of the statutes is amended to read:

20.435 **(5)** (na) *Federal program aids.* See sub. (9) (na). All federal moneys received for the purchase of goods and services under ch. 47 and for the purchase of vocational rehabilitation programs for individuals or organizations. The department shall, in each state fiscal year, transfer to sub. (7) (kc) up to ~~$372,900 if a transfer is authorized by the federal government~~ $200,000.

SECTION 914. 20.435 (5) (na) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.445 (5) (na) and amended to read:

20.445 **(5)** (na) *Federal program aids.* ~~See sub. (9) (na).~~ All moneys received from the federal government or any of its agencies for continuing programs to be expended as aids to individuals or organizations for the purposes specified. All federal moneys received for the purchase of goods and services under ch. 47 and for the purchase of vocational rehabilitation programs for individuals or organizations. The department shall, in each state fiscal year, transfer to ~~sub.~~ s. 20.435 (7) (kc) up to $200,000.

SECTION 915. 20.435 (5) (nL) of the statutes is repealed.

SECTION 916. 20.435 (6) (cf) of the statutes is renumbered 20.435 (3) (cf).

SECTION 918m. 20.435 (6) (dg) of the statutes is renumbered 20.435 (3) (dg).

SECTION 919. 20.435 (6) (dh) of the statutes is repealed.

SECTION 920. 20.435 (6) (dm) of the statutes is repealed.

SECTION 921b. 20.435 (6) (ed) of the statutes is amended to read:

20.435 **(6)** (ed) *Administrative expenses for state supplement to federal supplemental security income program.* A sum sufficient to pay for administrative fees charged by the federal government for federal administration of state supplemental grants to supplemental security income recipients under s. 49.177. No funds from this appropriation may be encumbered to pay for federal administrative fees for state supplemental grants paid to recipients after January 1, 1996.

SECTION 921c. 20.435 (6) (ed) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 922b. 20.435 (6) (ee) of the statutes is created to read:

20.435 **(6)** (ee) *Administrative expenses for state supplement to federal supplemental security income program.* The amounts in the schedule for state administration of state supplemental grants to supplemental security income recipients under s. 49.177.

SECTION 922c. 20.435 (6) (ee) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

20.435 **(6)** (ee) *Administrative expenses for state supplement to federal supplemental security income program.* The amounts in the schedule for state administration of state supplemental grants to supplemental security income recipients under s. ~~49.177~~ 49.77.

SECTION 923. 20.435 (6) (ga) of the statutes is amended to read:

20.435 **(6)** (ga) (title) *Community–based residential facility monitoring and receivership operations.* All moneys received as payments from medical assistance and from all other sources to reimburse the department for the ~~cost of~~ costs of placing a monitor in a community–based residential facility under s. 50.05 (2) and (3), receivership of a community–based residential facility and operation of a community–based residential facility held in receivership by the department under s. 50.05 (4) and (5).

SECTION 923m. 20.435 (6) (gb) of the statutes is amended to read:

20.435 **(6)** (gb) *Alcohol and drug abuse initiatives.* All moneys received ~~from the state treasurer~~ under s. 161.41 (5) (c), to be expended on programs providing prevention, intervention and treatment for alcohol and other drug abuse problems.

SECTION 924. 20.435 (6) (hx) of the statutes is amended to read:

20.435 **(6)** (hx) *Services for drivers, receipts.* The amounts in the schedule for services for drivers. Of the moneys received from the driver improvement surcharge

on court fines and forfeitures authorized under s. 346.655, 15% shall be credited to this appropriation. These moneys may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia) and 20.455 (5) (h) by the secretary of administration after consultation with the secretaries of health and social services, education and transportation, ~~the superintendent of public instruction,~~ the attorney general and the president of the university of Wisconsin system.

SECTION 925. 20.435 (6) (jg) of the statutes is amended to read:

20.435 **(6)** (jg) *State child care program operations.* All moneys transferred from sub. (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats., for the purposes of providing child care services under ~~s.~~ ss. 46.98 (2m), (3) and (4g) ~~in counties with unmet needs, for providing start–up and expansion grants for child care facilities under s. 46.986~~ and 49.50 (6e) (b) and (6g), for providing training for child care providers, and for automating state child care licensing. All moneys transferred from sub. (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats., shall be distributed ~~as determined by the department~~ in the calendar year immediately following the transfer according to an expenditure plan that is determined by the department and approved by the secretary of administration.

SECTION 926. 20.435 (6) (jg) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.435 (3) (jg) and amended to read:

20.435 **(3)** (jg) *State child care program operations.* All moneys transferred from sub. (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats., for the purposes of providing child care services under ss. 46.98 (2m), (3) and (4g) and ~~49.50 (6e) (b) and (6g)~~ 49.191 (1) (b) and (2), for providing training for child care providers, and for automating state child care licensing. All moneys transferred from sub. (7) (b) under s. 46.40 (3) (b) 2., 1993 stats., and s. 46.40 (4) (c), 1993 stats.,

shall be distributed in the calendar year immediately following the transfer according to an expenditure plan that is determined by the department and approved by the secretary of administration.

SECTION 927. 20.435 (6) (jj) of the statutes is renumbered 20.435 (3) (jj).

SECTION 928. 20.435 (6) (km) of the statutes is repealed.

SECTION 929. 20.435 (6) (kx) of the statutes is amended to read:

20.435 **(6)** (kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department ~~not directed to be deposited under par. (km)~~ for the administration of programs or projects for which received.

SECTION 930. 20.435 (6) (n) of the statutes is amended to read:

20.435 **(6)** (n) *Federal program operations.* See sub. (9) (n). ~~All moneys transferred from sub. (7) (o) under s. 46.40 (3) (b) 2. and (4) (c) for the purposes of providing child care services under s. 46.98 (2m), (3) and (4g) in counties with unmet needs, for providing start-up and expansion grants for child care facilities under s. 46.986 and for providing training for child care providers. All moneys transferred from sub. (7) (o) under s. 46.40 (3) (b) 2. and (4) (c) shall be distributed as determined by the department in the calendar year immediately following the transfer.~~

SECTION 931. 20.435 (7) (b) of the statutes is amended to read:

20.435 **(7)** (b) *Community aids.* The amounts in the schedule for human services under s. 46.40, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.22 and 48.58 and for foster care and treatment foster care under s. 49.19 (10). Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under

s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and social services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. ~~49.52 (2) (b)~~ 46.495 (2) (b) and 51.423 (15) from prior year audit adjustments including those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. ~~49.52 (2) (b)~~ 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 932. 20.435 (7) (bb) of the statutes is repealed.

SECTION 932m. 20.435 (7) (bc) of the statutes is amended to read:

20.435 **(7)** (bc) *Grants for community programs.* The amounts in the schedule for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department of health and social services may credit or deposit into this appropriation funds for the purpose specified in s. 46.48 (13) that the department transfers from the appropriation under par. (bL) that are allocated by the department under that appropriation but unexpended or unencumbered on June 30 of each year. Except for amounts authorized to be carried forward under s. 46.48, all funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance.

SECTION 933. 20.435 (7) (bd) of the statutes is amended to read:

20.435 **(7)** (bd) *Community options program and long–term support pilot projects.* The amounts in the schedule for assessments, case planning, services and administration under s. 46.27 and for pilot projects for home and community–based long–term support services under s. 46.271. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer moneys between fiscal years. Except for moneys authorized for transfer under this appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation that are allocated under s. 46.27 and are not spent or encumbered by counties by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance. ~~Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may credit or deposit into this appropriation funds that it transfers from the appropriation under sub. (1) (b) for the purposes specified in s. 49.45 (6v).~~

SECTION 934. 20.435 (7) (bf) of the statutes is repealed.

SECTION 935. 20.435 (7) (bj) of the statutes is renumbered 20.435 (2) (bj).

SECTION 935m. 20.435 (7) (bL) of the statutes is amended to read:

20.435 **(7)** (bL) *Community support program grants.* The amounts in the schedule for one–time grants under s. 51.423 (3) to counties that currently do not operate certified community support programs. Notwithstanding s. 20.002 (1), the department of health and social services may transfer from this appropriation to the appropriation under par. (bc) funds as specified in par. (bc).

SECTION 936. 20.435 (7) (bm) of the statutes is created to read:

20.435 **(7)** (bm) *Purchased services for clients.* The amounts in the schedule for the purchase of goods and services authorized under s. 46.293.

SECTION 937. 20.435 (7) (bt) of the statutes is renumbered 20.435 (3) (bt).

SECTION 938. 20.435 (7) (cb) of the statutes is renumbered 20.435 (1) (cd).

SECTION 939. 20.435 (7) (cf) of the statutes is repealed.

SECTION 940. 20.435 (7) (cm) of the statutes is repealed.

SECTION 941. 20.435 (7) (co) of the statutes is renumbered 20.435 (3) (co).

SECTION 942m. 20.435 (7) (dd) of the statutes is renumbered 20.435 (3) (dd) and amended to read:

20.435 **(3)** (dd) *State foster care and adoption services.* The amounts in the schedule for foster care, treatment foster care, institutional child care and subsidized adoptions under ss. 48.48 ~~(4),~~ (12) ~~and (14)~~ and 48.52, for the cost of care for children under s. 49.19 (10) (d) and for the cost of the foster care monitoring system.

SECTION 943. 20.435 (7) (de) of the statutes is repealed.

SECTION 945. 20.435 (7) (ds) of the statutes is repealed.

SECTION 946. 20.435 (7) (ed) of the statutes is amended to read:

20.435 **(7)** (ed) *State supplement to federal supplemental security income program.* A sum sufficient for payments of supplemental grants to supplemental security income recipients under s. ~~49.177~~ 49.77.

SECTION 947. 20.435 (7) (eg) of the statutes is amended to read:

20.435 **(7)** (eg) *Programs for adolescents and adolescent parents.* The amounts in the schedule for the provision of adolescent self–sufficiency and pregnancy prevention programs under s. 46.995, for adolescent services under s. 46.996 and for adolescent choices project grants under s. 46.997 (2).

SECTION 948. 20.435 (7) (eg) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.435 (3) (eg).

SECTION 949. 20.435 (7) (er) of the statutes is repealed.

SECTION 950. 20.435 (7) (hh) of the statutes is renumbered 20.435 (1) (hh).

SECTION 950m. 20.435 (7) (hz) of the statutes is created to read:

20.435 **(7)** (hz) *Services for drivers, supplement to assistance.* The amounts in the schedule for the purpose of s. 51.42 for drivers referred through assessment, to be distributed by the department to supplement funding to counties that otherwise have costs in excess of revenues for treatment of drivers referred through assessment. Of the moneys received from the driver improvement surcharge on court fines and forfeitures authorized under s. 346.655, 14.2% shall be credited to this appropriation.

SECTION 951. 20.435 (7) (ie) of the statutes is amended to read:

20.435 **(7)** (ie) *Child care start–up and expansion grant repayments. A*ll moneys received in repayment of child care start–up and expansion grants under s. 46.986 ~~(3) to (5)~~ (2) to be used for child care quality improvement activities under s. 46.987 (2) to (4).

SECTION 952. 20.435 (7) (ie) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 952m. 20.435 (7) (im) of the statutes is created to read:

20.435 **(7)** (im) *Community options program; recovery of costs of care.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035, all moneys not appropriated under sub. (1) (in), for payments to county departments and aging units under s. 46.27 (7g) (d), payment of claims under s. 867.035 (3) and payments for long–term community support services funded under s. 46.27 (7) as provided in ss. 46.27 (7g) (e) and 867.035 (4m).

SECTION 953. 20.435 (7) (kb) of the statutes is amended to read:

20.435 **(7)** (kb) *Severely emotionally disturbed children.* As a continuing appropriation, all moneys transferred from the appropriation under sub. (1) (b) to this appropriation to provide, under s. 46.485, mental health care and treatment and community–based mental health services for severely emotionally disturbed children. Notwithstanding s. 20.002 (1), the department of health and social services may transfer from this appropriation to the appropriation under sub. (1) (b) funds as specified in s. 46.485 ~~(3)~~ (3r).

SECTION 954. 20.435 (7) (kb) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 20.435 (3) (kb).

SECTION 955. 20.435 (7) (kc) of the statutes is amended to read:

20.435 **(7)** (kc) *Independent living center grants.* The amounts in the schedule for the purpose of making grants to independent living centers for the severely disabled under s. 46.96. All moneys transferred from sub. (5) ~~(bm) and~~ (na) for the purpose of providing grants to independent living centers for the severely disabled under s. 46.96 shall be credited to this appropriation.

SECTION 956. 20.435 (7) (kc) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.435 **(7)** (kc) *Independent living center grants.* The amounts in the schedule for the purpose of making grants to independent living centers for the severely disabled under s. 46.96. All moneys transferred from ~~sub.~~ s. 20.445 (5) (na) for the purpose of providing grants to independent living centers for the severely disabled under s. 46.96 shall be credited to this appropriation.

SECTION 957. 20.435 (7) (kd) of the statutes is created to read:

20.435 **(7)** (kd) *Rehabilitation teaching aids.* All moneys transferred from the appropriation under s. 20.445 (5) (hd) to provide assistance under the rehabilitation teaching program for blind and visually impaired persons under s. 46.293 (1) (a).

SECTION 958. 20.435 (7) (o) of the statutes is amended to read:

20.435 **(7)** (o) *Federal aid; community aids.* ~~Except as provided in par. (pm), all~~ All federal moneys received in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under par. (b) and s. 46.70; all federal moneys received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985; all federal child care and development block grant funds received under 42 USC 9858 that are allocated under s. 46.40 ~~(4) (a)~~ (2m) (c) for distribution under s. 46.98 (2); all federal moneys received as child care grants under 42 USC 603 (n) as allocated under s. 46.40 ~~(4) (a)~~ (2m) (c) and distributed under s. 46.98 (2); and all unanticipated federal social services block grant funds received under 42 USC 1397 to 1397e, in accordance with s. 46.49 (2), for distribution under s. 46.40. Disbursements from this appropriation may be made directly to counties for social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal requirements for the disbursal of federal funds ~~or directly to tribal governing bodies under s. 46.70~~.

SECTION 959m. 20.435 (7) (pd) of the statutes is renumbered 20.435 (3) (pd) and amended to read:

20.435 **(3)** (pd) *Federal aid; state foster care and adoption services.* All federal moneys received for meeting the costs of providing foster care, treatment foster care and institutional child care under ~~ss. 48.48 (4) and (14) and~~ s. 48.52, and for the cost of care for children under s. 49.19 (10) (d). Disbursements for foster care under s.

46.03 (20) and for the purposes described under s. 48.627 may be made from this appropriation.

SECTION 960. 20.435 (7) (pm) of the statutes is repealed.

SECTION 961. 20.435 (8) (ka) of the statutes is created to read:

20.435 **(8)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 961m. 20.435 (8) (pz) of the statutes is amended to read:

20.435 **(8)** (pz) *Indirect cost reimbursements.* All moneys received from the federal government as reimbursement of indirect costs of grants and contracts for the purposes authorized in s. 16.54 (9) (b), as limited by s. 16.54 (9) (bd).

SECTION 961r. 20.435 (9) (i) of the statutes is amended to read:

20.435 **(9)** (i) *Gifts and grants.* All moneys received from gifts, grants, donations~~, and the girls school benevolent trust fund under s. 25.31~~ and burial trusts for the execution of ~~its~~ the department's functions consistent with the purpose of the gift, grant, donation or trust. In this section, expenditure estimates from gifts and grants are assigned paragraph letter (i) in the schedule of each applicable subsection.

SECTION 962. 20.445 (1) (bc) of the statutes is amended to read:

20.445 **(1)** (bc) *Assistance for dislocated workers.* The amounts in the schedule for providing grants under s. ~~101.27~~ 106.15.

SECTION 963. 20.445 (1) (cm) of the statutes is amended to read:

20.445 **(1)** (cm) *Wisconsin service corps member compensation and support.* As a continuing appropriation, the amounts in the schedule for the payment of

Wisconsin service corps member compensation and for other costs of projects under the Wisconsin service corps program under s. ~~101.38~~ 106.21 if those costs are not paid by project sponsors. Corps member compensation includes the cost of salaries, benefits and education vouchers.

SECTION 964. 20.445 (1) (de) of the statutes is renumbered 20.143 (3) (de).

SECTION 965. 20.445 (1) (dm) of the statutes is renumbered 20.143 (3) (dm).

SECTION 966. 20.445 (1) (e) of the statutes is amended to read:

20.445 **(1)** (e) *Wisconsin job opportunity business subsidy program.* Biennially, the amounts in the schedule for the Wisconsin job opportunity business subsidy program under s. ~~101.35~~ 106.20. This paragraph does not apply after June 30, 1993.

SECTION 967. 20.445 (1) (em) of the statutes is amended to read:

20.445 **(1)** (em) (title) *Youth apprenticeship ~~program~~ training grants.* The amounts in the schedule for ~~the youth apprenticeship program under s. 101.265, including~~ youth apprenticeship training grants under s. 101.265 (4) (b).

SECTION 968. 20.445 (1) (em) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.445 **(1)** (em) *Youth apprenticeship training grants.* The amounts in the schedule for youth apprenticeship training grants under s. 106.13 (4) (b).

SECTION 969. 20.445 (1) (ep) of the statutes is amended to read:

20.445 **(1)** (ep) *Career counseling centers.* The amounts in the schedule to provide career counseling centers under s. ~~101.267~~ 106.14.

SECTION 969m. 20.445 (1) (ep) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 970. 20.445 (1) (er) of the statutes is repealed.

SECTION 971. 20.445 (1) (ev) of the statutes is amended to read:

20.445 **(1)** (ev) (title) ~~*Office*~~ *Division of workforce excellence.* The amounts in the schedule for the ~~office~~ general program operations of the division of workforce excellence under ~~s.~~ ss. 101.264 and 101.265.

SECTION 972. 20.445 (1) (ev) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.445 **(1)** (ev) *Division of workforce excellence.* The amounts in the schedule for the general program operations of the division of workforce excellence under s. 106.12 and 106.13.

SECTION 973. 20.445 (1) (f) of the statutes is amended to read:

20.445 **(1)** (f) *Death and disability benefit payments; public insurrections.* A sum sufficient for the payment of death and disability benefits under s. ~~101.47~~ 106.25.

SECTION 974. 20.445 (1) (ga) of the statutes is amended to read:

20.445 **(1)** (ga) *Auxiliary services.* All moneys received from fees collected under ss. 101.02 (18) and (18m), 101.23 (7) and 102.16 (2m) (d) for the delivery of services under ss. 101.02 (18) and (18m), 101.23 and 102.16 (2m) (f) and ch. 108.

SECTION 975. 20.445 (1) (ga) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.445 **(1)** (ga) *Auxiliary services.* All moneys received from fees collected under ss. ~~101.02 (18) and (18m), 101.23 (7) and~~ 102.16 (2m) (d), 103.005 (15) and 106.09 (7) for the delivery of services under ss. ~~101.02 (18) and (18m), 101.23 and~~ 102.16 (2m) (f), 103.005 (15) and 106.09 and ch. 108.

SECTION 976. 20.445 (1) (gf) of the statutes is amended to read:

20.445 **(1)** (gf) *Employment security administration.* From the moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (13) (c) and 108.22,

the amounts in the schedule for the administration of employment service programs and unemployment compensation programs under ch. 108 and s. ~~101.23~~ 106.09 and federal or state unemployment compensation programs authorized by the governor under s. 16.54; and for payments to satisfy any federal audit exception concerning a payment from the unemployment reserve fund or any federal aid disallowance involving the unemployment compensation program.

SECTION 977. 20.445 (1) (h) of the statutes is renumbered 20.143 (3) (h).

SECTION 978. 20.445 (1) (j) of the statutes is amended to read:

20.445 **(1)** (j) *Safety and building operations.* The amounts in the schedule for the purposes of subchs. I, II, III, IV and VI of ch. 101, chs. 145 and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys received under ch. 145 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.973 (7)~~, 168.12 (6)~~ and 236.12 (7) shall be credited to this appropriation.

SECTION 978m. 20.445 (1) (j) of the statutes, as affected by 1995 Wisconsin Act .... (this act), section 978, is amended to read:

20.445 **(1)** (j) *Safety and building operations.* The amounts in the schedule for the purposes of subchs. I, II, III, IV and VI of ch. 101, chs. 145 and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys received under ch. 145 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.973 (7) and 236.12 (7), less the amounts appropriated under s. 20.143 (7) (jz), shall be credited to this appropriation.

SECTION 979. 20.445 (1) (j) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 978 and 978m, is renumbered 20.143 (3) (j) and amended to read:

20.143 **(3)** (j) *Safety and building operations.* The amounts in the schedule for the purposes of subchs. I, II, III, IV and VI of ch. 101~~,~~ and chs. 145 and 168 ~~and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335~~. All moneys received under ch. 145 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4)~~,~~ and 101.973 (7) ~~and 236.12 (7), less the amounts appropriated under s. 20.143 (7) (jz),~~ shall be credited to this appropriation.

SECTION 980. 20.445 (1) (jm) of the statutes is amended to read:

20.445 **(1)** (jm) *Dislocated worker program grants.* All moneys received from the business closing surcharge under s. 109.07 (4m), for providing grants under s. ~~101.27~~ 106.15.

SECTION 981. 20.445 (1) (jr) of the statutes is amended to read:

20.445 **(1)** (jr) *Wisconsin service corps member compensation and support; sponsor contribution.* All moneys received under agreements entered into under s. ~~101.38~~ 106.21 (7) (c) with local units of government and nonprofit organizations for the payment of the sponsor's share of costs for projects including the payment of any corps member compensation as specified in those agreements. Corps member compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 981s. 20.445 (1) (k) of the statutes is amended to read:

20.445 **(1)** (k) *Fees.* All moneys received from fees charged to counties ~~and to the department of health and social services~~ under ss. ~~46.25~~ 49.143 (8) and 108.13 (4) (f) for administrative costs incurred in the enforcement of child and spousal support obligations under 42 USC 654.

SECTION 982. 20.445 (1) (kb) of the statutes is repealed.

SECTION 983. 20.445 (1) (kc) of the statutes is amended to read:

20.445 **(1)** (kc) *Administrative services.* The amounts in the schedule for administrative and support services for programs administered by the department. All moneys received by the department from the department~~, not directed to be deposited under par. (kb),~~ as payment for administrative and support services for programs administered by the department shall be credited to this appropriation.

SECTION 984. 20.445 (1) (kd) of the statutes is created to read:

20.445 **(1)** (kd) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 985. 20.445 (1) (km) of the statutes is amended to read:

20.445 **(1)** (km) *Wisconsin service corps member compensation and support; service funds.* All moneys received under agreements entered into under s. ~~101.38~~ 106.21 (7) (c) with state agencies for the payment of the sponsor's share of costs for projects including the payment of any corps member compensation as specified in those agreements. Corps member compensation includes the cost of salaries, benefits, incentive payments and vouchers.

SECTION 987. 20.445 (1) (L) of the statutes is renumbered 20.143 (3) (L).

SECTION 988. 20.445 (1) (La) of the statutes is renumbered 20.143 (3) (La).

SECTION 989. 20.445 (1) (n) of the statutes is amended to read:

20.445 **(1)** (n) *Unemployment administration; federal moneys.* All federal moneys received for the employment service under s. ~~101.23~~ 106.09 (4) to (6) or for the administration of unemployment compensation under ch. 108, and any federal moneys paid to the department for the performance of its functions under ch. 108,

and for its conduct of public employment offices consistent with s. ~~101.23~~ 106.09 (4) to (6), and for its other efforts to regularize employment; to pay the compensation and expenses of appeal tribunals and of councils; and to pay allowances stimulating education during unemployment.

SECTION 990. 20.445 (1) (q) of the statutes is renumbered 20.143 (3) (q).

SECTION 991. 20.445 (1) (r) of the statutes is renumbered 20.143 (3) (r).

SECTION 992. 20.445 (1) (v) of the statutes is renumbered 20.143 (3) (v).

SECTION 993. 20.445 (1) (w) of the statutes is renumbered 20.143 (3) (w) and amended to read:

20.143 **(3)** (w) *Petroleum storage environmental remedial action; administration.* From the petroleum inspection fund, the amounts in the schedule for the administration of ~~s.~~ ss. 101.143 and 101.144.

SECTION 999. 20.445 (3) (br) of the statutes is created to read:

20.445 **(3)** (br) *Public assistance reform studies.* As a continuing appropriation, the amounts in the schedule for the studies of public assistance reform under s. 49.32 (6), for a study of the school attendance requirement under the learnfare pilot program for children who are 6 to 12 years of age and for the evaluation of the parental responsibility pilot program under s. 49.25 (9).

SECTION 1000. 20.445 (3) (i) of the statutes is created to read:

20.445 **(3)** (i) *Gifts and grants.* All moneys received from gifts, grants, donations and burial trusts for the execution of the department's functions consistent with the purpose of the gift, grant, donation or trust.

SECTION 1001. 20.445 (3) (m) of the statutes is created to read:

20.445 **(3)** (m) *Federal project operations*. All moneys received from the federal government or any of its agencies for the state administration of specific limited term projects to be expended for the purposes specified.

SECTION 1002. 20.445 (3) (ma) of the statutes is created to read:

20.445 **(3)** (ma) *Federal project aids*. All moneys received from the federal government or any of its agencies for specific limited term projects to be expended as aids to individuals or organizations for the purposes specified.

SECTION 1003. 20.445 (3) (mb) of the statutes is created to read:

20.445 **(3)** (mb) *Federal project local assistance*. All moneys received from the federal government or any of its agencies for specific limited term projects to be expended as local assistance for the purposes specified.

SECTION 1004. 20.445 (3) (mc) of the statutes is created to read:

20.445 **(3)** (mc) *Federal block grant operations*. All block grant moneys received from the federal government or any of its agencies for the state administration of federal block grants for the purposes specified.

SECTION 1005. 20.445 (3) (md) of the statutes is created to read:

20.445 **(3)** (md) *Federal block grant aids*. All block grant moneys received from the federal government or any of its agencies to be expended as aids to individuals or organizations.

SECTION 1006. 20.445 (3) (n) of the statutes is created to read:

20.445 **(3)** (n) *Federal program operations*. All moneys received from the federal government or any of its agencies for the state administration of continuing programs to be expended for the purposes specified.

SECTION 1007. 20.445 (3) (na) of the statutes is created to read:

20.445 **(3)** (na) *Federal program aids.* All moneys received from the federal government or any of its agencies for continuing programs to be expended as aids to individuals or organizations for the purposes specified.

SECTION 1008. 20.445 (3) (nL) of the statutes is created to read:

20.445 **(3)** (nL) *Federal program local assistance.* All moneys received from the federal government or any of its agencies for continuing programs to be expended as local assistance for the purposes specified, except that the following amounts shall lapse from this appropriation to the general fund: in each calendar year, 55% of the federal moneys made available to support prosecution of welfare fraud in this state, as determined by the secretary of administration.

SECTION 1009. 20.445 (5) (he) of the statutes is created to read:

20.445 **(5)** (he) *Supervised business enterprise.* All moneys not appropriated under par. (hd) received from the charges on net proceeds from the operation of vending machines under s. 47.03 (7) to support the supervised business enterprise program under s. 47.03 (4).

SECTION 1010. 20.445 (5) (i) of the statutes is created to read:

20.445 **(5)** (i) *Gifts and grants.* All moneys received from gifts, grants and bequests for the execution of its functions consistent with the purpose of the gift, grant or bequest.

SECTION 1011. 20.445 (5) (m) of the statutes is created to read:

20.445 **(5)** (m) *Federal project operations.* All moneys received from the federal government or any of its agencies for the state administration of specific limited–term projects to be expended for the purposes specified.

SECTION 1012. 20.445 (5) (ma) of the statutes is created to read:

20.445 **(5)** (ma) *Federal project aids.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for specific limited–term projects to be expended as aids to individuals or organizations for the purposes specified.

SECTION 1013. 20.445 (5) (n) of the statutes is created to read:

20.445 **(5)** (n) *Federal program operations.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for the state administration of continuing programs to be expended for the purposes specified.

SECTION 1014. 20.445 (5) (nL) of the statutes is created to read:

20.445 **(5)** (nL) *Federal program local assistance.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for continuing programs to be expended as local assistance for the purposes specified.

SECTION 1014c. 20.445 (6) (title) of the statutes is created to read:

20.445 **(6)** (title) WISCONSIN CONSERVATION CORPS.

SECTION 1014e. 20.455 (1) (g) of the statutes is created to read:

20.455 **(1)** (g) *District attorney computer network.* The amounts in the schedule for maintenance of the district attorney computer network under s. 165.94. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) (bd) shall be credited to this appropriation account.

SECTION 1014h. 20.455 (1) (gh) of the statutes is created to read:

20.455 **(1)** (gh) *Investigation and prosecution.* The amounts in the schedule for the expenses of investigation and prosecution of violations, including attorney fees, under ss. 49.49 (6), 100.263, 133.16, 144.99 and 147.21 (5). Ten percent of all moneys received under ss. 49.49 (6), 100.263, 133.16, 144.99 and 147.21 (5), for the expenses

of investigation and prosecution of violations, including attorney fees, shall be credited to this appropriation account.

SECTION 1014m. 20.455 (1) (gm) of the statutes is created to read:

20.455 **(1)** (gm) *Remediation of harmful effects.* All moneys received under ss. 49.49 (6), 100.263 and 133.16 that are required by the courts to be used to remedy the harmful effects of violations of law, to be used for those purposes.

SECTION 1014s. 20.455 (1) (gs) of the statutes is created to read:

20.455 **(1)** (gs) *Delinquent obligation collection.* From the moneys received under s. 165.30 (3) (b), the amounts in the schedule for expenses related to the collection of delinquent obligations under s. 165.30.

SECTION 1015. 20.455 (1) (hm) of the statutes is created to read:

20.455 **(1)** (hm) *Restitution.* All moneys received by the department to provide restitution to victims when ordered by the court as the result of prosecutions under s. 49.49 and chs. 100, 133, 144 and 147 and under a federal antitrust law for the purpose of providing restitution to victims of the violation when ordered by the court.

SECTION 1016. 20.455 (2) (bd) of the statutes is repealed.

SECTION 1016m. 20.455 (2) (dm) of the statutes is repealed.

SECTION 1017. 20.455 (2) (e) of the statutes is amended to read:

20.455 **(2)** (e) *Drug enforcement.* ~~A sum sufficient not to exceed $1,773,900 in fiscal year 1993–94 and $1,779,500 in fiscal year 1994–95, which shall consist of the amounts received under par. (ma) plus amounts from the general fund sufficient to equal $1,773,900 in fiscal year 1993–94 and $1,779,500 in fiscal year 1994–95~~ The amounts in the schedule for drug law enforcement programs to work with local law enforcement agencies in a coordinated effort, for operating costs of the crime laboratory in the city of Wausau, and to match federal funds under par. (ma) if

matching funds under s. 20.505 (6) (h) are insufficient. ~~No moneys may be encumbered under this paragraph after June 30, 1995, for purposes of s. 165.72.~~

SECTION 1019. 20.455 (2) (gc) of the statutes is created to read:

20.455 **(2)** (gc) *Gaming law enforcement; Indian gaming.* From the moneys received under s. 569.06, the amounts in the schedule for investigative services for Indian gaming under ch. 569.

SECTION 1020. 20.455 (2) (i) of the statutes is amended to read:

20.455 **(2)** (i) *Penalty assessment surcharge, receipts.* The amounts in the schedule for the purposes of s. 165.85 (5) (b) and (5m)~~,~~ and for crime laboratory equipment ~~and for equipment used for an automated fingerprint identification system~~. All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) and all moneys transferred from s. 20.505 (6) (h) shall be credited to this appropriation. Moneys may be transferred from this paragraph to pars. (j) and (ja) by the secretary of administration for expenditures based upon determinations by the department of justice~~, except the secretary of administration shall transfer not more than $375,000 to par. (jb) in fiscal year 1991–92, not more than $375,000 to par. (jb) in fiscal year 1992–93 and not more than $390,600 to par. (jc) in fiscal year 1992–93~~.

SECTION 1021. 20.455 (2) (jc) of the statutes is repealed.

SECTION 1024. 20.455 (2) (ma) of the statutes is amended to read:

20.455 **(2)** (ma) *Federal aid, drug enforcement.* ~~From federal~~ All moneys received from the federal government under subtitle K of title I of P.L. 99–570 for state programs, except as provided under s. 20.505 (6) (pc), ~~not to exceed $1,142,900 in fiscal year 1993–94 and $1,147,100 in each fiscal year thereafter~~ as authorized by the governor under s. 16.54, for drug law enforcement programs to work with local

law enforcement agencies in a coordinated effort and for operating costs of the crime laboratory in the city of Wausau. ~~No moneys may be encumbered under this paragraph after June 30, 1995, for purposes of s. 165.72.~~

SECTION 1025. 20.455 (2) (mb) of the statutes is repealed.

SECTION 1027. 20.455 (3) (g) of the statutes is amended to read:

20.455 **(3)** (g) *Gifts, grants and proceeds.* All moneys received from gifts and grants and all proceeds from services, conferences and sales of publications and promotional materials to carry out the purposes for which made or collected, except as provided in sub. (2) (gm). ~~No moneys may be expended under this paragraph unless the following requirements, as applicable, are met: the department of justice shall provide the department of administration with information regarding the source, purpose, nature and value of any gift or grant; the possibility of any future state costs associated with any gift; and the possibility of conflicts of interest which may arise by accepting any gift or grant. In addition, expenditures under this paragraph are subject to the following approval process involving the secretary of administration and the joint committee on finance. The department of justice shall provide the required information to the secretary of administration. If the secretary disapproves, the department shall not expend the moneys. If the secretary approves, he or she shall notify the joint committee on finance in writing of the proposed expenditure. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed expenditure within 14 working days after the date of the secretary's submittal, the department of justice may expend the moneys in the manner approved by the secretary. If, within 14 working days after the date of the secretary's submittal, the cochairpersons of the committee notify the secretary that the committee has~~

~~scheduled a meeting for the purpose of reviewing the proposed expenditure, the proposed expenditure may be made only with the approval of the committee.~~

SECTION 1028. 20.455 (3) (ka) of the statutes is created to read:

20.455 **(3)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1029. 20.455 (5) (g) of the statutes is amended to read:

20.455 **(5)** (g) *Crime victim and witness assistance surcharge, general services.* The amounts in the schedule for purposes of ch. 950. All moneys received from part A of crime victim and witness assistance surcharges authorized under s. 973.045 (3) (a) 1. shall be credited to this appropriation account. The department of justice shall transfer not more than ~~$282,500~~ $488,800 in fiscal year ~~1993–94~~ 1995–96 and not more than ~~$310,800~~ $488,800 in fiscal year ~~1994–95~~ 1996–97 from this appropriation account to the appropriation account under par. (j).

SECTION 1029r. 20.465 (1) (g) of the statutes is amended to read:

20.465 **(1)** (g) *Military property.* The amounts in the schedule for rent of state–owned military lands or buildings used by, acquired for or erected for the Wisconsin national guard under s. 21.19 (2), for rental of buildings and grounds maintenance equipment owned by the state and required to properly maintain properties supported by state–federal cooperative funding agreements, for the repair and maintenance of state–owned military lands or buildings and for the purchase and construction of new military property, real and personal. All moneys received on account of lost military property, ~~from the sale of obsolete or~~

~~unserviceable military property, from the sale of any state–owned military property, real and personal, under s. 21.19 (3),~~ from the rental of state–owned housing, or from the provision of housing–related services to military personnel shall be credited to this appropriation.

SECTION 1030. 20.465 (1) (kn) of the statutes is created to read:

20.465 **(1)** (kn) *Information technology development projects; national guard.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for national guard operations. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1031. 20.465 (1) (Li) of the statutes is created to read:

20.465 **(1)** (Li) *Gifts and grants.* All moneys received from gifts, grants and bequests to carry out the purposes for which made.

SECTION 1032. 20.465 (1) (q) of the statutes is repealed.

SECTION 1033. 20.465 (2) (a) of the statutes is amended to read:

20.465 **(2)** (a) *Tuition grants.* ~~The amounts in the schedule~~ A sum sufficient for the payment of tuition grants to members of the Wisconsin national guard under s. 21.49 (3), less the amounts appropriated as applied receipts under par. (g).

SECTION 1034p. 20.465 (2) (g) of the statutes is created to read:

20.465 **(2)** (g) *Sales of property.* All moneys received from the sale of property under s. 21.19 (3) (b), for the payment of tuition grants to members of the Wisconsin national guard. The amounts appropriated under this paragraph reduce the amounts in the schedule for the appropriation under par. (a), as described in par. (a).

SECTION 1035r. 20.475 (1) (c) of the statutes is repealed.

SECTION 1036. 20.485 (1) (c) of the statutes is repealed.

SECTION 1037. 20.485 (1) (gd) of the statutes is created to read:

20.485 **(1)** (gd) *Veterans home cemetery operations.* All moneys received from the estate of the decedents under s. 45.37 (15) (c) for the burial of veterans and non–veterans in the Wisconsin veterans memorial cemetery at the Wisconsin veterans home at King, to be used for that purpose.

SECTION 1037g. 20.485 (1) (go) of the statutes is repealed and recreated to read:

20.485 **(1)** (go) *Self–amortizing housing facilities; principal repayment and interest.* From the moneys received for providing housing services at the Wisconsin Veterans Home at King, a sum sufficient to reimburse s. 20.866 (1) (u) for the principal and interest costs incurred in acquiring, constructing, developing, enlarging or improving housing facilities at the Wisconsin Veterans Home at King and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

SECTION 1037r. 20.485 (1) (k) of the statutes is repealed.

SECTION 1038m. 20.485 (2) (c) of the statutes is created to read:

20.485 **(2)** (c) *Operation of Wisconsin veterans museum.* From the general fund, the amounts in the schedule for the operation of Wisconsin veterans museum under s. 45.01.

SECTION 1039. 20.485 (2) (ka) of the statutes is created to read:

20.485 **(2)** (ka) *Information technology development projects.* From the general fund, the amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for loans and aids to veterans. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1040. 20.485 (2) (mn) of the statutes is created to read:

20.485 **(2)** (mn) *Federal projects; museum acquisitions and operations.* All moneys received from the federal government for specific museum programs and the acquisition of museum items as authorized by the governor under s. 16.54, to be used for that purpose.

SECTION 1040d. 20.485 (2) (rs) of the statutes is repealed.

SECTION 1040g. 20.485 (2) (tf) of the statutes is amended to read:

20.485 **(2)** (tf) *Veterans' tuition and fee reimbursement program.* The amounts in the schedule for the veterans' tuition and fee reimbursement program under s. 45.25. Notwithstanding s. 20.001 (3) (a), the department may encumber moneys under this appropriation for the fiscal year up to 60 days after the end of that fiscal year if an estimate is first submitted to the department of administration showing the amounts that will be encumbered during that 60–day period.

SECTION 1040p. 20.485 (2) (vm) of the statutes is amended to read:

20.485 **(2)** (vm) *Veterans aids and treatment.* The amounts in the schedule for payment of benefits to veterans and their dependents under ss. 45.351 (1) and (1g), 45.396 and 45.397.

SECTION 1040q. 20.485 (2) (vm) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.485 **(2)** (vm) *Veterans aids and treatment.* The amounts in the schedule for payment of benefits to veterans and their dependents under ss. 45.351 (1) ~~and (1g)~~, 45.396 and 45.397.

SECTION 1041. 20.485 (2) (z) of the statutes is amended to read:

20.485 **(2)** (z) *Gifts. A*ll moneys received under s. 45.35 (13) (a) to be used as provided in that ~~section~~ subsection.

SECTION 1042. 20.485 (2) (zm) of the statutes is created to read:

20.485 **(2)** (zm) *Museum gifts and bequests.* All moneys received under s. 45.35 (13) (b) to be used as provided in that subsection.

SECTION 1043. 20.485 (4) of the statutes is created to read:

20.485 **(4)** VETERANS MEMORIAL CEMETERIES. (g) *Cemetery operations.* The amounts in the schedule for the care and operation of the veterans memorial cemeteries under s. 45.358 other than those costs provided under pars. (q) and (r). All moneys received under s. 45.358 (3m) shall be credited to this appropriation account.

(h) *Gifts, grants and bequests.* All moneys received under 45.358 (4) as gifts, grants or bequests to be expended for the purposes made.

(m) *Federal aid; cemetery operations and burials.* All moneys received from the federal government for the operation of veterans memorial cemeteries under s. 45.358 as authorized by the governor under s. 16.54, to be used for that purpose.

(q) *Cemetery administration and maintenance.* From the veterans trust fund, the amounts in the schedule for the administrative and maintenance costs of operating the veterans memorial cemeteries under s. 45.358.

(r) *Cemetery energy costs.* From the veterans trust fund, the amounts in the schedule to be used at the veterans memorial cemeteries operated under s. 45.358 for utilities and for fuel, heat and air conditioning and for costs incurred by or on behalf of the department of veterans affairs under s. 16.895.

SECTION 1044. 20.488 (intro.) and (1) (title) of the statutes are repealed.

SECTION 1045. 20.488 (1) (g) of the statutes is repealed.

SECTION 1046. 20.488 (1) (h) of the statutes is amended to read:

20.488 **(1)** (h) (title) *Review and approval activities; general program operations*. The amounts in the schedule to fund the review and approval activities of the cost containment commission under ch. 150 and to fund general program operations of the cost containment commission and of the cost containment council under ch. 150. The application fees paid under s. 150.66 shall be credited to this appropriation account.

SECTION 1047. 20.488 (1) (h) of the statutes, as affected by 1995 Wisconsin Act .... (this act) is repealed.

SECTION 1048. 20.488 (1) (ka) of the statutes is created to read:

20.488 **(1)** (ka) *Information technology development projects*. The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1049. 20.488 (1) (ka) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 1050. 20.488 (1) (m) of the statutes is repealed.

SECTION 1050m. 20.495 of the statutes is created to read:

20.495 University of Wisconsin Hospitals and Clinics Board. There is appropriated to the University of Wisconsin Hospitals and Clinics Board for the following program:

(1) CONTRACTUAL SERVICES. (g) *General program operations*. All moneys received from the University of Wisconsin Hospitals and Clinics Authority under any contractual services agreement entered into under s. 233.04 (4) or (4m), for general program operations of the University of Wisconsin Hospitals and Clinics Board.

SECTION 1050o. 20.505 (1) (a) of the statutes is amended to read:

20.505 **(1)** (a) *General program operations.* The amounts in the schedule for administrative supervision, policy and fiscal planning and management services, other than services financed under par. (km), and to defray the expenses incurred by the building commission not otherwise appropriated.

SECTION 1051. 20.505 (1) (e) of the statutes is repealed.

SECTION 1052. 20.505 (1) (is) of the statutes is amended to read:

20.505 **(1)** (is) (title) *Information technology processing services to nonstate entities.* All moneys received from local governmental units and entities in the private sector for provision of mainframe computer services, telecommunications services and supercomputer services under s. 16.973 (2) and (3), to be used for the purpose of providing those services.

SECTION 1053m. 20.505 (1) (ja) of the statutes is created to read:

20.505 **(1)** (ja) *Justice information systems.* The amounts in the schedule for the development and operation of justice information systems under s. 16.971 (9). Sixty–six and seven–tenths percent of the moneys received under s. 814.635 shall be credited to this appropriation account.

SECTION 1053n. 20.505 (1) (ja) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.505 **(1)** (ja) *Justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). Eighty percent of the moneys received under s. 814.635 shall be credited to this appropriation account.

SECTION 1054. 20.505 (1) (jm) of the statutes is repealed.

SECTION 1055. 20.505 (1) (ka) of the statutes is amended to read:

20.505 **(1)** (ka) *Materials and services to state agencies.* The amounts in the schedule to provide services primarily to state agencies, other than services specified in pars. (kb) to (kr) and subs. (2) (k) and (5) (ka), and to repurchase inventory items sold primarily to state agencies ~~and to transfer the proceeds of document sales to state agencies publishing documents~~. All moneys received from the provision of services primarily to state agencies~~,~~ and from the sale of inventory items primarily to state agencies ~~and from documents sold on behalf of state agencies~~, other than moneys received and disbursed under pars. (kb) to ~~(kL)~~ (kr) and ~~sub. (2) (k)~~ subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

SECTION 1057. 20.505 (1) (kc) of the statutes is amended to read:

20.505 **(1)** (kc) (title) ~~*Building*~~ *Capital planning and building construction services.* The amounts in the schedule to provide capital planning services under s. 13.48 (5) and building construction services ~~on behalf of state agencies~~ under subch. V of ch. 16 on behalf of state agencies. The secretary of administration may credit moneys received ~~from~~ for the provision of building construction and capital planning services on behalf of state agencies to this appropriation account.

SECTION 1058. 20.505 (1) (kd) of the statutes is amended to read:

20.505 **(1)** (kd) (title) *Printing, document sales, mail distribution and records services.* The amounts in the schedule to provide printing, document sales, mail distribution and records services, and to provide and repurchase inventory items related to those services primarily ~~to~~ for state agencies, to transfer the proceeds of document sales to state agencies publishing documents and to fund services of the public records board under s. 16.61. All moneys received from the provision of printing, document sales, mail distribution and records services primarily to state agencies, from documents sold on behalf of state agencies and from services provided

to state agencies by the public records board shall be credited to this appropriation account.

SECTION 1059. 20.505 (1) (kg) of the statutes is repealed.

SECTION 1060. 20.505 (1) (kk) of the statutes is created to read:

20.505 **(1)** (kk) *Processing of federal grant applications.* The amounts in the schedule for the processing of applications of agencies for federal grants under s. 16.545 (9). All moneys received from assessments of agencies under s. 16.545 (9) shall be credited to this appropriation account.

SECTION 1061. 20.505 (1) (kL) of the statutes is amended to read:

20.505 **(1)** (kL) (title) *Information technology processing services to agencies.* All moneys received from state agencies for the provision of information technology processing services under ss. 16.973 and 16.974, to be used for the purpose of providing those services.

SECTION 1064. 20.505 (1) (kn) of the statutes is created to read:

20.505 **(1)** (kn) *Multi-agency information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for 2 or more state agencies. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1065. 20.505 (1) (ko) of the statutes is created to read:

20.505 **(1)** (ko) *Information technology development projects; justice information systems.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for justice information systems under s. 16.971 (9). All moneys transferred from the

appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1066. 20.505 (1) (kr) of the statutes is created to read:

20.505 **(1)** (kr) *Information technology development and management services.* From the source specified in s. 16.971 (11), to provide information technology development and management services to executive branch agencies under s. 16.971, the amounts in the schedule.

SECTION 1066g. 20.505 (1) (ks) of the statutes is created to read:

20.505 **(1)** (ks) *Fine arts in state building programs.* All moneys received from other state agencies, less moneys transferred to s. 20.505 (1) (kt), for the fine arts in state buildings program under s. 16.846. This paragraph does not apply if the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 1066j. 20.505 (1) (kt) of the statutes is created to read:

20.505 **(1)** (kt) *Percent–for–art administration.* The amounts in the schedule for percent–for–art administration under s. 16.846 (2). All moneys transferred from the appropriation account under s. 20.505 (1) (ks) shall be credited to this appropriation account. This paragraph does not apply if the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 1066m. 20.505 (1) (r) of the statutes is created to read:

20.505 **(1)** (r) *Information technology investment fund administration.* From the information technology investment fund, the amounts in the schedule for administration of the fund under s. 16.971.

SECTION 1068. 20.505 (3) (k) of the statutes is repealed.

SECTION 1069. 20.505 (4) (dm) of the statutes is repealed.

SECTION 1070. 20.505 (4) (dp) of the statutes is renumbered 20.505 (4) (qm) and amended to read:

20.505 **(4)** (qm) *Kickapoo valley governing board; general program operations.* ~~The~~ From the conservation fund, the amounts in the schedule for the general program operations of the Kickapoo valley governing board under s. 16.21.

SECTION 1071. 20.505 (4) (dq) of the statutes is renumbered 20.380 (2) (dq) and amended to read:

20.380 **(2)** (dq) *Kickapoo valley reserve; aids in lieu of taxes.* A sum sufficient to pay aids to taxing jurisdictions for the Kickapoo valley reserve under s. ~~16.21~~ 41.41 (10).

SECTION 1071g. 20.505 (4) (ee) of the statutes is created to read:

20.505 **(4)** (ee) *Educational technology board; administrative expenses.* The amounts in the schedule for the administrative expenses of the educational technology board.

SECTION 1071r. 20.505 (4) (er) of the statutes is created to read:

20.505 **(4)** (er) *Educational technology board; grants.* As a continuing appropriation, the amounts in the schedule for distance education and educational technology grants under s. 16.992.

SECTION 1072. 20.505 (4) (fz) of the statutes is repealed.

SECTION 1073. 20.505 (4) (h) of the statutes is amended to read:

20.505 **(4)** (h) *Program services.* The amounts in the schedule to carry out the responsibilities of divisions, boards and commissions attached to the department of administration, other than the board on aging and long–term care, the arts board, the public records ~~and forms~~ board, the Kickapoo valley governing board and the

Wisconsin conservation corps board. All moneys received from fees which are authorized by law or administrative rule to be collected by any division, board or commission attached to the department, other than the board on aging and long–term care, the arts board, the public records ~~and forms~~ board, the Kickapoo valley governing board and the Wisconsin conservation corps board, shall be credited to this appropriation account and used to carry out the purposes for which collected.

SECTION 1074. 20.505 (4) (h) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.505 **(4)** (h) *Program services.* The amounts in the schedule to carry out the responsibilities of divisions, boards and commissions attached to the department of administration, other than the board on aging and long–term care~~, the arts board,~~ and the public records board~~, the Kickapoo valley governing board and the Wisconsin conservation corps board~~. All moneys received from fees which are authorized by law or administrative rule to be collected by any division, board or commission attached to the department, other than the board on aging and long–term care~~, the arts board,~~ and the public records board, ~~the Kickapoo valley governing board and the Wisconsin conservation corps board,~~ shall be credited to this appropriation account and used to carry out the purposes for which collected.

SECTION 1074m. 20.505 (4) (hg) of the statutes is renumbered 20.585 (2) (h) and amended to read:

20.585 **(2)** (h) *Trust lands and investments — general program operations.* The amounts in the schedule for the general program operations of the division of trust lands and investments as provided under ss. 24.04, 24.53 and 24.62 (1). All amounts deducted from the gross receipts of the appropriate funds as provided under ss. 24.04, 24.53 and 24.62 (1) shall be credited to this appropriation account. On each June 30,

an amount shall lapse to the general fund as determined by the secretary of administration by multiplying the average rate ~~used for~~ determined by the department of administration for the office of state treasurer during that fiscal year to establish indirect cost reimbursements, as defined in s. 16.54 (9) (a) 2., by the cost to continue payment under this paragraph of salaries for all positions for the division of trust lands and investments at the beginning of that fiscal year, as affected by the applicable biennial budget act.

SECTION 1075. 20.505 (4) (ip) of the statutes is renumbered 20.380 (2) (ip) and amended to read:

20.380 **(2)** (ip) *Kickapoo valley governing board; program services.* All moneys received by the Kickapoo valley governing board from admissions, fees, leases, concessions, memberships, sales and other similar receipts authorized under s. ~~16.21~~ 41.41 to be used for the general program operations of the board under s. ~~16.21~~ 41.41.

SECTION 1076. 20.505 (4) (ir) of the statutes is renumbered 20.380 (3) (ir).

SECTION 1077. 20.505 (4) (j) of the statutes is renumbered 20.445 (1) (jc) and amended to read:

20.445 **(1)** (jc) *National and community service board; gifts and grants.* All moneys received from gifts, grants and bequests for the activities of the national and community service board under s. ~~16.22~~ 106.40, to carry out the purpose for which made and received.

Section 1078. 20.505 (4) (kb) of the statutes is created to read:

20.505 **(4)** (kb) *Information technology development projects; attached divisions, boards and commissions.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for any division, board or commission attached to the department except the arts

board, the board on aging and long–term care and the Wisconsin conservation corps board. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1079b. 20.505 (4) (kb) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.505 **(4)** (kb) *Information technology development projects; attached divisions, boards and commissions.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for any division, board or commission attached to the department except the board on aging and long–term care. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1079m. 20.505 (4) (kg) of the statutes is renumbered 20.585 (2) (k) and amended to read:

20.585 **(2)** (k) *Trust lands and investments — interagency and intra–agency assistance.* The amounts in the schedule to provide services to state agencies relating to trust lands and investments. All moneys received from the ~~department of administration~~ office of the state treasurer or any other state agency for services relating to trust lands and investments shall be credited to this appropriation account.

SECTION 1080b. 20.505 (4) (L) of the statutes is renumbered 20.285 (1) (L).

SECTION 1080m. 20.505 (4) (mg) of the statutes is renumbered 20.585 (2) (mg).

SECTION 1081. 20.505 (4) (mm) of the statutes is repealed.

SECTION 1081m. 20.505 (4) (ms) of the statutes is created to read:

20.505 **(4)** (ms) *Kickapoo valley governing board; federal aid.* All moneys received by the Kickapoo valley governing board from the federal government, as

authorized by the governor under s. 16.54, to be used for the purposes for which made and received.

SECTION 1081n. 20.505 (4) (ms) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 20.380 (2) (ms).

SECTION 1082. 20.505 (4) (o) of the statutes is renumbered 20.445 (1) (o) and amended to read:

20.445 **(1)** (o) *National and community service board; federal aid for administration.* From the moneys received from the corporation for national and community service under the national and community service trust act of 1993, P.L. 103–82, as a continuing appropriation, the amounts in the schedule for the administration of the national and community service program under s. ~~16.22~~ 106.40.

SECTION 1083. 20.505 (4) (p) of the statutes is renumbered 20.445 (1) (pe) and amended to read:

20.445 **(1)** (pe) *National and community service board; federal aid for grants.* From the moneys received from the corporation for national and community service under the national and community service trust act of 1993, P.L. 103–82, all moneys not appropriated under par. (o) for national service program grants under s. ~~16.22~~ 106.40 (2) (h).

SECTION 1084. 20.505 (4) (qm) of the statutes, as affected by 1993 Wisconsin Act .... (this act), is renumbered 20.380 (2) (q) and amended to read:

20.380 **(2)** (q) *Kickapoo valley governing board; general program operations.* From the conservation fund, the amounts in the schedule for the general program operations of the Kickapoo valley governing board under s. ~~16.21~~ 27.41.

SECTION 1085b. 20.505 (4) (s) of the statutes is renumbered 20.285 (1) (s).

SECTION 1086b. 20.505 (4) (t) of the statutes is renumbered 20.285 (1) (t).

SECTION 1087. 20.505 (5) (ka) of the statutes is amended to read:

20.505 **(5)** (ka) (title) *Facility operations and maintenance; police and protection functions.* The amounts in the schedule for the purpose of financing the costs of operation of state–owned or operated facilities that are not funded from other appropriations, including ~~protective services;~~ custodial and maintenance services; minor projects; utilities, fuel, heat and air conditioning; costs incurred under s. 16.895 by or on behalf of the department; repayment to the energy efficiency fund loans made to the department under s. 16.847 (6); and supplementing the costs of operation of child care facilities for children of state employes under s. 16.841; and for police and protection functions under s. 16.84 (2) and (3). All moneys received from state agencies for the operation of such facilities, parking rental fees established under s. 16.843 (2) (bm) and miscellaneous other sources, all moneys received from assessments under s. 16.895, all moneys received for the performance of gaming protection functions under s. 16.84 (3), and all moneys transferred from the appropriation account under s. 20.865 (2) (e) for this purpose shall be credited to this appropriation account.

SECTION 1087r. 20.505 (6) (g) of the statutes is amended to read:

20.505 **(6)** (g) *Anti–drug enforcement program, penalty assessment — local.* All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) to match federal funds made available under subtitle K of title I of P.L. 99–570, except as provided in par. (h) and s. 20.435 (3) (jk). The executive staff director of the office of justice assistance may transfer moneys not needed as matching funds under this paragraph to par. (h). The secretary of administration shall transfer $450,000 from this paragraph to s. 20.435 (3) (jk) in

each fiscal year. The secretary of administration shall transfer ~~$472,000~~ $200,000 in fiscal year ~~1993–94~~ 1995–96 and ~~$492,600~~ $200,000 in fiscal year ~~1994–95~~ 1996–97 from this paragraph to s. 20.455 (2) (k) for ~~the automated fingerprint identification system. The secretary of administration shall pay $60,000 in fiscal year 1993–94 from this paragraph to provide the city of Milwaukee police department with funding for electronic equipment for gang tracking activity. This payment is not subject to the grant procedures under s. 16.964 (2m)~~ a drug enforcement tactical intelligence unit.

SECTION 1087x. 20.505 (6) (g) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.505 **(6)** (g) *Anti–drug enforcement program, penalty assessment — local.* All moneys received from the penalty assessment surcharge on court fines and forfeitures as allocated under s. 165.87 (1) to match federal funds made available under subtitle K of title I of P.L. 99–570, except as provided in par. (h) and s. ~~20.435~~ 20.410 (3) (jk). The executive staff director of the office of justice assistance may transfer moneys not needed as matching funds under this paragraph to par. (h). The secretary of administration shall transfer $450,000 from this paragraph to s. ~~20.435~~ 20.410 (3) (jk) in each fiscal year. The secretary of administration shall transfer $200,000 in fiscal year 1995–96 and $200,000 in fiscal year 1996–97 from this paragraph to s. 20.455 (2) (k) for a drug enforcement tactical intelligence unit.

SECTION 1087y. 20.505 (7) (fm) of the statutes is amended to read:

20.505 **(7)** (fm) *Shelter for homeless and transitional housing.* The amounts in the schedule for grants to agencies and shelter facilities for homeless individuals and families as provided under s. 16.352 ~~and for operating costs of transitional housing under s. 16.354~~. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated

but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 1088. 20.505 (7) (km) of the statutes is amended to read:

20.505 **(7)** (km) *Weatherization assistance.* All moneys transferred from the appropriation under ~~s. 20.435 (4) (md)~~ par. (o) and all moneys received from other state agencies or the department, for the weatherization program under s. 16.39, for that purpose.

SECTION 1091. 20.510 (1) (ka) of the statutes is created to read:

20.510 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1092. 20.512 (1) (b) of the statutes is repealed.

SECTION 1093. 20.512 (1) (i) of the statutes is amended to read:

20.512 **(1)** (i) *Services to nonstate governmental units.* The amounts in the schedule for the purpose of funding personnel testing services to nonstate governmental units under s. 230.05 (8), including services provided under ss. ~~49.50 (3)~~ 49.33 (5) and 59.21 (8) (a). All moneys received from the sale of these services shall be credited to this appropriation.

SECTION 1094. 20.512 (1) (ka) of the statutes is amended to read:

20.512 **(1)** (ka) *Publications.* The amounts in the schedule for the cost of producing periodicals and other publications. All moneys received from the sale of

subscriptions and publications and all moneys received from state agencies under s. 230.14 (4) shall be credited to this appropriation.

SECTION 1095. 20.512 (1) (kb) of the statutes is created to read:

20.512 **(1)** (kb) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1096. 20.512 (1) (km) of the statutes is created to read:

20.512 **(1)** (km) *Collective bargaining grievance arbitrations.* The amounts in the schedule for the payment of the state's share of costs related to collective bargaining grievance arbitrations under s. 111.86. All moneys received from state agencies for the purpose of reimbursing the state's share of the costs related to grievance arbitrations under s. 111.86 shall be credited to this appropriation account.

SECTION 1097. 20.515 (1) (ka) of the statutes is created to read:

20.515 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1098. 20.521 (1) (ka) of the statutes is created to read:

20.521 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation

account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1099. 20.525 (1) (ka) of the statutes is created to read:

20.525 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1101. 20.540 (1) (ka) of the statutes is created to read:

20.540 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1105. 20.547 (1) (ka) of the statutes is created to read:

20.547 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1107. 20.550 (1) (a) of the statutes is amended to read:

20.550 **(1)** (a) *Program administration.* The amounts in the schedule for program administration costs of the office of the state public defender, ~~except for~~ including the costs of interpreters and of discovery materials and excluding the costs under pars. (e) and ~~(ja)~~ (fb).

SECTION 1108. 20.550 (1) (b) of the statutes is amended to read:

20.550 **(1)** (b) *Appellate representation.* The amounts in the schedule for the costs of appellate representation provided by the office of the state public defender~~, including cases involving persons attacking the conditions of their confinement~~.

SECTION 1110. 20.550 (1) (ja) of the statutes is renumbered 20.550 (1) (fb) and amended to read:

20.550 **(1)** (fb) (title) *Payments from clients; administrative costs.* The amounts in the schedule for the costs of determining, collecting and processing the payments received from persons ~~who are found indigent in part~~ as payment for legal representation under s. 977.07 (2) ~~(a)~~ or 977.075. ~~All moneys received from persons who are found indigent in part under s. 977.07 (2) (a) shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance of this appropriation on June 30 of any year shall lapse to the general fund.~~

SECTION 1111. 20.550 (1) (L) of the statutes is created to read:

20.550 **(1)** (L) *Private bar and investigator reimbursement; payments for legal representation.* All moneys received, after first deducting the amounts appropriated under par. (fb), from persons as payment for legal representation to be used for the reimbursement of private attorneys appointed to act as counsel for a child or an indigent person under s. 977.08 and for reimbursement for contracting for services of private investigators.

SECTION 1111m. 20.566 (1) (a) of the statutes is amended to read:

20.566 **(1)** (a) *General program operations.* The amounts in the schedule for the administration of income, franchise, sales, excise and death tax laws. From this appropriation, there are allotted, subject to the approval of the joint committee on finance, such sums as are necessary to be used as contingent funds to redeem bad

checks, share drafts or other drafts returned to the ~~state treasurer~~ secretary of administration or state depositories and for establishing change funds in the amount considered necessary by the department.

SECTION 1111mm. 20.566 (1) (gb) of the statutes is created to read:

20.566 **(1)** (gb) *Business tax registration.* The amounts in the schedule for administration of business tax registration. All moneys received from the fees established under s. 73.03 (50) shall be credited to this appropriation account. At the end of each fiscal year, the unencumbered balance in this appropriation account that exceeds 10% of the expenditures from this appropriation account during the fiscal year lapses to the general fund.

SECTION 1112. 20.566 (1) (gc) of the statutes is created to read:

20.566 **(1)** (gc) *Audits of occasional sales of motor vehicles.* The amounts in the schedule for audits of occasional sales of motor vehicles, including services under s. 73.03 (28m). Twenty–five percent of the amounts collected from the audits under s. 73.03 (28m) that are attributable to the taxes under subch. III of ch. 77 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year, the unencumbered balance of this appropriation account, minus an amount equal to 10% of the sum of the amounts expended and the amounts encumbered from the account during the fiscal year, shall lapse to the general fund.

SECTION 1112m. 20.566 (1) (h) of the statutes is amended to read:

20.566 **(1)** (h) *Debt collection.* From moneys received from the collection of debts owed to state agencies under ss. 71.93 and 565.30 (5) and from moneys received from the collection of debts owed to municipalities and counties under s. 71.935, the amounts in the schedule to pay the administrative expenses of the department of revenue for the collection of those debts.

SECTION 1113. 20.566 (1) (ha) of the statutes is amended to read:

20.566 **(1)** (ha) *Administration of liquor tax.* The amounts in the schedule for computer and audit costs incurred in administering the tax under s. 139.03 (2m). All moneys received from the administration fee under s. 139.06 (1) (a) shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year, the unencumbered balance of this appropriation account, minus an amount equal to 10% of the sum of the amounts expended and the amounts encumbered from the account during the fiscal year, shall lapse to the general fund.

SECTION 1113m. 20.566 (1) (hp) of the statutes is amended to read:

20.566 **(1)** (hp) (title) *Administration of endangered resources and domestic abuse awareness and prevention voluntary payments.* The amounts in the schedule for the payment of all administrative costs, including data processing costs, incurred in administering s. 71.10 (5) and (5m). All moneys certified under s. 71.10 (5) (h) 1. and (5m) (h) 1. shall be credited to this appropriation.

SECTION 1114. 20.566 (1) (s) of the statutes is created to read:

20.566 **(1)** (s) *Petroleum inspection fee collection.* From the petroleum inspection fund, the amounts in the schedule to cover the cost of collecting the petroleum inspection fee that is authorized under s. 168.12 (1).

SECTION 1116. 20.566 (3) (k) of the statutes is created to read:

20.566 **(3)** (k) *Internal services.* The amounts in the schedule to provide internal services to departmental program revenue and segregated revenue funded programs. All moneys received by the department from the department for this purpose shall be credited to this appropriation account.

SECTION 1117. 20.566 (3) (ka) of the statutes is created to read:

20.566 **(3)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1119. 20.566 (7) (a) of the statutes is renumbered 20.566 (7) (g) and amended to read:

20.566 **(7)** (g) *Investment and local impact fund administrative expenses.* The amounts in the schedule for administrative expenses, travel, materials and other necessary expenses for the purposes of s. 70.395. All moneys received under s. 70.3965 shall be credited to this appropriation account.

SECTION 1119g. 20.566 (8) (title) of the statutes is created to read:

20.566 **(8)** (title) LOTTERY.

SECTION 1119r. 20.566 (8) (q) of the statutes is created to read:

20.566 **(8)** (q) *General program operations.* From the lottery fund, the amounts in the schedule for general program operations under ch. 565.

SECTION 1124. 20.575 (1) (ka) of the statutes is amended to read:

20.575 **(1)** (ka) *Agency collections.* The amounts in the schedule for photocopying and microfilm copying of documents, generation of copies of documents from optical disk or electronic storage, publication of books and other services provided in carrying out the functions of the office. All moneys received by the office as fees or other charges for photocopying, microfilm copying, generation of copies of documents from optical disk or electronic storage, sales of books and other services provided in carrying out the functions of the office shall be credited to this appropriation.

SECTION 1126g. 20.585 (intro.) of the statutes is amended to read:

20.585 Treasurer, state. (intro.) There is appropriated to the state treasurer for the following ~~program~~ programs:

SECTION 1126r. 20.585 (1) (a) of the statutes is repealed.

SECTION 1132. 20.585 (1) (h) of the statutes is created to read:

20.585 **(1)** (h) *Training conferences.* All moneys received from participants in conferences conducted by the state treasurer under s. 14.59, for the purpose of payment of the costs of conducting such conferences.

SECTION 1135. 20.585 (1) (js) of the statutes is repealed.

SECTION 1136m. 20.585 (1) (jt) of the statutes is repealed.

SECTION 1137. 20.585 (1) (ka) of the statutes is created to read:

20.585 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1139g. 20.585 (1) (km) of the statutes is renumbered 20.505 (1) (kq).

SECTION 1139r. 20.585 (2) (title) of the statutes is created to read:

20.585 **(2)** (title) DIVISION OF TRUST LANDS AND INVESTMENTS.

SECTION 1140. 20.625 (1) (am) of the statutes is repealed.

SECTION 1141m. 20.625 (1) (e) of the statutes is amended to read:

20.625 **(1)** (e) (title) *Guardian ad litem ~~compensation~~ costs.* The amounts in the schedule to ~~reimburse~~ pay the counties for guardian ad litem ~~compensation~~ costs under s. 758.19 (6).

SECTION 1142. 20.625 (1) (k) of the statutes is amended to read:

20.625 **(1)** (k) *Drug court costs; local assistance.* *A*ll moneys received from the department of administration or any other state agency to reimburse the county for costs incurred in operating one circuit court branch in the 1st judicial administrative district that primarily handles drug–related cases. No moneys may be encumbered under this paragraph after June 30, ~~1995~~ 1997.

SECTION 1143. 20.645 of the statutes is repealed.

SECTION 1144. 20.665 (1) (ka) of the statutes is created to read:

20.665 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1145b. 20.680 (2) (j) of the statutes is amended to read:

20.680 **(2)** (j) (title) ~~*Automated information*~~ *Circuit court automation systems.* The amounts in the schedule for the operation of circuit court automation systems under s. 758.19 (4). All moneys received under ss. 814.61, 814.62 and 814.63 that are required to be credited to this appropriation account under those sections~~, and 66.7% of the moneys received under s. 814.635, for the establishment of a court automated information system~~ shall be credited to this appropriation account.

SECTION 1146. 20.680 (2) (ka) of the statutes is created to read:

20.680 **(2)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1147. 20.680 (2) (kd) of the statutes is created to read:

20.680 **(2)** (kd) *Court operations information technology.* All moneys transferred from the appropriation account under s. 20.505 (1) (ja) to provide information technology development and management services to the court system.

SECTION 1148. 20.680 (4) (g) of the statutes is amended to read:

20.680 **(4)** (g) *Library collections and services.* The amounts in the schedule for photocopying and microfilm copying of documents, generation of copies of documents from optical disk or electronic storage, publication of books, computer services and other services provided by the state law library in carrying out its functions. All moneys received by the library as fees or other charges for photocopying, microfilm copying, generation of copies of documents from optical disk or electronic storage, computer services, sales of books and other services provided in carrying out the functions of the library under s. 758.01 (2) shall be credited to this appropriation.

SECTION 1149. 20.765 (1) (ka) of the statutes is created to read:

20.765 **(1)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5) for the legislature and legislative service agencies. All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1149m. 20.765 (3) (ec) of the statutes is repealed.

SECTION 1149p. 20.765 (3) (ka) of the statutes is amended to read:

20.765 **(3)** (ka) *Audit bureau reimbursable audits.* The amounts in the schedule for the provision of auditing services requested by state agencies or by the federal government, for audits specified in s. 13.94 (1s) (c) and for audits of the ~~gaming commission~~ department of revenue relating to the state lottery and verifications of

the odds of winning a lottery game under s. 565.37 (5). All moneys received by the legislative audit bureau from charges assessed to departments under s. 13.94 (1s) shall be credited to this appropriation.

SECTION 1150m. 20.835 (4) (g) of the statutes is amended to read:

20.835 **(4)** (g) *County taxes.* All moneys received from the taxes imposed under subch. V of ch. 77 for distribution to the counties that enact an ordinance imposing taxes under that subchapter and for interest payments on refunds under s. 77.76 (3), except that ~~1.5%~~ 1.3% of those tax revenues collected under that subchapter shall be credited to the appropriation under s. 20.566 (1) (g).

SECTION 1151. 20.835 (4) (gg) of the statutes is repealed and recreated to read:

20.835 **(4)** (gg) *Local taxes.* Ninety–seven percent of the moneys received from the taxes imposed under s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch. 77, for distribution to the districts under subch. II of ch. 229 that impose those taxes.

SECTION 1152. 20.835 (6) of the statutes is repealed.

SECTION 1154c. 20.855 (7) (j) of the statutes is amended to read:

20.855 **(7)** (j) (title) *Delinquent support and maintenance payments.* All moneys received under s. ~~46.255~~ 49.855 for child support, maintenance, medical expenses or birth expenses, to be distributed to clerks of court.

SECTION 1154e. 20.855 (9) of the statutes is created to read:

20.855 **(9)** STATE CAPITOL RENOVATION AND RESTORATION. (a) *South wing renovation and restoration.* As a continuing appropriation, the amounts in the schedule for the restoration and renovation of the south wing of the state capitol.

SECTION 1154g. 20.865 (1) (dm) of the statutes is repealed.

SECTION 1154i. 20.865 (1) (f) of the statutes is repealed.

SECTION 1154k. 20.865 (1) (fm) of the statutes is amended to read:

20.865 **(1)** (fm) (title) *Risk management — ~~liability~~.* ~~A sum sufficient~~ The amounts in the schedule to supplement the appropriations of state agencies for costs assessed under s. 16.865 (8) to pay for state liability arising from judgments and settlements under ss. 165.25 (6), 775.04, 895.46 (1) and 895.47, for state employer costs for worker's compensation claims of state employes under ch. 102 and for losses of and damage to state property incurred in programs financed with general purpose revenue.

SECTION 1154L. 20.865 (1) (k) of the statutes is repealed.

SECTION 1154m. 20.865 (1) (kg) of the statutes is repealed.

SECTION 1154n. 20.865 (1) (kr) of the statutes is amended to read:

20.865 **(1)** (kr) (title) *Risk management — ~~liability~~; program revenues.* From the appropriate program revenue and program revenue–service accounts, a sum sufficient to supplement the program revenue appropriations of state agencies for costs assessed under s. 16.865 (8) to pay for state liability arising from judgments and settlements under ss. 165.25 (6), 775.04, 895.46 (1) and 895.47, for state employer costs for worker's compensation claims of state employes under ch. 102 and for losses of and damage to state property incurred in programs financed with program revenue.

SECTION 1154o. 20.865 (1) (u) of the statutes is repealed.

SECTION 1154p. 20.865 (1) (ug) of the statutes is repealed.

SECTION 1154q. 20.865 (1) (ur) of the statutes is amended to read:

20.865 **(1)** (ur) (title) *Risk management — ~~liability~~; segregated revenues.* From the appropriate segregated funds, a sum sufficient to supplement the segregated revenue appropriations of state agencies for costs assessed under s. 16.865 (8) to pay for state liability arising from judgments and settlements under ss. 165.25 (6),

775.04, 895.46 (1) and 895.47, for state employer costs for worker's compensation claims of state employes under ch. 102 and for losses of and damage to state property incurred in programs financed with segregated revenue.

SECTION 1159. 20.866 (1) (u) of the statutes is amended to read:

20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.190 (1) (c), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db), (fh), ~~(gb) and~~ (ih) and (kd), 20.320 (1) (c) and (t), 20.370 ~~(1) (jq), (kc), (kw) and (kx), (2) (jc), (4) (jb), (jc), (jd), (je) and (jf) and (8) (Lb) and (Ls)~~ (7) (aa), (ac), (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ea) and (eq), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko), 20.435 (2) (ee), (3) (e) and (5) (e), 20.465 (1) (d), 20.485 (1) (f)~~,~~ and (go) ~~and (k)~~ and (3) (t), 20.505 (5) (g) and (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

SECTION 1160. 20.866 (1) (u) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.190 (1) (c), (i) and (j), 20.225 (1) (c), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e), 20.250 (1) (e), 20.255 (1) (d), 20.285 (1) (d), (db), (fh), (ih) and (kd), 20.320 (1) (c) and (t), 20.370 (7) (aa), (ac), (aq), (ar), (at), (ba), (ca), (cb), (cc), (cd), (ea) and (eq), 20.380 (1) (d), 20.395 (6) (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee), ~~(3) (e) and~~ 20.445 (5) (e), 20.465 (1) (d), 20.485 (1) (f) and (go) and (3) (t), 20.505 (5) (g) and (kc) and 20.867 (1) (a) and (b) and (3) (a), (b), (g), (h), (i) and (q) for the payment of principal and interest on public debt contracted under subchs. I and IV of ch. 18.

SECTION 1160g. 20.866 (2) (s) of the statutes is amended to read:

20.866 **(2)** (s) *University of Wisconsin; academic facilities.* From the capital improvement fund, a sum sufficient for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university academic educational facilities and facilities to support such facilities. The state may contract public debt in an amount not to exceed ~~$684,973,100~~ $726,459,100 for this purpose.

SECTION 1160h. 20.866 (2) (s) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

20.866 **(2)** (s) *University of Wisconsin; academic facilities.* From the capital improvement fund, a sum sufficient for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university academic educational facilities and facilities to support such facilities. The state may contract public debt in an amount not to exceed ~~$726,459,100~~ $733,756,100 for this purpose.

SECTION 1160r. 20.866 (2) (t) of the statutes is amended to read:

20.866 **(2)** (t) *University of Wisconsin; self–amortizing facilities.* From the capital improvement fund, a sum sufficient for the board of regents of the university of Wisconsin system to acquire, construct, develop, enlarge or improve university self–amortizing educational facilities. The state may contract public debt in an amount not to exceed ~~$281,203,900~~ $395,082,900 for this purpose. Of this amount, $4,500,000 is allocated only for the university of Wisconsin–Madison indoor practice facility for athletic programs and only at the time that ownership of the facility is transferred to the state.

SECTION 1161. 20.866 (2) (tc) of the statutes is amended to read:

20.866 **(2)** (tc) *Clean water fund.* From the capital improvement fund, a sum sufficient to be transferred to the clean water fund for the purposes of ss. 144.241 and 144.2415. The state may contract public debt in an amount not to exceed ~~$508,494,000~~ $549,194,000 for this purpose. Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is allocated for those deposits. Of this amount, $8,250,000 is allocated to fund the minority business development and training program under s. 66.905 (2) (b).

SECTION 1162. 20.866 (2) (te) of the statutes is amended to read:

20.866 **(2)** (te) *Natural resources; nonpoint source grants.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide funds for nonpoint source water pollution abatement projects under s. 144.25. The state may contract public debt in an amount not to exceed ~~$24,000,000~~ $20,000,000 for this purpose.

SECTION 1163. 20.866 (2) (tg) of the statutes is amended to read:

20.866 **(2)** (tg) *Natural resources; environmental repair.* From the capital improvement fund, a sum sufficient for the department of natural resources to fund investigations and remedial action under s. 144.442 and remedial action under s. 144.10 and for payment of this state's share of environmental repair that is funded under 42 USC 9601 to 9675. The state may contract public debt in an amount not to exceed ~~$27,500,000~~ $31,500,000 for this purpose. Of this amount, ~~$5,000,000~~ $9,000,000 is allocated for remedial action under s. 144.10.

SECTION 1164. 20.866 (2) (tL) of the statutes is amended to read:

20.866 **(2)** (tL) *Natural resources; segregated revenue supported dam maintenance, repair, modification, abandonment and removal.* From the capital improvement fund, a sum sufficient for the department of natural resources to

provide financial assistance to counties, cities, villages, towns and public inland lake protection and rehabilitation districts in conducting dam maintenance, repair, modification, abandonment and removal under s. 31.385. The state may contract public debt in an amount not to exceed ~~$3,000,000~~ $4,000,000 for this purpose.

SECTION 1164g. 20.866 (2) (tu) of the statutes is amended to read:

20.866 **(2)** (tu) *Natural resources; segregated revenue supported facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment storage or maintenance facilities and to acquire, construct, develop, enlarge or improve state recreation facilities and state fish hatcheries. The state may contract public debt in an amount not to exceed ~~$10,255,900~~ $14,162,900 for this purpose.

SECTION 1164r. 20.866 (2) (tv) of the statutes is amended to read:

20.866 **(2)** (tv) *Natural resources; general fund supported administrative facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment, storage or maintenance facilities. The state may contract public debt in an amount not to exceed ~~$5,733,500~~ $6,602,500 for this purpose.

SECTION 1165am. 20.866 (2) (tz) of the statutes is amended to read:

20.866 **(2)** (tz) *Natural resources; Warren Knowles–Gaylord Nelson stewardship program.* From the capital improvement fund a sum sufficient for the purposes specified in s. 23.0915 (1). The state may contract public debt in an amount not to exceed ~~$250,000,000~~ $231,000,000 for this purpose. Except as provided in s. 23.0915 (2), the amounts expended under this paragraph and the amounts received

and expended by the state for land acquisition under 16 USC 669–669i, 777–777i and 460L–460L–22 may not exceed $25,000,000 in each fiscal year.

SECTION 1165b. 20.866 (2) (ux) of the statutes is amended to read:

20.866 **(2)** (ux) *Corrections; correctional facilities.* From the capital improvement fund, a sum sufficient for the department of corrections to acquire, construct, develop, enlarge or improve adult and juvenile correctional facilities. The state may contract public debt in an amount not to exceed ~~$417,902,500~~ $458,922,500 for this purpose.

SECTION 1165c. 20.866 (2) (uy) of the statutes is amended to read:

20.866 **(2)** (uy) (title) *Corrections; self–amortizing facilities and equipment.* From the capital improvement fund, a sum sufficient for the department of corrections to acquire, develop, enlarge or improve facilities and equipment used in ~~existing~~ prison industries. The state may contract public debt in an amount not to exceed ~~$700,000~~ $5,403,000 for this purpose.

SECTION 1165d. 20.866 (2) (v) of the statutes is amended to read:

20.866 **(2)** (v) *Health and social services; mental health facilities.* From the capital improvement fund, a sum sufficient for the department of health and social services to acquire, construct, develop, enlarge or extend mental health facilities. The state may contract public debt in an amount not to exceed ~~$71,116,500~~ $71,711,500 for this purpose.

SECTION 1165e. 20.866 (2) (w) of the statutes is amended to read:

20.866 **(2)** (w) *Health and social services; juvenile correctional facilities.* From the capital improvement fund, a sum sufficient for the department of health and social services to acquire, construct, develop, enlarge or improve juvenile

correctional facilities. The state may contract public debt in an amount not to exceed ~~$14,443,200~~ $43,618,200 for this purpose.

SECTION 1165f. 20.866 (2) (xb) of the statutes is amended to read:

20.866 **(2)** (xb) *Building commission; refunding corporation self–amortizing debt.* From the capital improvement fund, a sum sufficient to fund or refund the whole or any part of any unpaid indebtedness used to finance self–amortizing facilities in which program revenues or corresponding segregated revenues from program receipts reimburse lease rental payments advanced by general purpose revenue, and incurred prior to January 1, 1970, by the Wisconsin state agencies building corporation, Wisconsin state colleges building corporation or Wisconsin university building corporation. The state may contract public debt in an amount not to exceed ~~$4,238,200~~ $2,686,600 for this purpose. Such indebtedness shall be construed to include any premium payable with respect thereto. Debt incurred by this paragraph shall be repaid under the appropriations providing for the retirement of public debt incurred under par. (t), (u), (ur) or (zz) in proportional amounts to the purposes for which the debt was refinanced. The refunding authority provided in this paragraph may be used only if the true interest costs to the state can be reduced thereby.

SECTION 1165g. 20.866 (2) (y) of the statutes is amended to read:

20.866 **(2)** (y) *Building commission; housing state departments and agencies.* From the capital improvement fund, a sum sufficient to the building commission for the purpose of housing state departments and agencies. The state may contract public debt in an amount not to exceed ~~$185,443,600~~ $215,072,600 for this purpose.

SECTION 1165L. 20.866 (2) (yg) of the statutes is amended to read:

20.866 **(2)** (yg) *Building commission; project contingencies.* From the capital improvement fund, a sum sufficient to the building commission for the purpose of funding project contingencies for projects enumerated in the authorized state building program for state departments and agencies. The state may contract public debt in an amount not to exceed ~~$12,000,700~~ $19,475,700 for this purpose.

SECTION 1165p. 20.866 (2) (ym) of the statutes is amended to read:

20.866 **(2)** (ym) *Building commission; capital equipment acquisition.* From the capital improvement fund, a sum sufficient to the state building commission to acquire capital equipment for state departments and agencies. The state may contract public debt in an amount not to exceed ~~$54,801,800~~ $66,262,800 for this purpose.

SECTION 1165t. 20.866 (2) (z) (intro.) of the statutes is amended to read:

20.866 **(2)** (z) *Building commission; other public purposes.* (intro.) From the capital improvement fund, a sum sufficient to the building commission for relocation assistance and capital improvements for other public purposes authorized by law but not otherwise specified in this chapter. The state may contract public debt in an amount not to exceed ~~$602,129,000~~ $721,304,000 for this purpose. Of this amount, ~~$111,673,000~~ $150,000,000 is allocated for the Wisconsin initiative for state technology and applied research program. The total amount of debt authorized for this program may not exceed the following amounts on the following dates:

SECTION 1165x. 20.866 (2) (z) 7. of the statutes is amended to read:

20.866 **(2)** (z) 7. July 1, 1997, or thereafter, ~~$111,673,000~~ $150,000,000.

SECTION 1166. 20.866 (2) (zd) of the statutes is amended to read:

20.866 **(2)** (zd) (title) *Educational communications board; educational communications facilities.* From the capital improvement fund, a sum sufficient for

the educational communications board to acquire, construct, develop, enlarge or improve educational communications facilities. The state may contract public debt in an amount not to exceed ~~$7,229,600~~ $7,403,600 for this purpose.

SECTION 1166g. 20.866 (2) (ze) of the statutes is amended to read:

20.866 **(2)** (ze) *Historical society; self–amortizing facilities.* From the capital improvement fund, a sum sufficient for the historical society to acquire, construct, develop, enlarge or improve facilities at historic sites. The state may contract public debt in an amount not to exceed ~~$1,057,000~~ $2,810,000 for this purpose.

SECTION 1166r. 20.866 (2) (zem) of the statutes is created to read:

20.866 **(2)** (zem) *Historical society; historic records.* From the capital improvement fund, a sum sufficient for the historical society to acquire and install systems and equipment necessary to prepare historic records for transfer to new storage facilities. The state may contract public debt in an amount not to exceed $348,000 for this purpose.

SECTION 1167. 20.866 (2) (zh) (title) of the statutes is amended to read:

20.866 **(2)** (zh) (title) ~~*Public instruction*~~ *Education; state schools and library facilities.*

SECTION 1167g. 20.866 (2) (zj) of the statutes is amended to read:

20.866 **(2)** (zj) *Military affairs; armories and military facilities.* From the capital improvement fund, a sum sufficient for the department of military affairs to acquire, construct, develop, enlarge, or improve armories and other military facilities. The state may contract public debt in an amount not to exceed ~~$18,017,200~~ $18,189,200 for this purpose.

SECTION 1167r. 20.866 (2) (zm) of the statutes is amended to read:

20.866 **(2)** (zm) *Veterans affairs; Wisconsin veterans home.* From the capital improvement fund, a sum sufficient for the department of veterans affairs to acquire, construct, develop, enlarge or improve facilities at the Wisconsin veterans home. The state may contract public debt in an amount not to exceed ~~$9,113,600~~ $9,875,600 for this purpose.

SECTION 1168. 20.866 (2) (zn) of the statutes is amended to read:

20.866 **(2)** (zn) *Veterans affairs; self-amortizing mortgage loans.* From the capital improvement fund, a sum sufficient for the department of veterans affairs for loans to veterans under s. 45.79 (6) (a). The state may contract public debt in an amount not to exceed ~~$1,491,000,000~~ $1,661,000,000 for this purpose.

SECTION 1168e. 20.866 (2) (zp) of the statutes is repealed and recreated to read:

20.866 **(2)** (zp) *Veterans affairs; self-amortizing housing facilities.* From the capital improvement fund, a sum sufficient for the department of veterans affairs to acquire, construct, develop, enlarge or improve housing facilities at the Wisconsin Veterans Home at King. The state may contract public debt in an amount not to exceed $1,417,000 for this purpose.

SECTION 1168m. 20.866 (2) (zy) of the statutes is created to read:

20.866 **(2)** (zy) *State fair park board; housing facilities.* From the capital improvement fund, a sum sufficient to the state fair park board to construct, acquire, develop, enlarge or improve housing facilities at the state fair park in West Allis. The state may contract public debt not to exceed $4,347,000 for this purpose.

SECTION 1168s. 20.866 (2) (zz) of the statutes is amended to read:

20.866 **(2)** (zz) *State fair park board; self-amortizing facilities.* From the capital improvement fund, a sum sufficient to the state fair park board to acquire, construct, develop, enlarge or improve facilities at the state fair park in West Allis.

The state may contract public debt not to exceed ~~$19,300,000~~ $31,080,000 for this purpose.

SECTION 1169. 20.867 (2) (b) of the statutes is amended to read:

20.867 **(2)** (b) *Asbestos removal.* The amounts in the schedule for the removal of asbestos from state–owned facilities. The amounts provided under this paragraph shall be transferred to the state building trust fund.

SECTION 1170. 20.867 (2) (c) of the statutes is amended to read:

20.867 **(2)** (c) *Hazardous materials removal*. The amounts in the schedule for the removal of hazardous materials from state–owned facilities. The amounts provided under this paragraph shall be transferred to the state building trust fund.

SECTION 1171. 20.867 (2) (f) of the statutes is amended to read:

20.867 **(2)** (f) (title) *Facilities preventive maintenance ~~and improvement~~*. ~~As a continuing appropriation, the~~ The amounts in the schedule for the purposes of carrying out the long–range building program under s. 13.48 as it relates to preventive maintenance of state–owned facilities. The amounts provided under this paragraph shall be transferred to the ~~appropriation made by par. (q) to carry out the purposes of that paragraph~~ state building trust fund.

SECTION 1172. 20.867 (2) (ka) of the statutes is created to read:

20.867 **(2)** (ka) *Information technology development projects.* The amounts in the schedule for the purpose of conducting information technology development projects approved under s. 16.971 (5). All moneys transferred from the appropriation account under s. 20.870 (1) (q), (r) or (s) shall be credited to this appropriation account.

SECTION 1173. 20.867 (3) (c) of the statutes is amended to read:

20.867 **(3)** (c) *Lease rental payments.* A sum sufficient to guarantee full payment of lease rental payments on self–amortizing facilities enumerated under s. 20.285 (1) ~~(ge)~~ (ke) if the moneys available in those appropriations are insufficient to make full payment. All amounts advanced under the authority of this paragraph shall be repaid to the general fund whenever the balance of the appropriation for which the advance was made is sufficient to meet any portion of the amount advanced. The department of administration may take whatever action is deemed necessary, including transfers from other program revenue appropriations, to insure recovery of the amounts advanced.

SECTION 1174. 20.867 (3) (h) of the statutes is amended to read:

20.867 **(3)** (h) *Principal repayment, interest and rebates.* A sum sufficient to guarantee full payment of principal and interest costs for self–amortizing or partially self–amortizing facilities enumerated under ss. 20.190 (1) (j), 20.245 (2) (j), 20.285 (1) ~~(gb)~~ (kd) and (ih), 20.370 ~~(8) (Ls)~~ (7) (eq) and 20.485 (1) (go) ~~and (k)~~ if moneys available in those appropriations are insufficient to make full payment, and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m) if the appropriation under s. 20.190 (1) (j), 20.245 (2) (j), 20.285 (1) ~~(gb)~~ (kd) or (ih) or 20.485 (1) (go) ~~or (k)~~ is insufficient to make full payment of those amounts. All amounts advanced under the authority of this paragraph shall be repaid to the general fund whenever the balance of the appropriation for which the advance was made is sufficient to meet any portion of the amount advanced. The department of administration may take whatever action is deemed necessary including the making of transfers from program revenue appropriations and corresponding appropriations from program receipts in segregated funds and

including actions to enforce contractual obligations that will result in additional program revenue for the state, to ensure recovery of the amounts advanced.

SECTION 1175. 20.867 (3) (k) of the statutes is amended to read:

20.867 **(3)** (k) *Interest rebates on obligation proceeds; program revenues.* All moneys transferred from the appropriations under pars. (g) and (i) and ss. 20.190 (1) (j), 20.245 (2) (j), 20.285 (1) ~~(gb)~~ (kd), 20.410 (1) (ko) and 20.505 (5) (g) and (kc) to make the payments determined by the building commission under s. 13.488 (1) (m) on the proceeds of obligations specified in those paragraphs.

SECTION 1176. 20.870 of the statutes is created to read:

20.870 Information technology investment fund. There is appropriated to state agencies from the information technology investment fund:

(1) INFORMATION TECHNOLOGY DEVELOPMENT. (q) *Special projects; fee revenue.* The amounts in the schedule for the purpose of carrying out information technology development projects under s. 16.971 (5).

(r) *Special projects; agency revenues.* The amounts in the schedule for the purpose of carrying out information technology development projects under s. 16.971 (5). All moneys transferred from other appropriation accounts that are approved for expenditure under s. 16.971 (5) shall be credited to this appropriation account.

(s) *Special projects; gifts and grants.* The amounts in the schedule to carry out the purposes for which gifts, grants and bequests are made to carry out information technology development projects under s. 16.971 (5). All moneys received from such gifts, grants and bequests shall be credited to this appropriation account.

SECTION 1178. 20.903 (2) (b) of the statutes is amended to read:

20.903 **(2)** (b) Notwithstanding sub. (1), liabilities may be created and moneys expended from the appropriations under ss. 20.395 (4) (eq), (er) and (es) and 20.505

(1) (im), (ka), (kb), (kc)~~,~~ and (kd) ~~and (kg)~~ in an additional amount not exceeding the depreciated value of equipment for operations financed under ss. 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), (kc)~~,~~ and (kd) ~~and (kg)~~. The secretary of administration may require such statements of assets and liabilities as he or she deems necessary before approving expenditure estimates in excess of the unexpended moneys in the appropriation account.

SECTION 1178d. 20.906 (1) of the statutes is amended to read:

20.906 **(1)** FREQUENCY OF DEPOSITS. Unless otherwise provided by law, all moneys collected or received by any state agency for or in behalf of the state or which is required by law to be turned into the state treasury shall be deposited in or transmitted to the state treasury at least once a week and also at other times as required by the governor or the ~~state treasurer~~ secretary of administration and shall be accompanied by a statement in such form as the ~~treasurer~~ secretary of administration may prescribe showing the amount of such collection and from whom and for what purpose or on what account the same was received. All moneys paid into the treasury shall be credited to the general purpose revenues of the general fund unless otherwise specifically provided by law.

SECTION 1178h. 20.906 (4) of the statutes is amended to read:

20.906 **(4)** PENALTIES. If any state agency fails to make such deposits of money, or to make such reports as are required by this section, the department of administration, with the approval of the governor, shall withhold all moneys due such state agency until this section is complied with; and upon such failure to make such deposits of money, the officer or employe so failing shall be liable to the ~~state treasurer~~ secretary of administration for an amount equal to the interest upon the moneys so withheld from deposit at the same rate as that received by the state upon

moneys held in the state investment fund, for the period for which such deposit is withheld; and such interest shall be a charge against the officer or employe and shall be deducted from that person's compensation.

SECTION 1178p. 20.906 (5) of the statutes is amended to read:

20.906 **(5)** CONDITIONS PRECEDENT TO RELEASE OF APPROPRIATIONS. All appropriations from state revenues for any state agency, are made on the express conditions that such state agency pays all moneys received by it into the state treasury within one week of receipt or as often as otherwise directed by the governor or ~~state treasurer~~ secretary of administration, and conforms with ss. 16.53 (1) and 20.002, regardless of the type of appropriations made to the state agency. Upon failure to comply with this subsection, the department of administration shall refuse ~~to draw its warrant and the state treasurer shall refuse~~ to pay any moneys appropriated to the state agency from state revenues until the state agency complies with this subsection. Upon failure or refusal to so comply, after due notice received from the department of administration, any appropriations from state revenues to the state agency shall permanently revert to the fund from which appropriated.

SECTION 1178t. 20.906 (6) of the statutes is amended to read:

20.906 **(6)** DIRECT DEPOSITS. The governor or the ~~state treasurer~~ secretary of administration may require state agencies making deposits under this section to make direct deposits to any depository designated by the depository selection board, if such a requirement is advantageous or beneficial to this state.

SECTION 1181b. 20.907 (2) of the statutes is amended to read:

20.907 **(2)** CUSTODY AND ACCOUNTING. The ~~state treasurer~~ secretary of administration shall have custody of all such gifts, grants, bequests and devises in the form of cash or securities. The department of administration shall keep a

separate account for each state agency receiving such gifts, grants, bequests and devises, including therein investments, accumulations, payments and any other transaction pertaining to such moneys. If no state agency is designated by the donor to carry out the purposes of the conveyance, the joint committee on finance shall appoint a state agency to act as trustee.

SECTION 1181c. 20.907 (5) (a) of the statutes is amended to read:

20.907 **(5)** (a) Except as provided in par. (b), all moneys which may come into the possession of any officer or employe of a state agency by virtue of his or her office or employment shall be deposited with the ~~state treasurer~~ secretary of administration, regardless of the ownership thereof.

SECTION 1181g. 20.907 (5) (b) of the statutes is amended to read:

20.907 **(5)** (b) Paragraph (a) does not apply whenever the disposition of moneys is otherwise provided by law or whenever a state agency receives moneys incident to an authorized activity which are not appropriated and not directed to be deposited with the ~~state treasurer~~ secretary of administration and the agency promulgates a rule which prescribes procedures in accordance with ch. 34 for the deposit of the moneys.

SECTION 1181n. 20.907 (5) (c) of the statutes is amended to read:

20.907 **(5)** (c) The ~~state treasurer~~ secretary of administration shall establish an account for moneys received under par. (a) from each source and shall make payments and refunds from each account authorized under par. (e) as directed by the state agency depositing the moneys, unless otherwise provided by law. Each payment shall be made upon submission of a claim audited under s. 16.53 and paid by voucher from the appropriation under s. 20.855 (6) (j) in accordance with procedures established by the secretary of administration.

SECTION 1181r. 20.907 (5) (d) of the statutes is amended to read:

20.907 **(5)** (d) Each account under this subsection shall be established in the appropriate fund, as determined by the ~~state treasurer~~ secretary of administration.

SECTION 1182. 20.912 (1) of the statutes is amended to read:

20.912 **(1)** CANCELLATION OF OUTSTANDING CHECKS AND SHARE DRAFTS. If any check, share draft or other draft drawn and issued by the ~~state treasurer~~ secretary of administration upon the funds of the state in any state depository is not paid within the time period designated by the ~~state treasurer~~ secretary of administration under s. ~~14.58 (12)~~ 16.40 (30) as shown on the check or other draft, the ~~state treasurer~~ secretary of administration shall cancel the check or other draft and credit the amount thereof to the fund on which it is drawn.

SECTION 1183m. 20.912 (3) of the statutes is amended to read:

20.912 **(3)** REISSUE OF CANCELED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. When the payee or person entitled to any check, share draft or other draft canceled under sub. (1) by the ~~state treasurer~~ secretary of administration, or the payee or person entitled to any warrant so canceled by the department of administration, demands such check, share draft, other draft or warrant or payment thereof, the department of administration shall issue a new warrant therefor, to be paid out of the proper fund ~~by the state treasurer~~.

SECTION 1184. 20.912 (4) of the statutes is amended to read:

20.912 **(4)** INSOLVENT DEPOSITORIES. When the bank, savings and loan association, savings bank or credit union on which any check, share draft or other draft is drawn by the ~~state treasurer~~ secretary of administration before payment of such check, share draft or other draft becomes insolvent or is taken over by the ~~commissioner of banking, the commissioner~~ division of banking, division of savings

and loan, the federal home loan bank board, the U.S. office of thrift supervision, the federal deposit insurance corporation, the resolution trust corporation, the ~~commissioner~~ office of credit unions, the administrator of federal credit unions or the U.S. comptroller of the currency, the ~~state treasurer~~ secretary of administration shall on the demand of the person in whose favor such check, share draft or other draft was drawn and upon the return to the ~~treasurer~~ secretary of administration of such check, share draft or other draft issue a replacement for the same amount.

SECTION 1184m. 20.912 (5) of the statutes is amended to read:

20.912 **(5)** LOST, STOLEN OR DESTROYED CHECKS, SHARE DRAFTS AND OTHER DRAFTS. If any check, share draft or other draft drawn and issued by the ~~state treasurer~~ secretary of administration is lost, stolen or destroyed and the bank, savings and loan association, savings bank or credit union on which the check, share draft or other draft is drawn has been notified to stop payment thereon, the ~~state treasurer~~ secretary of administration may, after acknowledgment by the bank, savings and loan association, savings bank or credit union that the check, share draft or other draft has not been paid, issue a replacement check, share draft or other draft and thereafter the ~~state treasurer~~ secretary of administration shall be relieved from all liability thereon.

SECTION 1185. 20.913 (1) (b) of the statutes is amended to read:

20.913 **(1)** (b) *Excess tax payments.* Taxes collected in excess of lawful taxation, when claims therefor have been established as provided in ss. 71.30 (4), 71.74 (13), 71.75, 71.89 (1), 72.24, 74.35, 74.37, 76.13 (3), 76.38, 76.39, 78.19, 78.20, 78.68 (10), 78.75, 78.80 (1m), 139.092, 139.25 (1), 139.36, 139.365~~,~~ and 139.39 (4) ~~and 168.12 (2), (3) and (4)~~.

SECTION 1186. 20.913 (1) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.913 **(1)** (b) *Excess tax payments.* Taxes collected in excess of lawful taxation, when claims therefor have been established as provided in ss. 71.30 (4), 71.74 (13), 71.75, 71.89 (1), 72.24, 74.35, 74.37, 76.13 (3), 76.38, 78.19, 78.20, 78.68 (10), 78.75, 78.80 (1m), 139.092, 139.25 (1), 139.36, 139.365 and 139.39 (4).

SECTION 1187. 20.916 (3) of the statutes is amended to read:

20.916 **(3)** FURNISHING OF GROUP TRANSPORTATION TO PLACE OF WORK. The department of health and social services, the department of corrections and the department of natural resources may, with the approval of the governor and the department of administration, provide group transportation, in the absence of convenient and public scheduled transportation, for employes to and from the ~~Ethan Allen school, the~~ Mendota and Winnebago mental health institutes and the centers for the developmentally disabled in the case of employes of the department of health and social services, to the Ethan Allen school, the Taycheedah correctional institution and the Fox Lake correctional institution in the case of employes of the department of corrections, and to and from its temporary branch offices located at the Nevin fish hatchery grounds in the case of employes of the department of natural resources. Any employe, if injured while being so transported, shall be deemed to have been in the course of his or her employment.

SECTION 1187m. 20.920 (2) (a) of the statutes is amended to read:

20.920 **(2)** (a) With the approval of the secretary ~~and state treasurer~~, each state agency may establish a contingent fund. The secretary shall determine the funding source for each contingent fund, total amount of the fund and maximum payment from the fund.

SECTION 1188. 20.921 (1) (a) (intro.), 2m., 3. and 4. of the statutes are amended to read:

20.921 **(1)** (a) (intro.) Any state officer or employe or any employe of the University of Wisconsin Hospitals and Clinics Authority may request in writing through the state agency in which the officer or employe is employed or through the authority that a specified part of the officer's or employe's salary be deducted and paid by the state or by the authority to a payee designated in such request for any of the following purposes:

2m. Payment of amounts owed to state agencies or to the University of Wisconsin Hospitals and Clinics Authority by the employe.

3. Payment of premiums for group hospital and surgical–medical insurance or plan, group life insurance, and other group insurance, where such groups consist of state officers and employes or employes of the University of Wisconsin Hospitals and Clinics Authority and where such insurance or plans are provided or approved by the group insurance board.

4. Other group or charitable purposes approved by the governor and the department of administration under the rules of the department of administration for state officers or employes, or by the board of directors of the University of Wisconsin Hospitals and Clinics Authority for authority employes.

SECTION 1189b. 20.921 (1) (b) of the statutes is amended to read:

20.921 **(1)** (b) The request under par. (a) shall be made to the state agency or to the University of Wisconsin Hospitals and Clinics Authority in the form and manner and contain the directions and information prescribed by each state agency or by the authority. ~~The~~ Except as provided in s. 111.84 (1) (f), the request may be withdrawn or the amount paid to the payee may be changed by notifying the state

agency or the authority to that effect, but no such withdrawal or change shall affect a payroll certification already prepared. ~~However, time limits for withdrawal of payment of dues to labor organizations under subch. V of ch. 111 shall be as provided under s. 111.84 (1) (f).~~

SECTION 1189c. 20.921 (1) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

20.921 **(1)** (b) Except as provided in ss. 111.06 (1) (c) and 111.84 (1) (f), the request under par. (a) shall be made to the state agency or to the University of Wisconsin Hospitals and Clinics Authority in the form and manner and contain the directions and information prescribed by each state agency or by the authority. The request may be withdrawn or the amount paid to the payee may be changed by notifying the state agency or the authority to that effect, but no such withdrawal or change shall affect a payroll certification already prepared.

SECTION 1189d. 20.921 (1) (bm) and (c) of the statutes are amended to read:

20.921 **(1)** (bm) Any state officer or employe or any employe of the University of Wisconsin Hospitals and Clinics Authority may request in writing that a specified part of his or her salary be deferred under a deferred compensation plan of a deferred compensation plan provider selected under s. 40.80. The request shall be made to the state agency or to the authority in the form and manner prescribed in the deferred compensation plan and may be withdrawn as prescribed in that plan.

(c) Written requests under this subsection shall be filed ~~in~~ with the state agency or the University of Wisconsin Hospitals and Clinics Authority and shall constitute authority to the state agency or to the authority to make certification for each such officer or employe and for payment of the amounts so deducted or deferred.

SECTION 1190. 20.921 (1) (d) 1. and (f) of the statutes are amended to read:

20.921 **(1)** (d) 1. For the purpose of handling savings bond purchases, each state agency not on the central payroll system and the University of Wisconsin Hospitals and Clinics Authority shall designate an officer or employe thereof who shall serve as trustee. The trustee shall serve without compensation as such. The state agency or the authority shall furnish the trustee the necessary files, supplies and clerical and accounting assistance. Each trustee shall file with the state agency or the authority a bond in such amount as the state agency or the authority determines, with a corporation authorized to do surety business in this state as surety, which bond shall be conditioned upon the trustee's faithful execution of his or her trust. The trustee shall file another or additional bond whenever the state agency or the authority so determines. The cost of any bond required by a state agency shall be paid out of the appropriation made to the state agency for its administration. For those state agencies on the central payroll system, the trustee shall be a person designated by the secretary of administration.

(f) The office of the governor shall prepare a statement explaining the bond purchase plan and its purpose and transmit copies of such statement to each state agency and to the University of Wisconsin Hospitals and Clinics Authority for distribution to ~~its~~ their officers and employes.

SECTION 1191. 20.921 (2) (a) of the statutes, as affected by 1993 Wisconsin Act 481, section 3, is amended to read:

20.921 **(2)** (a) Whenever it becomes necessary in pursuance of any federal or state law or court–ordered assignment of income under s. 46.10 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 or 767.51 (3m) (c) to make deductions from the salaries of state officers or employes~~, each~~ or employes of the University of Wisconsin Hospitals and Clinics Authority, the state agency or authority by which the officers

or employes are employed is responsible for making such deductions and paying over the total thereof for the purposes provided by the laws or orders under which they were made.

SECTION 1192. 20.921 (2) (b) of the statutes is amended to read:

20.921 **(2)** (b) The head of each state agency or the chief executive officer of the University of Wisconsin Hospitals and Clinics Authority shall deduct from the salary of any employe the amount certified under s. 7.33 (5) which is received by the employe for service as an election official while the employe is on a paid leave of absence under s. 7.33 (3).

SECTION 1193. 20.923 (4) (a) 1. of the statutes is repealed.

SECTION 1193m. 20.923 (4) (a) 2. of the statutes is amended to read:

20.923 **(4)** (a) 2. Arts board: executive secretary. This subdivision does not apply after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act ... (this act), section 9105 (3g) (a).

SECTION 1195. 20.923 (4) (b) 5. of the statutes is repealed.

SECTION 1196. 20.923 (4) (c) 1m. of the statutes is repealed.

SECTION 1197. 20.923 (4) (c) 3. of the statutes is amended to read:

20.923 **(4)** (c) 3. ~~Credit~~ Office of credit unions ~~,commissioner~~:director of.

SECTION 1200. 20.923 (4) (c) 4. of the statutes is repealed.

SECTION 1201. 20.923 (4) (c) 5. of the statutes is repealed.

SECTION 1202. 20.923 (4) (d) 3. of the statutes is repealed.

SECTION 1203. 20.923 (4) (d) 4. of the statutes is repealed.

SECTION 1205. 20.923 (4) (d) 11. of the statutes is repealed.

SECTION 1205d. 20.923 (4) (d) 12. of the statutes is renumbered 20.923 (4) (e) 12.

SECTION 1205m. 20.923 (4) (e) 2m. of the statutes is amended to read:

20.923 **(4)** (e) 2m. Gaming ~~commission~~: ~~chairperson and members~~ board: executive director.

SECTION 1209. 20.923 (4) (f) 2m. of the statutes is amended to read:

20.923 **(4)** (f) 2m. ~~Development~~ Commerce, department of: secretary.

SECTION 1210. 20.923 (4) (f) 3f. of the statutes is created to read:

20.923 **(4)** (f) 3f. Financial institutions, department of: secretary.

SECTION 1211. 20.923 (4) (f) 9. of the statutes is created to read:

20.923 **(4)** (f) 9. Tourism, department of: secretary.

SECTION 1212. 20.923 (4) (g) 1g. of the statutes is created to read:

20.923 **(4)** (g) 1g. Education, department of: secretary.

SECTION 1213. 20.923 (6) (ai) of the statutes is renumbered 20.923 (6) (L) and amended to read:

20.923 **(6)** (L) ~~Administration~~ Tourism, department of; Kickapoo valley governing board: executive secretary and staff.

SECTION 1214. 20.923 (6) (am) of the statutes is amended to read:

20.923 **(6)** (am) Each elective executive officer, other than the state treasurer: a stenographer.

SECTION 1218m. 20.923 (8) of the statutes is amended to read:

20.923 **(8)** DEPUTIES. Salaries for deputies appointed pursuant to ss. 13.94 (3) (b), 15.04 (2) and 551.51 (1) shall be set by the appointing authority. The salary shall not exceed the maximum of the salary range one range below the salary range of the executive salary group to which the department or agency head is assigned. The

positions of assistant secretary of state~~, assistant state treasurer~~ and associate director of the historical society shall be treated as unclassified deputies for pay purposes under this subsection.

SECTION 1218p. 20.923 (9) of the statutes is repealed.

SECTION 1219g. 20.923 (14) of the statutes is amended to read:

20.923 **(14)** SALARY ADMINISTRATION. Except as provided in s. 36.09 (1) (j), any adjustment of salary for any incumbent in a position specified in subs. (4), (4m), (8)~~,~~ ~~(9)~~ and (12) is governed by the provisions of the compensation plan concerning executive salary groups as adopted by the joint committee on employment relations under s. 230.12 (3) (b).

SECTION 1219h. 20.929 of the statutes is amended to read:

20.929 Agency drafts or warrants. The secretary of administration may authorize any state agency to issue drafts or warrants drawn on the state treasury. Such drafts or warrants may be issued only in connection with purchase orders authorized under subch. IV of ch. 16 and may not exceed $300 per draft or warrant. The ~~state treasurer~~ secretary of administration shall pay such drafts or warrants as presented~~. The secretary of administration~~ and shall audit the purchase orders issued. Any purchase order that is disapproved by the secretary as unlawful or unauthorized shall be returned by the secretary to the state agency for reimbursement ~~to the state treasurer~~. The secretary shall make written regulations for the implementation of this section. The secretary may require any state agency to utilize one or more separate depository accounts to implement this section. The illegal or unauthorized use of purchase orders and drafts or warrants under this section is subject to the remedies specified in s. 16.77.

SECTION 1219i. 21.19 (3) of the statutes is renumbered 21.19 (3) (a).

SECTION 1219j. 21.19 (3) (b) of the statutes is created to read:

21.19 **(3)** (b) Notwithstanding s. 13.48 (14) (c), the department, under the authority and procedures established in par. (a), may sell and convey the Wisconsin national guard armory located at 1225 E. Henry Clay Street, Whitefish Bay, Milwaukee County and other properties that the department determines are no longer needed for military purposes. The proceeds of a sale shall be used first to pay off all bonds, all or a part of which were used to construct or purchase the property. Any moneys remaining from the sale shall be paid into the state treasury and credited to the appropriation under s. 20.465 (2) (g).

SECTION 1219m. 21.20 of the statutes is amended to read:

21.20 Civil service status. All full–time state–paid employes of the department of military affairs shall be under the classified service, except the adjutant general, ~~the executive assistant to the adjutant general,~~ the deputy adjutants general for army and air and the administrator of the division of emergency government.

SECTION 1219r. 21.33 of the statutes is amended to read:

21.33 Pay department. The quartermaster general acting as paymaster under orders from the governor may draw from the state treasury the money necessary for paying troops in camp or on active service, and shall furnish such security for the same as the ~~state treasurer~~ secretary of administration may direct. The amount due on account of the field, staff or other officers, noncommissioned staff and band, company or enlistees, not herein enumerated, if any, shall be paid to the person to whom the same shall be due, on the properly signed and certified payrolls.

SECTION 1219t. 21.49 (2) (a) and (b) of the statutes are created to read:

21.49 **(2)** (a) An officer or warrant officer.

(b) An individual with a baccalaureate degree or its equivalent.

SECTION 1219w. 21.49 (2) (e) of the statutes is amended to read:

21.49 **(2)** (e) Delinquent in child support or maintenance payments, as established by the receipt by the department of a certification under s. ~~46.255~~ 49.855 (7).

SECTION 1220. 21.49 (3) (a) of the statutes is amended to read:

21.49 **(3)** (a) Any eligible guard member upon satisfactory completion of a full–time or part–time course in a qualifying school is eligible for a tuition grant equal to ~~50%~~ 45% of the actual tuition charged by the school or ~~50%~~ 45% of the maximum resident undergraduate tuition charged by the university of Wisconsin–Madison for a comparable number of credits, whichever amount is less.

SECTION 1221. 21.49 (3) (b) 1. of the statutes is amended to read:

21.49 **(3)** (b) 1. Be submitted to the department for approval of payment no later than ~~6 months~~ 90 days after the completion date of the course;

SECTION 1223. 21.49 (3) (d) of the statutes is amended to read:

21.49 **(3)** (d) Tuition grants under this section shall be paid out of the appropriation under s. 20.465 (2) (a). ~~If the amount of funds applied for exceeds the amount available under s. 20.465 (2) (a), the department shall not prorate grants but may deny grants. In such cases, the department shall determine eligibility on the basis of the dates on which applications for tuition grants are received.~~

SECTION 1235b. 23.09 (2q) (intro.) of the statutes is renumbered 23.09 (2q) (a) (intro.).

SECTION 1235c. 23.09 (2q) (b) of the statutes is renumbered 23.09 (2q) (a) 1.

SECTION 1235d. 23.09 (2q) (b) of the statutes is created to read:

23.09 **(2q)** (b) Paragraph (a) does not apply to fiscal year 1995–96.

SECTION 1235e. 23.09 (2q) (c) of the statutes is renumbered 23.09 (2q) (a) 2.

SECTION 1235f. 23.09 (2q) (c) of the statutes is created to read:

23.09 **(2q)** (c) Except as provided in s. 23.0915 (2), the department in fiscal year 1995–96 may not expend from the appropriation under s. 20.866 (2) (tz):

1. More than $1,070,100 under sub. (2) (d) 11.

2. More than $270,600 for the ice age trail under ss. 23.17 and 23.293 and for grants for the ice age trail under s. 23.096.

SECTION 1235g. 23.09 (2r) of the statutes is renumbered 23.09 (2r) (a).

SECTION 1235h. 23.09 (2r) (b) of the statutes is created to read:

23.09 **(2r)** (b) Paragraph (a) does not apply to fiscal year 1995–96.

SECTION 1235j. 23.09 (2r) (c) of the statutes is created to read:

23.09 **(2r)** (c) Except as provided in s. 23.0915 (2), the department in fiscal year 1995–96 may not expend from the appropriation under s. 20.866 (2) (tz) more than a total of $4,575,600 under this subsection. The purposes for which these moneys may be expended are the following:

1. Land acquisition under subs. (2dm) and (2p).

2. Land acquisition for urban river grants under s. 30.277.

3. The Frank Lloyd Wright Monona terrace project as provided in s. 23.195.

SECTION 1237. 23.09 (12) (a) of the statutes is amended to read:

23.09 **(12)** (a) The county board of any county which, by resolution, indicates its desire to plan and carry out a program of coordinated fish management projects or game management projects may make application to the department for the allocation and apportionment of funds for state aids appropriated for such purposes by s. 20.370 ~~(4) (as)~~ (5) (ar).

SECTION 1240. 23.09 (17m) (title) of the statutes is amended to read:

23.09 **(17m)** (title) GRANTS TO COUNTIES FOR THE DEVELOPMENT OF WILDLIFE HABITAT ON COUNTY FORESTS.

SECTION 1241. 23.09 (17m) (a) of the statutes is amended to read:

23.09 **(17m)** (a) The county board of any county, which by resolution indicates its desire to improve the natural environment for game and nongame species on county lands entered under s. 28.11, may make application to the department for the allocation of funds appropriated for such purposes by s. 20.370 ~~(4) (bq)~~ (5) (as).

SECTION 1242. 23.09 (17m) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

23.09 **(17m)** (a) The county board of any county, which by resolution indicates its desire to improve the natural environment for ~~game and nongame species~~ wildlife on county lands entered under s. 28.11, may make application to the department for the allocation of funds appropriated for such purposes by s. 20.370 (5) (as).

SECTION 1243. 23.09 (17m) (b) of the statutes is amended to read:

23.09 **(17m)** (b) The annual appropriation for each county shall not exceed 5 cents for each acre entered under s. 28.11, but any funds remaining from the appropriation made by s. 20.370 ~~(4) (bq)~~ (5) (as) and unallocated to the counties on March 31 of each year may be allotted to any county in an amount not to exceed an additional 5 cents per acre under the procedure established in this subsection. These aids shall be used to undertake management activities provided in the comprehensive county forest land use plan and included in the annual work plan and budget.

SECTION 1244. 23.09 (17m) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

23.09 **(17m)** (b) The annual ~~appropriation~~ allocation for each county shall not exceed ~~5~~ 10 cents for each acre entered under s. 28.11, but any funds remaining from the appropriation made by s. 20.370 (5) (as) and unallocated to the counties on March 31 of each year may be allotted to any county in an amount not to exceed an additional ~~5~~ 10 cents per acre under the procedure established in this subsection. These aids shall be used to undertake wildlife management activities provided in the comprehensive county forest land use plan and included in the annual work plan and budget.

SECTION 1245. 23.09 (17m) (c) of the statutes is amended to read:

23.09 **(17m)** (c) ~~Management~~ Wildlife management operations shall be limited to approved projects designed to benefit ~~both game and nongame species~~ wildlife and the natural environment.

SECTION 1246. 23.09 (17m) (d) of the statutes is amended to read:

23.09 **(17m)** (d) Application shall be made ~~in the manner and on forms prescribed by the department. The~~ as part of the comprehensive county forest land use plan prepared under s. 28.11. Before approving the plan, the department shall investigate all project proposals to ~~satisfy itself~~ make certain that the project is feasible, desirable and consistent with ~~such plans~~ the plan. If the department ~~so finds, it may make advance payment as it determines to be reasonable and proper~~ approves the plan, the department shall pay the aids to the ~~game~~ wildlife management fund account of ~~any~~ the county. The county's wildlife management fund shall be a nonlapsing account except as provided in pars. (h) and (hg).

SECTION 1247. 23.09 (17m) (e) of the statutes is repealed.

SECTION 1248. 23.09 (17m) (f) of the statutes is amended to read:

23.09 **(17m)** (f) Completion of such projects authorized by the department shall be certified by a representative of the department. All records of receipts and expenditures from the county ~~game~~ wildlife management fund account shall be available to the department for inspection and audit at any time.

SECTION 1249. 23.09 (17m) (g) of the statutes is amended to read:

23.09 **(17m)** (g) Any unauthorized expenditures from the county ~~game~~ wildlife management fund account shall be restored to such fund upon demand by the department and if not restored shall become a charge against the county and the secretary of state shall include such unpaid sums in the state tax levy of the respective counties in subsequent years.

SECTION 1250. 23.09 (17m) (h) of the statutes is repealed and recreated to read:

23.09 **(17m)** (h) If the amount of the unencumbered balance in a county's wildlife management fund account exceeds either of the following, the department may demand that the county repay to the department the excess amount to the department:

1. The amount that is equal to the sum of the allocations received by the county for the 3 previous years.

2. The amount, as determined by the department, that is required for the purposes of this subsection.

SECTION 1251. 23.09 (17m) (hg) of the statutes is created to read:

23.09 **(17m)** (hg) If the unencumbered balance in a county's wildlife management fund exceeds both of the amounts specified in par. (h) 1. and 2., the department may demand that the county repay either excess amount.

SECTION 1252. 23.09 (17m) (hr) of the statutes is created to read:

23.09 **(17m)** (hr) If the county fails to comply with the department's demand under par. (h) or (hg), the applicable excess amount shall become a charge against the county, and the secretary of state shall include the amount in the state tax levy of the county in subsequent years.

SECTION 1253. 23.09 (17m) (i) of the statutes is amended to read:

23.09 **(17m)** (i) Expenditures under this subsection on any land withdrawn from s. 28.11 and the title to which is transferred by the county to other than a public agency shall be reimbursed to the department in an amount not to exceed the prorated value of the remaining useful lifetime of the wildlife habitat development.

SECTION 1254. 23.09 (18) (b) of the statutes is amended to read:

23.09 **(18)** (b) The amount of the payment made in a fiscal year to an eligible county shall equal the county's proportionate share of the moneys appropriated under s. 20.370 ~~(4) (au)~~ (5) (br) for the fiscal year. An eligible county's proportionate share shall equal the number of acres within its boundaries that are entered on the tax roll under s. 77.04 (1) or 77.84 (1) on July 1 of the fiscal year divided by the total number of acres that are entered on the tax roll under s. 77.04 (1) or 77.84 (1) on that same date and that are within the boundaries of counties that are eligible for payments under this section, multiplied by the amount appropriated under s. 20.370 ~~(4) (au)~~ (5) (br) for the fiscal year.

SECTION 1254e. 23.09 (19) (k) of the statutes is renumbered 23.09 (19) (k) 1. and amended to read:

23.09 **(19)** (k) 1. Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $750,000 in each fiscal year for urban green space under this subsection and for grants for urban green space under s. 23.096. This subdivision does not apply to fiscal year 1995–96.

SECTION 1254j. 23.09 (19) (k) 2. of the statutes is created to read:

23.09 **(19)** (k) 2. Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $393,600 in fiscal year 1995–96 for urban green space under this subsection and for grants for urban green space under s. 23.096.

SECTION 1254m. 23.09 (20) (d) of the statutes is renumbered 23.09 (20) (d) 1. and amended to read:

23.09 **(20)** (d) 1. Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $2,250,000 each fiscal year for local park aids under this subsection and for grants for this purpose under s. 23.096. This subdivision does not apply to fiscal year 1995–96.

SECTION 1254r. 23.09 (20) (d) 2. of the statutes is created to read:

23.09 **(20)** (d) 2. Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $1,193,100 in fiscal year 1995–96 for local park aids under this subsection and for grants for this purpose under s. 23.096.

SECTION 1256. 23.09 (22) of the statutes is repealed.

SECTION 1257. 23.09 (23) of the statutes is repealed.

SECTION 1258. 23.09 (25) (a) of the statutes is amended to read:

23.09 **(25)** (a) The department shall administer an off–the–road Type 1 motorcycle recreational aid program from moneys appropriated under s. 20.370 ~~(4) (bv)~~ (5) (cv). The department shall distribute these funds to towns, villages, cities, counties and federal agencies for the acquisition, development, operation and maintenance of off–the–road Type 1 motorcycle trails and facilities. The department may distribute these funds before July 1, 1989, to towns, villages, cities, counties and federal agencies for the acquisition, development, operation and maintenance of

all–terrain vehicle areas and trails if these areas and trails are also available for use by off–the–road Type 1 motorcycles. In addition, the department may expend moneys appropriated under s. 20.370 ~~(4) (bv)~~ (5) (cv) for the development and maintenance of existing off–the–road Type 1 motorcycle trails at the Black River state forest and the Bong state recreation area.

SECTION 1262b. 23.0915 (1) (intro.) of the statutes is amended to read:

23.0915 **(1)** DESIGNATED AMOUNTS. (intro.) The legislature intends that the department will expend the following designated amounts under the stewardship program from the appropriation under s. 20.866 (2) (tz) for the following purposes ~~in each fiscal year~~, the expenditures beginning with fiscal year 1990–91 and ending in fiscal year 1999–2000, except as provided in pars. (L) and (m):

SECTION 1262c. 23.0915 (1) (a) of the statutes is amended to read:

23.0915 **(1)** (a) General land acquisition, urban river grants and the Frank Lloyd Wright Monona terrace project, $8,600,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $4,575,600.

SECTION 1262d. 23.0915 (1) (b) of the statutes is amended to read:

23.0915 **(1)** (b) General property development, $3,500,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $1,869,600.

SECTION 1262e. 23.0915 (1) (c) of the statutes is amended to read:

23.0915 **(1)** (c) Local park aids, $2,250,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $1,193,100.

SECTION 1262f. 23.0915 (1) (d) of the statutes is amended to read:

23.0915 **(1)** (d) Lower Wisconsin state riverway acquisition, $2,000,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $1,070,100.

SECTION 1262g. 23.0915 (1) (e) of the statutes is amended to read:

23.0915 **(1)** (e) Habitat areas and fisheries, $1,500,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $799,500.

SECTION 1262h. 23.0915 (1) (f) of the statutes is amended to read:

23.0915 **(1)** (f) Stream bank protection, $1,000,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $528,900.

SECTION 1262j. 23.0915 (1) (g) of the statutes is amended to read:

23.0915 **(1)** (g) Trails, $1,000,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $528,900.

SECTION 1262k. 23.0915 (1) (h) of the statutes is amended to read:

23.0915 **(1)** (h) Natural areas acquisition, $1,500,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $799,500.

SECTION 1262m. 23.0915 (1) (i) of the statutes is amended to read:

23.0915 **(1)** (i) Urban green spaces, $750,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $393,600.

SECTION 1262n. 23.0915 (1) (j) of the statutes is amended to read:

23.0915 **(1)** (j) Natural areas heritage program, $500,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $270,600.

SECTION 1262p. 23.0915 (1) (k) of the statutes is amended to read:

23.0915 **(1)** (k) Ice age trail, $500,000 in each fiscal year, except that in fiscal year 1995–96 the amount is $270,600.

SECTION 1262q. 23.0915 (1g) of the statutes is amended to read:

23.0915 **(1g)** LAND ACQUISITION; URBAN RIVER GRANTS. Beginning in fiscal year 1992–93 and ending in fiscal year 1999–2000, the department for each fiscal year shall designate for expenditure $1,900,000 of the moneys appropriated under s.

20.866 (2) (tz) for land acquisition for urban river grants under s. 30.277, except that for fiscal year 1995–96 the department shall designate for expenditure $1,008,600.

SECTION 1262r. 23.0915 (1r) (intro.) of the statutes is renumbered 23.0915 (1r) (a) (intro.) and amended to read:

23.0915 **(1r)** (a) (intro.) Notwithstanding sub. (1g), for fiscal years 1993–94, and 1994–95 ~~and 1995–96~~, the department shall designate for expenditure for each fiscal year $1,900,000 of the moneys appropriated under s. 20.866 (2) (tz) by making the following calculations:

SECTION 1262s. 23.0915 (1r) (a) and (c) of the statutes are renumbered 23.0915 (1r) (a) 1. and 2.

SECTION 1262t. 23.0915 (1r) (b) of the statutes is created to read:

23.0915 **(1r)** (b) Notwithstanding sub. (1g), for fiscal year 1995–96, the department shall designate for expenditure $1,008,600 of the moneys appropriated under s. 20.866 (2) (tz) by making the following calculations:

1. The department shall set aside $1,000,000 to be used only for the Frank Lloyd Wright Monona terrace project as provided in s. 23.195.

2. For land acquisition, the department shall designate for expenditure $8,600 for urban river grants under s. 30.277 and for grants under s. 23.096 for the purposes under s. 30.277 (2) (a).

SECTION 1264m. 23.0915 (2) (db) of the statutes is created to read:

23.0915 **(2)** (db) In par. (d), "50% of the designated amount" means 50% of the higher of the 2 amounts specified in sub. (1) (a), (c), (d), (e), (f), (g), (h), (i), (j) or (k), except that for fiscal year 1995–96 "50% of the designated amount" means 50% of the lower of the 2 amounts.

SECTION 1264r. 23.0915 (2g) of the statutes is amended to read:

23.0915 **(2g)** FUNDS FOR MONONA TERRACE PROJECT. If all of the money set aside under s. 23.195 for the Frank Lloyd Wright Monona terrace project is not expended before July 1, ~~1996~~ 1998, the department shall make the unexpended moneys available for expenditure for land acquisition and for urban river grants under s. 30.277. The moneys expended for the Frank Lloyd Wright Monona terrace project are expended as an amount for land acquisition.

SECTION 1266d. 23.0915 (4) of the statutes is created to read:

23.0915 **(4)** REVIEW BY JOINT COMMITTEE ON FINANCE. Beginning on December 31, 1995, the department may not encumber or expend from the appropriation under s. 20.866 (2) (tz) for a given project or activity more than $250,000 unless the department first notifies the joint committee on finance in writing of the proposed encumbrance or expenditure. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposed encumbrance or expenditure, the department may make the proposed encumbrance or expenditure. If, within 14 working days after the date of the department's notification, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed encumbrance or expenditure, the department may make the proposed encumbrance or expenditure only upon approval of the committee.

SECTION 1266h. 23.092 (6) of the statutes is renumbered 23.092 (6) (a) and amended to read:

23.092 **(6)** (a) Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $1,500,000 under this section for fisheries, for habitat areas and for grants for this purpose under s. 23.096 in each fiscal year.

Of this amount the department may not expend more than $75,000 for fisheries in each fiscal year. This paragraph does not apply to fiscal year 1995–96.

SECTION 1266m. 23.092 (6) (b) of the statutes is created to read:

23.092 **(6)** (b) Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $799,500 under this section for fisheries, for habitat areas and for grants for this purpose under s. 23.096 in fiscal year 1995–96. Of this amount the department may not expend more than $75,000 for fisheries.

SECTION 1266r. 23.094 (8) of the statutes is renumbered 23.094 (8) (a) and amended to read:

23.094 **(8)** (a) The costs of acquiring easements and land under this section or s. 23.096 shall be paid from the appropriation under s. 20.866 (2) (tz). Except as provided in s. 23.0915 (2), the department may not expend more than $1,000,000 for fisheries, for the acquisition of land and easements by the department under this section, for grants under sub. (3g) and for grants for this purpose under s. 23.096 in each fiscal year. Of this amount, the department may not expend more than $300,000 in each fiscal year for grants under sub. (3g) to cities, villages, towns and counties. This paragraph does not apply to fiscal year 1995–96.

SECTION 1266v. 23.094 (8) (b) of the statutes is created to read:

23.094 **(8)** (b) The costs of acquiring easements and land under this section or s. 23.096 shall be paid from the appropriation under s. 20.866 (2) (tz). Except as provided in s. 23.0915 (2), the department may not expend more than $528,900 for fisheries, for the acquisition of land and easements by the department under this section, for grants under sub. (3g) and for grants for this purpose under s. 23.096 in

fiscal year 1995–96. Of this amount, the department may not expend more than $300,000 for grants under sub. (3g) to cities, villages, towns and counties.

SECTION 1313. 23.175 (1) (b) of the statutes is amended to read:

23.175 **(1)** (b) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including any authority created under ch. 231, 233 or 234 but not including the legislature or the courts.

SECTION 1319m. 23.175 (4) of the statutes is renumbered 23.175 (4) (a) and amended to read:

23.175 **(4)** (a) Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $1,000,000 under this section for trails and for grants for this purpose under s. 23.096 in each fiscal year. Of this amount, the department may not expend more than $500,000 under sub. (3) (b) in each fiscal year. This paragraph does not apply to fiscal year 1995–96.

SECTION 1319r. 23.175 (4) (b) of the statutes is created to read:

23.175 **(4)** (b) Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $528,900 under this section for trails and for grants for this purpose under s. 23.096 in fiscal year 1995–96. Of this amount, the department may not expend more than $500,000 under sub. (3) (b).

SECTION 1323g. 23.19 (1) (intro.) of the statutes is amended to read:

23.19 **(1)** (intro.) The department shall provide in state aid to the city of Milwaukee up to $500,000 ~~from the appropriation under s. 20.370 (4) (kb)~~ for a conservation project for the Menomonee river if the city appropriates funds by June 30, 1991. Both the funds appropriated by the city and the state aid provided by the

department shall be for any of the following stages of the project that may be undertaken by the city:

SECTION 1323j. 23.195 (4) of the statutes is amended to read:

23.195 **(4)** If all of the money set aside under this section is not expended before July 1, ~~1996~~ 1998, the moneys set aside but not expended shall be treated by the department in the manner provided in s. 23.0915 (2g).

SECTION 1323m. 23.196 of the statutes is created to read:

23.196 **Willow flowage project. (1)** In this section:

(a) "Total amount available" means the expenditure limit for the purpose of acquiring land under s. 23.09 (2) (d) 11., as adjusted under s. 23.0915 (2), less the total amount the department has expended, encumbered or otherwise committed for that purpose from the appropriation under s. 20.866 (2) (tz) before July 1, 1996.

(b) "Willow flowage project" means the lands in the Willow flowage and surrounding lands in Oneida County that the department determines are necessary for the project.

(2) (a) The department may acquire and exchange lands for the establishment of the Willow flowage project. The priority and allocation requirements under s. 23.09 (2dm) do not apply to any acquisition of land under this paragraph for which moneys appropriated under s. 20.866 (2) (tz) are expended.

(b) For the purpose of establishing the Willow flowage project, the department may expend up to an amount equal to the total amount available for the purchase of land. For purposes of ss. 23.09 (2r) (a) 1. and 23.0915 (1), moneys expended under this paragraph shall be treated as moneys expended for the lower Wisconsin state riverway acquisition.

(c) Section 23.15 does not apply to the exchange or other transfer of land by the department for the purpose of establishing the Willow flowage project.

(3) (a) The board of commissioners of public lands shall sell for cash, at fair market value, any of the lands under its jurisdiction that are determined by the department to be necessary to effect the sale of land for the Willow flowage project.

(b) The department shall contract for an independent appraisal to determine the fair market value of the land to be sold under par. (a), and the sale of land under par. (a) shall be concluded within 90 days after the determination of the fair market value.

(c) Sections 24.07, 24.08, 24.09, 24.10, 24.11, 24.15 and 24.16 do not apply to the sale of land by the board of commissioners of public land under this subsection.

(d) This subsection does not apply after June 30, 1999.

SECTION 1324e. 23.27 (4) of the statutes is amended to read:

23.27 **(4)** NATURAL AREAS LAND ACQUISITION; CONTINUING COMMITMENT. (a) It is the intent of the legislature to continue natural areas land acquisition activities from moneys available from the ~~appropriation~~ appropriations under ss. 20.370 (1) (kb) and 20.866 (2) (ts) and (tz). This commitment is separate from and in addition to the commitment to acquire natural areas under the Wisconsin natural areas heritage program.

(b) Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $1,500,000 in each fiscal year for natural areas land acquisition activities under this subsection and for grants for this purpose under s. 23.096. This paragraph does not apply to fiscal year 1995–96.

SECTION 1324j. 23.27 (4) (c) of the statutes is created to read:

23.27 **(4)** (c) Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $799,500 in fiscal year 1995–96 for natural areas land acquisition activities under this subsection and for grants for this purpose under s. 23.096.

SECTION 1324r. 23.27 (5) of the statutes is amended to read:

23.27 **(5)** NATURAL AREAS LAND ACQUISITION; COMMITMENT UNDER THE WISCONSIN NATURAL AREAS HERITAGE PROGRAM. (a) It is the intent of the legislature to initiate additional natural areas land acquisition activities with moneys available from the appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the Wisconsin natural areas heritage program. This commitment is separate from and in addition to the continuing commitment under sub. (4). Moneys available from the appropriations under ss. 20.370 (1) (mg) and 20.866 (2) (tt) and (tz) under the Wisconsin natural areas heritage program may not be used to acquire land through condemnation. The department may not acquire land under this subsection unless the land is suitable for dedication under the Wisconsin natural areas heritage program and upon purchase or as soon after purchase as practicable the department shall take all necessary action to dedicate the land under the Wisconsin natural areas heritage program.

(b) Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $500,000 in each fiscal year for natural areas land acquisition activities under this subsection and for grants for this purpose under s. 23.096. This paragraph does not apply to fiscal year 1995–96.

SECTION 1324v. 23.27 (5) (c) of the statutes is created to read:

23.27 **(5)** (c) Except as provided in s. 23.0915 (2), the department may not expend under s. 20.866 (2) (tz) more than $270,600 in fiscal year 1995–96 for natural

areas land acquisition activities under this subsection and for grants for this purpose under s. 23.096.

SECTION 1348. 23.32 (3) of the statutes is created to read:

23.32 **(3)** (a) The department may sell, and may enter into contracts to sell, wetland maps. The fees for the maps shall be as follows:

1. For each paper map, $5.

2. For each aerial photograph, $10.

3. For each copy of a digital wetland database covering one township, $15.

(b) The department, by rule, may increase any fee specified in par. (a). Any increased fee must at least equal the amount necessary to cover the costs of preparing, producing and selling the wetland maps.

SECTION 1350. 23.33 (9) (a) of the statutes is amended to read:

23.33 **(9)** (a) *Administration and enforcement.* The department may utilize up to 50% of the moneys received under sub. (2) for the purposes specified under s. 20.370 (3) (as), ~~(4) (fu)~~ (5) (er) and ~~(iu)~~ (mu) and (8) (ds) including costs associated with registration, enforcement, safety education, accident reports and analysis, law enforcement aids to counties, aids administration and other similar costs in administering and enforcing this section.

SECTION 1351. 23.33 (9) (b) 1. of the statutes is amended to read:

23.33 **(9)** (b) 1. The department shall utilize at least 50% of the moneys received under sub. (2) for state all–terrain vehicle projects and for aid to towns, villages, cities, counties or federal agencies for nonstate all–terrain vehicle projects. The department shall utilize all the moneys credited to the appropriation under s. 20.370 ~~(4) (bz)~~ (5) (ct) for aid to towns, villages, cities, counties or federal agencies for nonstate all–terrain vehicle projects.

SECTION 1354r. 23.39 (5) of the statutes is created to read:

23.39 **(5)** The public intervenor board shall provide direction and supervision to the public intervenor consistent with the public intervenor's duties to protect public rights in water and other natural resources.

SECTION 1355. 23.405 of the statutes is renumbered 23.405 (1).

SECTION 1356. 23.405 (2) of the statutes is created to read:

23.405 **(2)** (a) The department may charge the participants in a departmental environmental education program fees to cover the costs of the program. The amount charged may not exceed the costs of conducting the program.

(b) The fees collected by the department under par. (a) for the use of the MacKenzie environmental center shall be deposited in the general fund and credited to the appropriation under s. 20.370 (5) (gb).

SECTION 1357. 23.49 of the statutes is amended to read:

23.49 Credit card use charges. The department shall certify to the ~~state treasurer~~ secretary of administration the amount of charges associated with the use of credit cards that is assessed to the department on deposits accepted under s. 23.66 (1m) by conservation wardens, and the ~~state treasurer~~ secretary of administration shall pay the charges from moneys received under s. 59.20 (8) and (8m) that are reserved for payment of the charges under s. ~~14.58 (21)~~ 16.40 (36).

SECTION 1358. 23.50 (1) of the statutes is amended to read:

23.50 **(1)** The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, penalty assessments, jail assessments, applicable weapons assessments, applicable environmental assessments, applicable wild animal protection assessments, applicable natural resources assessments, applicable fishing shelter removal assessments, applicable snowmobile registration

restitution payments and applicable natural resources restitution payments for violations of ss. 77.09, 134.60, 144.421 (2), 144.422 (2), (2m) (c) and (2r), 146.20 (2) to (5), 147.021, 159.07, 159.08, 159.81, 167.10 (3) and 167.31 (2), subch. VI of ch. 77, this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules promulgated thereunder, violations of rules of the Kickapoo valley governing board under s. ~~16.21~~ 41.41 (7) (k) or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

SECTION 1359. 23.53 (1) of the statutes is amended to read:

23.53 **(1)** The citation created under this section shall, in all actions to recover forfeitures, penalty assessments, jail assessments, applicable weapons assessments, applicable environmental assessments, applicable wild animal protection assessments, applicable natural resources assessments, applicable fishing shelter removal assessments, applicable snowmobile registration restitution payments and applicable natural resources restitution payments for violations of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and any rule of the Kickapoo valley governing board under s. ~~16.21~~ 41.41 (7) (k) be used by any law enforcement officer with authority to enforce those laws, except that the uniform traffic citation created under s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law enforcement agency of a municipality or county or a traffic officer employed under s. 110.07 in enforcing s. 159.81. In accordance with s. 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway use. The citation may be used for violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

SECTION 1360. 23.56 (1) of the statutes is amended to read:

23.56 **(1)** A person may be arrested for a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the Kickapoo valley governing board under s. ~~16.21~~ 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77, after a warrant that substantially complies with s. 968.04 has been issued. Except as provided in sub. (2), the person arrested shall be brought without unreasonable delay before a court having jurisdiction to try the action.

SECTION 1361. 23.57 (1) (intro.) of the statutes is amended to read:

23.57 **(1)** (intro.) A person may be arrested without a warrant when the arresting officer has probable cause to believe that the person is committing or has committed a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the Kickapoo valley governing board under s. ~~16.21~~ 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77; and:

SECTION 1362. 23.58 of the statutes is amended to read:

23.58 Temporary questioning without arrest. After having identified himself or herself as an enforcing officer, an enforcing officer may stop a person in a public place for a reasonable period of time when the officer reasonably suspects that such person is committing, is about to commit or has committed a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the Kickapoo valley governing board under s. ~~16.21~~ 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77. Such a stop may be made only where the enforcing officer has proper authority to make an arrest for such a violation. The officer may demand the name and address of the person and an explanation of the person's conduct. Such

detention and temporary questioning shall be conducted in the vicinity where the person was stopped.

SECTION 1363. 23.62 (1) (intro.) of the statutes is amended to read:

23.62 **(1)** (intro.) Whenever an enforcing officer has probable cause to believe that a person subject to his or her authority is committing or has committed a violation of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the Kickapoo valley governing board under s. ~~16.21~~ 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77, the officer may proceed in the following manner:

SECTION 1363b. 23.85 of the statutes is amended to read:

23.85 Statement to county board; payment to state. Every county treasurer shall, on the first day of the annual meeting of the county board of supervisors, submit to it a verified statement of all forfeitures, penalty assessments, jail assessments, weapons assessments, environmental assessments, wild animal protection assessments, natural resources assessments, fishing shelter removal assessments, snowmobile registration restitution payments and natural resources restitution payments money received during the previous year. The county clerk shall deduct all expenses incurred by the county in recovering those forfeitures, penalty assessments, weapons assessments, environmental assessments, wild animal protection assessments, natural resources assessments, fishing shelter removal assessments, snowmobile registration restitution payments and natural resources restitution payments from the aggregate amount so received, and shall immediately certify the amount of clear proceeds of those forfeitures, penalty assessments, weapons assessments, environmental assessments, wild animal

protection assessments, natural resources assessments, fishing shelter removal assessments, snowmobile registration restitution payments and natural resources restitution payments to the county treasurer, who shall pay the proceeds to the ~~state treasurer~~ secretary of administration as provided in s. 59.20. Jail assessments shall be treated separately as provided in s. 302.46.

SECTION 1363e. 24.17 (1) (intro.) of the statutes is amended to read:

24.17 **(1)** (intro.) When the purchaser of any such lands shall make payment to the ~~treasurer~~ secretary of administration of the amount required to be paid on such sale, and, in case of a private sale, shall also produce the memorandum mentioned in s. 24.16, the ~~treasurer~~ secretary of administration shall give a receipt therefor to such purchaser, and unless such sale be made wholly for cash the board shall execute and deliver to such person a duplicate certificate of sale, in which it shall certify:

SECTION 1363h. 24.17 (2) of the statutes is amended to read:

24.17 **(2)** When the sale is wholly for cash, upon payment as above provided, the ~~treasurer~~ secretary of administration shall thereupon give to such purchaser a receipt stating the amount paid and giving a description of the lot or tract of land sold and that such purchaser is entitled to receive a patent according to law.

SECTION 1363L. 24.20 of the statutes is amended to read:

24.20 Payments and accounts. All money paid on account of sales of public lands shall be paid to the ~~state treasurer~~ secretary of administration who shall credit the proper fund therewith, crediting the general fund with the proceeds of sales of Marathon county lands, and the secretary of administration or the secretary's designee, upon countersigning the receipt given therefor, shall ~~charge the treasurer therewith, and shall also~~ enter the name of the person paying the same, the number

of the certificate, if any, upon which the amount shall be paid and the time of the payment.

SECTION 1363p. 24.25 of the statutes is amended to read:

24.25 Patent and record thereof. Whenever full payment shall have been made for any such lands as required by law, and the purchaser or the purchaser's legal representatives shall produce to the board the duplicate certificate of sale, with the receipt of the ~~state treasurer~~ secretary of administration indorsed thereon, showing that the whole amount of the principal and interest due thereon has been paid and that the holder of such certificate is entitled to a patent for the lands described therein, the original and duplicate certificates shall be canceled, and the board shall thereupon execute and deliver a patent to the person entitled thereto for the land described in such certificate. All patents issued by the board shall be recorded in its office; and the record of patents heretofore issued by it is hereby declared a legal record. Purchasers may, at any time before due, pay any part or the whole of such purchase money and the interest thereon. In all cases where patents have been or may hereafter be issued to a person who may have died or who shall die before the date thereof, the title to the land described therein shall inure to and become vested in the heirs, devisees or assignees of such person to the same extent as if the patent had issued to that person during that person's lifetime.

SECTION 1363r. 24.29 of the statutes is amended to read:

24.29 Redemption. At any time before the 5 days next preceding the reoffering of such land at public sale, the former purchaser or the former purchaser's assigns or legal representatives may, by the payment of the sum due with interest, and all taxes returned thereon to the ~~state treasurer~~ secretary of administration which are still unpaid, and all costs occasioned by the delay, together with 3%

damages on the whole sum owing for such land, prevent such resale and revive the original contract.

SECTION 1363u. 24.32 (2) of the statutes is amended to read:

24.32 **(2)** Every such tract may be redeemed by the former purchaser thereof, the former purchaser's assigns or legal representatives at any time before the June 30th next following the date of such resale, upon presenting to the board satisfactory proof, which shall be filed and preserved by it, that such tract was, at the time of resale, in whole or in part under cultivation or adjoining a tract partly cultivated, belonging to the former purchaser, the former purchaser's assigns or legal representatives and used in connection therewith, and upon depositing with the ~~state treasurer~~ secretary of administration, for the use of the purchaser at such resale the amount paid by the purchaser for such land, together with 25% of the amount of such taxes, interest and costs in addition thereto; and every certificate issued upon any such resale shall be subject to the right of redemption whether it be expressed in such certificate or not. And no patent shall be issued on any such resale until the expiration of such redemption period.

SECTION 1363y. 24.33 of the statutes is amended to read:

24.33 Resale may be canceled. Whenever any land has been so forfeited and resold, within 3 months thereafter, upon proof that there are valuable improvements thereon and that such forfeiture was occasioned by the death of the holder of the first certificate, or the neglect of that person's executor or administrator, and payment to the ~~treasurer~~ secretary of administration of the amount actually due on such first certificate at the time of such resale, with interest, costs and charges, with interest on the amount for which such land was sold at the rate of 10% per year, the board, by its order in writing, duly recorded, of which a copy shall be forthwith served on

the last purchaser, may avoid and cancel such resale and restore and revive such first certificate. Thereafter there shall be paid out of the state treasury to the last purchaser the amount paid by the last purchaser and the said interest thereon collected of such person so redeeming, on surrender of the certificate, receipt or patent given the last purchaser at such resale.

SECTION 1365g. 24.54 (1) of the statutes is amended to read:

24.54 **(1)** The ~~department of administration~~ office of the treasurer shall provide an office for the board. The board shall conveniently arrange and preserve in that office all records, books, reports, surveys, maps, field notes, plats and other papers pertaining to the public lands owned by the state, including all public lands that have been or shall be received from the United States or any officer of the United States. The board may perfect the records, books, reports, surveys, maps, field notes, plats and other papers when incomplete, and cause copies of those documents to be made when from injury, loss, use or accident it shall become necessary. Any copy, when certified to be a correct copy by the executive secretary of the board under the executive secretary's signature and the official seal of the office to have been made for any of the causes specified in this subsection, shall have the same force and effect in all courts and places as the original. Any copy from the original records, books, reports, surveys, maps, field notes, plats or other papers, or from any record or paper required by law to be kept in the office, or any copy from a certified copy of one of those documents, when certified by the executive secretary of the board or any member of the board of commissioners of public lands under the official seal of the board, shall be received in evidence with the same effect as the original.

SECTION 1366m. 24.60 (1) of the statutes is created to read:

24.60 **(1)** "Consortium" means an association of 2 or more of any of the following entities for the purpose of implementing, expanding or participating in a distance education or educational technology project:

(a) A school district.

(b) A technical college district.

(c) A county, during fiscal years 1996–97 to 1999–2000, if the county acts on behalf of a county library board that has adopted a resolution under s. 24.66 (3m).

(d) A city, village or town, during fiscal years 1996–97 to 1999–2000, if the city, village or town acts on behalf of a municipal library board that has adopted a resolution under s. 24.66 (3m).

(1g) "Distance education" has the meaning given in s. 16.992 (1) (b).

(1r) "Educational technology" has the meaning given in s. 16.992 (1) (c).

SECTION 1367. 24.61 (2) (a) 6. of the statutes is created to read:

24.61 **(2)** (a) 6. Bonds of the University of Wisconsin Hospitals and Clinics Authority.

SECTION 1367m. 24.61 (2) (b) of the statutes is amended to read:

24.61 **(2)** (b) (title) *Deposited with ~~state treasurer~~ secretary of administration*. All bonds, notes and other securities so purchased shall be deposited with the ~~state treasurer~~ secretary of administration.

SECTION 1368. 24.61 (3) (a) 9. of the statutes is created to read:

24.61 **(3)** (a) 9. A consortium.

SECTION 1368c. 24.61 (3) (b) of the statutes is amended to read:

24.61 **(3)** (b) *Terms; conditions.* A municipality may ~~borrow from the board or from moneys belonging to the trust funds~~ obtain a state trust fund loan for the sum of money, for the time and upon the conditions as may be agreed upon between the

board and the borrower subject to the limitations, restrictions and conditions set forth in this subchapter.

SECTION 1369. 24.61 (3) (c) 2. a. of the statutes is amended to read:

24.61 **(3)** (c) 2. a. The school board is subject to an order issued by the ~~state superintendent~~ department of ~~public instruction~~ education under s. 115.33 (3) after December 31, 1991, regarding noncompliance with the standard under s. 121.02 (1) (i).

SECTION 1369m. 24.61 (3) (d) of the statutes is created to read:

24.61 **(3)** (d) *Reserve for loans for educational technology and distance education projects.* In fiscal years 1996–97 to 1999–2000, annually the board shall reserve $15,000,000 for loans to school districts, counties, municipalities and consortia, other than consortia that include one or more technical college districts, for educational technology and distance education projects under s. 16.992. The board shall not make any loan to a consortium that includes a county or municipality for an educational technology or distance education project except from the reserve established under this paragraph.

SECTION 1370. 24.61 (5) of the statutes is created to read:

24.61 **(5)** LOANS TO CONSORTIA OR CITIES, VILLAGES OR TOWNS SERVED BY JOINT LIBRARY BOARDS. Whenever a consortium applies for a loan under sub. (3), or whenever a group of cities, villages or towns served by a joint county or municipal library board applies for a loan for an educational technology or distance education project, the board shall treat the application as a loan to each of the members of the consortium or each city, village or town served by a county or municipal library board in an amount equal to the total amount of the loan divided equally by the number of members of the consortium or the number of cities, villages and towns served by

the library board, unless all members of the consortium or all cities, villages and towns served by a joint library board agree to a different arrangement specified by the members or cities, villages and towns on their applications. The procedure for application, approval and repayment of the loan by each member of a consortium or group under this subsection shall be the same as provided in this subchapter for application, approval and repayment of a loan to that member individually, except that the loan shall not be made unless all members qualify.

SECTION 1370g. 24.61 (6) of the statutes is created to read:

24.61 **(6)** EDUCATIONAL TECHNOLOGY OR DISTANCE EDUCATION LOANS. The board shall not make a state trust fund loan to a school district, county, city, village, town or consortium for an educational technology or distance education project from moneys reserved for such loans under sub. (3) (d), unless the educational technology board has first notified the board that it has approved the loan under s. 16.992 (3).

SECTION 1377. 24.66 (1) (intro.) of the statutes is amended to read:

24.66 **(1)** FOR ALL MUNICIPALITIES. (intro.) No trust fund loan may be made unless an application is made to the board under this section. The application shall state the amount of money required, the purpose to which it is to be applied, ~~and~~ the times and terms of repayment, whether the loan is sought for an educational technology or distance education project under s. 24.61 (3) (d), and if so, whether the educational technology board has approved a grant to pay a portion of the interest on the loan under s. 16.992 (3) (b). The application shall be accompanied by satisfactory proof:

SECTION 1377g. 24.66 (3m) of the statutes is created to read:

24.66 **(3m)** FOR EDUCATIONAL TECHNOLOGY OR DISTANCE EDUCATION LOANS. An application by a county, city, village or town to undertake an educational technology

or distance education project, or by a consortium that includes a county, city, village or town under s. 24.61 (3) (d) shall be accompanied by a resolution of the county or municipal library board for that county, city, village or town, or the county or municipal library board of each county, city, village or town participating in the consortium, requesting the county, city, village or town to apply for the loan for the purpose of conducting an educational technology or distance education project.

SECTION 1377m. 24.66 (5) (a) of the statutes is amended to read:

24.66 **(5)** (a) Every application for a loan under this section shall be accompanied by a certified copy under the hand of the proper clerk of a recorded resolution adopted by the municipality applying for or approving the loan, levying, except as provided in par. (b), upon all the taxable property of the municipality a direct annual tax for the purpose of paying and sufficient to pay the principal and interest on ~~such~~ the proposed loan as ~~it falls due, and also to pay and discharge the principal thereof within 20 years from the making of such loan. Such a levy shall become~~ they become due. In a 1st class city school district, the application shall be accompanied by a certified copy of a resolution, adopted by the board of school directors, stating that it is the intention of the board of school directors to include in its budget transmitted to the common council under s. 119.16 (8) (b) a written notice specifying the amount of money necessary to pay the principal and interest on the loan as they become due. The levy imposed by the municipality shall be void ~~and of no effect~~ if the board declines to make the loan; otherwise it shall remain valid and irrepealable until the loan and all interest ~~thereon is~~ on the loan are fully paid.

SECTION 1378b. 24.67 (3) of the statutes is amended to read:

24.67 **(3)** If a ~~unit of government~~ municipality has acted under subs. (1) and (2), it shall certify that fact to the department of administration. ~~The department~~

Upon receiving a certification from a municipality, the secretary of administration shall ~~then~~ draw a warrant upon the state treasurer for the amount of the loan, payable to the treasurer of the municipality making the loan or as ~~he or she~~ the treasurer of the municipality directs. The certificate of indebtedness shall then be conclusive evidence of the validity of the indebtedness and that all the requirements of law concerning the application for the making and acceptance of the loan have been complied with.

SECTION 1378g. 24.67 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

24.67 **(3)** If a municipality has acted under subs. (1) and (2), it shall certify that fact to the department of administration. Upon receiving a certification from a municipality, the secretary of administration shall ~~draw a warrant upon the state treasurer for the amount of the loan, payable to~~ pay the amount of the loan to the treasurer of the municipality making the loan or as the treasurer of the municipality directs. The certificate of indebtedness shall then be conclusive evidence of the validity of the indebtedness and that all the requirements of law concerning the application for the making and acceptance of the loan have been complied with.

SECTION 1378r. 24.69 (1) of the statutes is amended to read:

24.69 **(1)** The board may sell state trust fund loans or participations therein, and may contract to do so at a future date, for such price, upon such other terms and in such manner as the board may determine. The sale may be to any person, including, without limitation, a trust or other investment vehicle created for the purpose of attracting private investment capital. The board shall remit the proceeds of the sale to the ~~state treasurer~~ secretary of administration for deposit in the appropriate trust fund and shall invest the proceeds in accordance with s. 24.61.

SECTION 1379b. 24.695 of the statutes is created to read:

24.695 Payment of interest by state. The board shall, upon request of the educational technology board, certify to the educational technology board the amount of interest due on any loan for which the educational technology board has made a grant for interest payments under s. 16.992 (3) (b). The board shall accept payment from the educational technology board for the interest payable on any such loan and shall deduct the amount of any payment received from its certified statement of the amount payable under s. 24.70 (2) or 24.71 (2) for the year in which the payment is received. The applicant remains liable for payment of any interest that is not paid by the educational technology board.

SECTION 1380. 24.70 (2) of the statutes is amended to read:

24.70 **(2)** CERTIFIED STATEMENT. If a municipality other than a school district has a state trust fund loan, the board shall transmit to the municipal clerk a certified statement of the amount due on or before October 1 of each year until the loan is paid. The board shall submit a copy of each certified statement to the ~~state treasurer~~ secretary of administration.

SECTION 1381. 24.70 (4) of the statutes is amended to read:

24.70 **(4)** PAYMENT TO ~~STATE TREASURER~~ SECRETARY OF ADMINISTRATION. The municipal treasurer shall transmit to the ~~state treasurer~~ secretary of administration on his or her order the full amount levied for state trust fund loans within 15 days after March 15. The ~~state treasurer~~ secretary of administration shall notify the board when he or she receives payment. Any payment not made by March 30 is delinquent and is subject to a penalty of one percent per month to be paid to the ~~state treasurer~~ secretary of administration with the delinquent payment.

SECTION 1382. 24.70 (6) of the statutes is amended to read:

24.70 **(6)** FAILURE TO MAKE PAYMENTS. If the municipal treasurer fails to remit the amount due by the date specified under sub. (4), the board may file a certified statement of the amount delinquent with the department of administration. The ~~department~~ secretary of administration shall collect the amount due, including any penalty, by deducting that amount from any state payments due the municipality~~,~~ ~~shall remit that amount to the state treasurer~~ and shall notify the treasurer and the board of that action.

SECTION 1383. 24.71 (2) of the statutes is amended to read:

24.71 **(2)** CERTIFIED STATEMENT. If a school district has a state trust fund loan, the board shall transmit to the school district clerk a certified statement of the amount due for each calendar year on or before October 1 of each year until the loan is paid. The board shall furnish a copy of each certified statement to the ~~state treasurer~~ secretary of administration and the department of public instruction.

SECTION 1384. 24.71 (4) of the statutes is amended to read:

24.71 **(4)** PAYMENT TO ~~STATE TREASURER~~ SECRETARY OF ADMINISTRATION. The school district treasurer shall transmit to the ~~state treasurer~~ secretary of administration on his or her own order the full amount levied for state trust fund loans within 15 days after March 15. The ~~state treasurer~~ secretary of administration shall notify the board when he or she receives payment. Any payment not made by March 30 is delinquent and is subject to a penalty of one percent per month or fraction thereof, to be paid to the ~~state treasurer~~ secretary of administration with the delinquent payment.

SECTION 1385. 24.71 (5) of the statutes is amended to read:

24.71 **(5)** FAILURE TO MAKE PAYMENT. If the school district treasurer fails to remit the amounts due under sub. (4), the state superintendent, upon certification of

delinquency by the board, shall deduct the amount due including any penalty from any school aid payments due the school district, shall remit such amount to the ~~state treasurer~~ secretary of administration and, no later than June 15, shall notify the school district treasurer and the board to that effect.

SECTION 1389. 25.14 (3) of the statutes is amended to read:

25.14 **(3)** The department of administration, upon consultation with the investment board, shall distribute all earnings, profits or losses of the state investment fund to each participating fund in the same ratio as each such fund's average daily balance within the state investment fund bears to the total average daily balance of all participating funds, except as provided in s. 14.58 (19)~~, except that the department of administration shall credit to the appropriation account under s. 20.585 (1) (js) an amount equal to the amount assessed under s. 25.19 (2) from the earnings or profits of the funds against which an assessment is made~~ and except that the department of administration shall credit to the appropriation account under s. 20.585 (1) (jt) an amount equal to the amount assessed under s. 25.19 (3) from the earnings or profits of the funds against which an assessment is made. Such distribution shall be made at such times as the department of administration may determine, but must be made at least semiannually in each complete fiscal year of operation.

SECTION 1390. 25.14 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

25.14 **(3)** The department of administration, upon consultation with the investment board, shall distribute all earnings, profits or losses of the state investment fund to each participating fund in the same ratio as each such fund's average daily balance within the state investment fund bears to the total average

daily balance of all participating funds, except as provided in s. 16.40 (34) and except that the department of administration shall credit to the appropriation account under s. 20.505 (1) (kj) an amount equal to the amount assessed under s. 25.19 (3) from the earnings or profits of the funds against which an assessment is made. Such distribution shall be made at such times as the department of administration may determine, but must be made at least semiannually in each complete fiscal year of operation.

SECTION 1393m. 25.16 (3) of the statutes is repealed.

SECTION 1394m. 25.17 (1) (gi) of the statutes is created to read:

25.17 **(1)** (gi) Heritage state parks and forests trust fund (s. 25.295);

SECTION 1395. 25.17 (1) (i) of the statutes is created to read:

25.17 **(1)** (i) Information technology investment fund (s. 25.61);

SECTION 1396. 25.17 (3) (b) 9. of the statutes is created to read:

25.17 **(3)** (b) 9. Bonds issued by the University of Wisconsin Hospitals and Clinics Authority.

SECTION 1399. 25.19 (1) of the statutes is amended to read:

25.19 **(1)** The state treasurer shall be the treasurer of the investment board and shall give an additional bond in such amount and with such corporate sureties as is required and approved by the board, the cost of which shall be borne by the board.

(1m) Any of the securities purchased by the investment board for any of the funds whose investment is under the control of the board may be deposited by the board ~~or the state treasurer~~ in vaults or other safe depositories ~~outside of the office of the state treasurer, and~~ either in or outside of this state~~, but a safekeeping receipt shall be delivered to the state treasurer for all securities so deposited. Every such safekeeping receipt shall describe the securities covered thereby and be payable on~~

~~demand, without conditions, to the investment board or to any designated fund under the control of the board or to the state treasurer~~.

SECTION 1400. 25.19 (2) of the statutes is repealed.

SECTION 1400g. 25.19 (3) of the statutes is amended to read:

25.19 **(3)** The ~~state treasurer~~ secretary of administration shall, at the direction of the depository selection board under s. 34.045 (1) (b), allocate bank service costs to the funds incurring those costs.

SECTION 1400r. 25.19 (4) of the statutes is amended to read:

25.19 **(4)** The ~~state treasurer~~ secretary of administration shall provide advice to state agencies concerning efficient cash management practices.

SECTION 1401. 25.29 (1) (a) of the statutes is amended to read:

25.29 **(1)** (a) ~~All~~ Except as provided in s. 25.295, all moneys accruing to the state for or in behalf of the department under chs. 26, 27, 28, 29 and 350, subchs. I and VI of ch. 77 and ss. 23.09 to 23.42, 23.50 to 23.99, 30.50 to 30.55, 70.58 and 71.10 (5), including grants received from the federal government or any of its agencies except as otherwise provided by law.

SECTION 1402. 25.29 (1) (e) of the statutes is amended to read:

25.29 **(1)** (e) An amount equal to the amounts expended under s. 20.370 ~~(1) (kw)~~ (7) (aq).

SECTION 1403. 25.29 (3) (b) of the statutes is amended to read:

25.29 **(3)** (b) As provided in s. 20.370 ~~(4)~~ (5) (aq).

SECTION 1405e. 25.295 of the statutes is created to read:

25.295 Heritage state parks and forests trust fund. (1) There is established a separate nonlapsible trust fund designated as the heritage state parks and forests trust fund, to consist of:

(a) All gifts, grants or bequests or other contributions made to the heritage state parks and forests trust fund. The department of natural resources may convert any noncash gift, grant, bequest or other contribution into cash.

(b) Notwithstanding s. 23.15 (4), all moneys received by the department of natural resources from utility easements on property located in the state park system, a southern state forest, as defined in s. 27.016 (1) (c), or a state recreation area under ss. 23.09 (10), 27.01 (2) (g) and 28.02 (5).

(c) All moneys received by the department of natural resources that are not fees collected under s. 27.01 (7) to (10) from rentals of real property or equipment that is part of the state park system, a southern state forest, as defined in s. 27.016 (1) (c), or a state recreation area.

SECTION 1405m. 25.31 (1) of the statutes is amended to read:

25.31 **(1)** First: The principal of said trust fund shall be held by the ~~state treasurer~~ secretary of administration, and be invested and reinvested as provided in this chapter.

SECTION 1405r. 25.31 (3) of the statutes is amended to read:

25.31 **(3)** Third: The income shall be disbursed from the state treasury only upon warrants issued on certifications by the department of ~~health and social services~~ corrections upon the recommendation of the superintendent or other managing officer of such school or other institution.

SECTION 1406. 25.36 (1) of the statutes is amended to read:

25.36 **(1)** Except as provided in sub. (2), all moneys appropriated or transferred by law shall constitute the veterans trust fund which shall be used exclusively for the veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (w) ~~and~~, (z) and (zm), 45.01, 45.25, 45.351 (1) and (2), ~~45.352,~~ 45.353, 45.356, 45.357, 45.396, 45.397

and 45.43 (7) and administered by the department of veterans affairs, including all moneys received from the federal government for the benefit of veterans or their dependents; all moneys paid as interest on and repayment of loans under the post–war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans under this fund; all moneys paid as expenses for, interest on and repayment of veterans trust fund stabilization loans; and all gifts of money received by the board of veterans affairs for the purposes of this fund.

SECTION 1407. 25.40 (1) (a) 2. of the statutes is amended to read:

25.40 **(1)** (a) 2. Other revenues specified in ch. 218 derived from the issuance of licenses under the authority of the ~~commissioner~~ division of banking which shall be paid into the general fund.

SECTION 1408b. 25.40 (1) (a) 5. of the statutes is repealed.

SECTION 1408m. 25.40 (1) (a) 6. of the statutes is amended to read:

25.40 **(1)** (a) 6. Amounts payable to the ~~state treasurer~~ secretary of administration under s. 85.14 (1) (b) in conjunction with the collection of fees paid by credit card.

SECTION 1411. 25.40 (2) (b) 12. of the statutes is repealed.

SECTION 1411g. 25.40 (2) (b) 13. of the statutes is amended to read:

25.40 **(2)** (b) 13. Section 20.399 (1) ~~(r)~~ (v).

SECTION 1411r. 25.40 (2) (b) 13. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 25.40 (2) (b) 15m. and amended to read:

25.40 **(2)** (b) 15m. Section ~~20.399 (1)~~ 20.445 (6) (v).

SECTION 1413. 25.40 (2) (b) 17. of the statutes is repealed.

SECTION 1414. 25.43 (3) of the statutes is amended to read:

25.43 **(3)** Except for the purpose of investment as provided in s. 25.17 (2) (d), the clean water fund may be used only for the purposes authorized under ss. 20.320 (1) (r), (s) and (t), 20.370 (2) (mt) and (mx) ~~and (4) (iv) and (ix)~~, (6) (mu) and (mx) and (8) (mr), 20.505 (1) (v) and (x), 144.241 and 144.2415.

SECTION 1415. 25.46 (17m) of the statutes is created to read:

25.46 **(17m)** All moneys received under s. 144.968 (2) for cooperative remedial action.

SECTION 1417. 25.465 (7) of the statutes is amended to read:

25.465 **(7)** The fees imposed under s. 94.705 ~~(1) and~~ (4).

SECTION 1418. 25.50 (1) (d) of the statutes is amended to read:

25.50 **(1)** (d) "Local government" means any county, town, village, city, power district, sewerage district, drainage district, town sanitary district, public inland lake protection and rehabilitation district, public library system, school district or technical college district in this state, any commission, committee, board or officer of any governmental subdivision of this state, any court of this state, other than the court of appeals or the supreme court, or any authority created under s. 231.02, 233.02 or 234.02.

SECTION 1420. 25.61 of the statutes is created to read:

25.61 Information technology investment fund. There is created a separate nonlapsible trust fund designated as the information technology investment fund consisting of all revenues accruing to the state from fees assessed under ss. 16.701, 16.702 and 16.855 (22) and from gifts, grants and bequests made for information technology development purposes and moneys transferred to the fund from other funds.

SECTION 1420d. 25.65 (3) of the statutes is amended to read:

25.65 **(3)** COUNTY GOVERNMENTS AUTHORIZED TO PLACE COUNTY FUNDS IN FUND. With the consent of the county board a county official may transfer county funds received under s. 70.395 (2) (d) 1. to the ~~state treasurer~~ secretary of administration for deposit in the fund. A county official may authorize the investment and local impact fund board to transfer the county funds to the ~~state treasurer~~ secretary of administration for the county.

SECTION 1420h. 25.65 (4) of the statutes is amended to read:

25.65 **(4)** PERIOD OF INVESTMENTS; WITHDRAWAL OF FUNDS. Subject to the restrictions in this subsection the ~~state treasurer~~ secretary of administration shall prescribe the mechanisms and procedures for deposits and withdrawals. The mechanisms and procedures shall include a requirement for review and approval by the investment and local impact fund board of all withdrawals made within 10 years of deposit. The ~~state treasurer~~ secretary of administration shall notify the investment and local impact fund board of all withdrawals made 10 years or more after deposit. Withdrawals shall be made only to cover the costs of alleviating impacts due to the closing of a metalliferous mine in the county or the curtailment of metalliferous mining activity in the county.

SECTION 1420p. 25.65 (6) of the statutes is amended to read:

25.65 **(6)** REIMBURSEMENT OF EXPENSES. The ~~state treasurer~~ secretary of administration shall deduct quarterly a maximum of 0.25% of the amount of income received from the earnings of the fund during the preceding calendar quarter for all actual and necessary expenses incurred by the state in administering the fund.

SECTION 1420t. 25.65 (7) (b) of the statutes is amended to read:

25.65 **(7)** (b) The ~~state treasurer~~ secretary of administration shall report quarterly to each county official the deposits and withdrawals of the preceding quarter and any other activity within the account.

SECTION 1420u. 25.75 (1) (am) of the statutes is repealed.

SECTION 1420v. 25.75 (2) of the statutes is amended to read:

25.75 **(2)** CREATION. There is created a separate nonlapsible trust fund known as the lottery fund, to consist of gross lottery revenues received by the ~~commission~~ department of revenue.

SECTION 1420w. 25.75 (3) (b) 1. of the statutes is amended to read:

25.75 **(3)** (b) 1. Compensation paid to retailers under s. 565.10 (14) shall be included regardless of whether the compensation is deducted by the retailer prior to transmitting lottery ticket and lottery share revenues to the ~~commission~~ department of revenue.

SECTION 1428. 26.11 (7) of the statutes is created to read:

26.11 **(7)** (a) Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered balances in the appropriation accounts under s. 20.370 (1) (cs) and (mz) exceeds $500,000 on June 30 of any fiscal year, the amount in excess of $500,000 shall lapse from the appropriation account under s. 20.370 (1) (cs) to the conservation fund, except as provided in par. (b).

(b) Notwithstanding s. 20.001 (3) (c), if the amount in the appropriation account under s. 20.370 (1) (cs) is insufficient for the amount that must lapse under par. (a), the remainder that is necessary for the lapse shall lapse from the appropriation account under s. 20.370 (1) (mz).

SECTION 1428m. 26.14 (4) of the statutes is amended to read:

26.14 **(4)** Emergency fire wardens or those assisting them in the fighting of forest fires shall prepare itemized accounts of their services and the services of those employed by them, as well as other expenses incurred, on blanks to be furnished by the department and in a manner prescribed by the department, and make oaths or affirmation that said account is just and correct, which account shall be forwarded and approved for payment by the department. As soon as any such account has been paid by the ~~state treasurer~~ secretary of administration the department of natural resources shall send to the proper county treasurer a bill for the county's share of such expenses ~~and a copy of the bill shall be filed with the department of administration~~. The county shall have 60 days within which to pay such bill, but if not paid within that time the county shall be liable for interest at the rate of 6% per year. If payment is not made within 60 days the department of administration shall include such amount as a part of the next levy against the county for state taxes, but no county shall be required to pay more than $5,000 in any one year. Any unpaid levy under this section shall remain a charge against the county and the department of administration shall include such unpaid sums in the state tax levy of the respective counties in subsequent years.

SECTION 1430g. 26.30 (9) (b) (intro.) of the statutes is amended to read:

26.30 **(9)** (b) (intro.) As soon as the expenses incurred by the state in forest pest control work have been paid by the ~~state treasurer~~ secretary of administration, the department shall send to each landowner a bill covering an equitable share of such expenses as herein provided.

SECTION 1430m. 26.37 of the statutes is created to read:

26.37 Lake states wood utilization consortium. (1) The department of natural resources and the department of development shall jointly develop a plan to

establish a lake states wood utilization consortium to provide research, development and demonstration grants to enhance the forest products industry in Wisconsin and other states. The plan shall do all of the following:

(a) Define the powers, duties and responsibilities of the consortium.

(b) Establish an implementation committee for the consortium. Members of the committee may include one or more representatives from the department of natural resources, the department of development and the forest products industry.

(c) Specify eligibility requirements for the grants and criteria for awarding the grants, including how the grants are to be distributed to each state participating in the consortium.

(d) Require that the grants require matching funds or in–kind contributions by industrial recipients of the grants.

(e) Require the implementation committee to identify an organization that can administer and award the grants and oversee the grant program.

(f) Require the consortium to actively pursue funding from the states of Michigan and Minnesota of $200,000 annually from each state for 3 years.

(g) Require the consortium to actively pursue federal and other funding sources.

(2) The department of natural resources may not expend moneys from the appropriations under s. 20.370 (5) (ax) or (6) (bt) unless the department of natural resources and the department of development first submit to the joint committee on finance the plan required under sub. (1). If the cochairpersons of the joint committee on finance do not notify the department of natural resources within 14 working days after the date of the departments' submittal of the plan that the committee has scheduled a meeting to review the plan, the plan may be implemented and moneys

may be expended as proposed by the department of natural resources. If, within 14 days after the date of the departments' submittal of the plan, the cochairpersons of the committee notify the department of natural resources that the committee has scheduled a meeting to review the plan, moneys may be expended only after the plan has been approved by the committee.

SECTION 1471. 27.01 (7) (f) 1. of the statutes is amended to read:

27.01 **(7)** (f) 1. Except as provided in par. (gm), the fee for an annual vehicle admission sticker is ~~$15~~ $18 for each vehicle which has Wisconsin registration plates, except that no fee is charged for a sticker issued under s. 29.1475 (6).

SECTION 1472. 27.01 (7) (f) 2. of the statutes is amended to read:

27.01 **(7)** (f) 2. Except as provided in subds. 3. and 4. and par. (gm) 4., the fee for a daily vehicle admission sticker is ~~$4~~ $5 for any vehicle which has Wisconsin registration plates.

SECTION 1473. 27.01 (7) (g) 1. of the statutes is amended to read:

27.01 **(7)** (g) 1. Except as provided in par. (gm), the fee for an annual vehicle admission sticker for any vehicle which has a registration plate or plates from another state is ~~$24~~ $25.

SECTION 1474. 27.01 (7) (g) 1. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

27.01 **(7)** (g) 1. Except as provided in par. (gm), the fee for an annual vehicle admission sticker is $25 for any vehicle which has a registration plate or plates from another state, except that no fee is charged for a sticker issued under s. 29.1475 (6).

SECTION 1475. 27.01 (7) (g) 2. of the statutes is amended to read:

27.01 **(7)** (g) 2. Except as provided in subds. 3. and 4., the fee for a daily vehicle admission sticker for any vehicle which has a registration plate or plates from another state is ~~$6~~ $7.

SECTION 1478. 27.01 (7) (gm) 3. of the statutes is amended to read:

27.01 **(7)** (gm) 3. Notwithstanding par. (f) 1., the fee for an annual vehicle admission sticker for a vehicle that has Wisconsin registration plates and that is owned by a resident senior citizen, as defined in s. 29.01 (12m), is ~~$6.50~~ $9.

SECTION 1479. 27.01 (7) (gm) 4. of the statutes is amended to read:

27.01 **(7)** (gm) 4. Notwithstanding par. (f) 2., the fee for a daily vehicle admission sticker for a vehicle that has Wisconsin registration plates and that is owned by a resident senior citizen, as defined in s. 29.01 (12m), is ~~$2~~ $3.

SECTION 1494. 27.01 (11) (d) of the statutes is amended to read:

27.01 **(11)** (d) *Reservation applications.* The department may accept reservation applications from residents and nonresidents beginning on ~~the first working day after~~ January ~~1~~ 10 of each year.

SECTION 1496. 27.01 (11) (e) of the statutes is amended to read:

27.01 **(11)** (e) *Early reservation applications.* The department may refuse to accept reservation applications postmarked or made in person prior to ~~the first working day after~~ January ~~1~~ 10 of each year or the department may treat these applications as if they were postmarked or made on January ~~7~~ 15 and shall process these applications together with reservation applications actually postmarked or made in person on that date.

SECTION 1499m. 27.01 (11) (g) of the statutes is amended to read:

27.01 **(11)** (g) (title) *Processing; prior to January ~~8th~~ 16.* ~~From the first working day after January 1 of each year to January 7~~ Beginning on January 10 and ending

on January 15 of each year, reservation applications shall be processed in order according to the date on which they were made and all reservations for a given date shall be processed by random selection. Except as provided under par. (e), reservation applications made by mail shall be treated as if they were made on the postmark date and shall be processed with reservations made in person on that date.

SECTION 1500. 27.01 (11) (h) of the statutes is amended to read:

27.01 **(11)** (h) (title) *Processing; after January ~~7~~ 15.* After January ~~7~~ 15, reservation applications shall be processed in order according to when they are received. Reservation applications submitted by mail are considered to be received when they are actually received by the appropriate office of the department.

SECTION 1501m. 27.01 (11) (i) of the statutes is created to read:

27.01 **(11)** (i) *Cooperation with tourism.* The department of natural resources and the division of tourism in the department of development shall work jointly to establish an automated campground reservation system.

SECTION 1501r. 27.01 (11) (i) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

27.01 **(11)** (i) *Cooperation with tourism.* The department of natural resources and the ~~division~~ department of tourism ~~in the department of development~~ shall work jointly to establish an automated campground reservation system.

SECTION 1506. 27.013 of the statutes is repealed.

SECTION 1509m. 27.014 of the statutes is created to read:

27.014 Liability of vehicle owners. (1) LIABILITY. (a) If the department finds a vehicle in a vehicle admission area, as defined in s. 27.01 (7) (a) 3., that does not have a valid sticker affixed to it and the department cannot locate the operator

of the vehicle, the owner of the vehicle shall be presumed liable for a violation of s. 27.01 (7) (b).

(b) Notwithstanding par. (a), no owner of a vehicle involved in a violation of s. 27.01 (7) (b) may be convicted under this section if the person who, at the time of the violation, is operating the vehicle or who has the vehicle under his or her control has been convicted for the violation under par. (a) or s. 27.01 (7) (b).

(c) Service may be made by certified mail addressed to the vehicle owner's last–known address.

(2) DEFENSES. The following are defenses to the imposition of liability under sub. (1):

(a) That a report that the vehicle was stolen was given to the department before the violation occurred or within a reasonable time after the violation occurred.

(b) If the owner of the vehicle provides the department with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the department to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle at the time of the violation, then the owner of the vehicle shall not be liable under sub. (1) or s. 27.01 (7) (b).

(c) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the department with the information required under s. 343.46 (3), then the lessee and not the lessor shall be liable under sub. (1) or s. 27.01 (7) (b).

(d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by or was under the control of any person

on a trial run, and if the dealer provides the department with the name, address and operator's license number of the person operating the vehicle, then that person, and not the dealer, shall be liable under sub. (1) or s. 27.01 (7) (b).

SECTION 1510b. 27.015 of the statutes is renumbered 27.019.

SECTION 1510m. 27.016 of the statutes is created to read:

27.016 State parks and forests grant program. (1) In this section:

(a) "Endowment fund" means an endowment, trust or other segregated fund for the benefit of a specific state park, southern state forest or state recreation area.

(b) "Friends group" has the meaning given in s. 23.098 (1).

(c) "Southern state forest" means a state forest that is located within the region specified in s. 25.29 (7) (a).

(2) (a) The department shall establish a grant program under which friends groups that qualify under par. (b) may receive matching grants for the operation and maintenance of state parks, southern state forests or state recreation areas.

(b) To qualify for a grant under this section, a friends group shall have established an endowment fund for the benefit of a state park, a southern state forest or a state recreation area and shall have entered into a written agreement with the department as required by the department by rule.

(3) The department shall promulgate rules to establish criteria to be used in determining which friends groups and which activities related to the maintenance or operation of state parks, southern state forests or state recreation areas are eligible for these grants.

(4) The department may not expend more than $30,000 as grants under this section for a given friends group, state park, southern state forest or state recreation area in a fiscal year.

(5) The amount of a grant under this section shall equal 50% of the amount of matching funds that are provided by the friends group for the grant. A friends group may only use the interest generated by the endowment fund for purposes of providing the matching funds. The matching funds and the grant may be used only for the operation and maintenance of the state park, southern state forest or state recreation area that the endowment fund was established to benefit.

(6) Annually, on or before January 1, the department shall review all applications received under this section in the previous year and shall make the grants that it approves from the appropriation under s. 20.370 (1) (eq). If insufficient funds are available to pay all approved grants, the board shall prorate the available funds among the applicants in proportion to the approved grant amounts.

(7) Beginning in fiscal year 1996–97 and for each fiscal year thereafter, any moneys not encumbered or expended for grants under sub. (6) from the appropriation under s. 20.370 (1) (eq) may be used by the department for the operation and maintenance of the state parks, of the southern state forests and of state recreation areas.

SECTION 1527. 28.11 (5) (a) of the statutes is amended to read:

28.11 **(5)** (a) A comprehensive county forest land use plan shall be prepared for a 10–year period by the county forestry committee with the assistance of technical personnel from the department and other interested agencies, and shall be approved by the county board and the department. The plan shall include land use designations, land acquisition, forest protection, annual allowable timber harvests, recreational developments, fish and ~~game~~ wildlife management activities, roads, silvicultural operations and operating policies and procedures; it shall include a complete inventory of the county forest and shall be documented with maps, records

and priorities showing in detail the various projects to be undertaken during the plan period. The plan may include an application for aids under s. 23.09 (17m). The application will be considered an annual application for these aids during the 10–year period of the plan. The initial plan shall be completed within 2 years from October 2, 1963 and may be revised as changing conditions require and shall be revised upon expiration of the plan period.

SECTION 1528. 28.11 (5m) of the statutes is amended to read:

28.11 **(5m)** GRANTS FOR COUNTY FOREST ADMINISTRATORS. The department may make grants, from the appropriation under s. 20.370 ~~(4) (av)~~ (5) (bw), to counties having lands entered under sub. (4) to fund up to 50% of the salary of one professional forester in the position of county forest administrator or assistant county forest administrator. The department may not make a grant under this subsection for a year for which the department has not approved the annual work plan that was approved by the county board under sub. (5) (b).

SECTION 1529. 28.11 (8) (a) of the statutes is amended to read:

28.11 **(8)** (a) *Acreage payments.* As soon after April 20 of each year as feasible, the department shall pay to each town treasurer 30 cents per acre, based on the acreage of such lands as of the preceding June 30, as a grant out of the appropriation made by s. 20.370 ~~(4) (ar)~~ (5) (bv) on each acre of county lands entered under this section.

SECTION 1530. 28.11 (8) (b) 1. of the statutes is amended to read:

28.11 **(8)** (b) 1. A county having established and maintaining a county forest under this section is eligible to receive from the state from the appropriations under s. 20.370 ~~(4) (at) and (aw)~~ (5) (bq) and (bs) an annual payment as a noninterest bearing loan to be used for the purchase, development, preservation and

maintenance of the county forest lands and the payment shall be credited to a county account to be known as the county forestry aid fund. A county board may, by a resolution adopted during the year and transmitted to the department by December 31, request to receive a payment of not more than 50 cents for each acre of land entered and designated as "county forest land". The department shall review the request and approve the request if the request is found to be consistent with the comprehensive county forest land use plan. If any lands purchased from the fund are sold, the county shall restore the purchase price to the county forestry aid fund. The department shall pay to the county the amount due to it on or before March 31 of each year, based on the acreage of the lands as of the preceding June 30. If the amounts in the appropriations under s. 20.370 ~~(4) (at) and (aw)~~ (5) (bq) and (bs) are not sufficient to pay all of the amounts approved by the department under this subdivision, the department shall pay eligible counties on a prorated basis.

SECTION 1531. 28.11 (8) (b) 2. of the statutes is amended to read:

28.11 **(8)** (b) 2. The department may allot additional interest free forestry aid loans on a project basis to individual counties to permit the counties to undertake meritorious and economically productive forestry operations, including land acquisitions. These additional aids may not be used for the construction of recreational facilities or for fish and game management projects. Application shall be made in the manner and on forms prescribed by the department and specify the purpose for which the additional aids will be used. The department shall make an investigation as it deems necessary to satisfy itself that the project is feasible, desirable and consistent with the comprehensive plan. If the department so finds, it may make allotments in such amounts as it determines to be reasonable and proper and charge the allotments to the forestry fund account of the county. These

allotments shall be credited by the county to the county forestry aid fund. After determining the loans as required under subd. 1., the department shall make the remainder of the amounts appropriated under s. 20.370 ~~(4) (at) and (aw)~~ (5) (bq) and (bs) for that fiscal year available for loans under this subdivision. The department shall also make loans under this subdivision from the appropriations under s. 20.370 ~~(4) (ax)~~ (5) (bt) and ~~(ay)~~ (bu).

SECTION 1532. 28.11 (9) (am) of the statutes is amended to read:

28.11 **(9)** (am) The acreage loan severance share payments shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 ~~(4) (aw)~~ (5) (bq), and the project loan severance share payments shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 ~~(4) (ay)~~ (5) (bu).

SECTION 1533. 28.11 (9) (ar) 1. of the statutes is amended to read:

28.11 **(9)** (ar) 1. Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered balances in the appropriations under s. 20.370 ~~(4) (aw), (ax)~~ (5) (bq), (bt) and ~~(ay)~~ (bu) exceeds $400,000 on June 30 of any fiscal year, the amount in excess of $400,000 shall lapse from the appropriation under s. 20.370 ~~(4) (aw)~~ (5) (bq) to the conservation fund, except as provided in subd. 2.

SECTION 1534. 28.11 (9) (ar) 2. of the statutes is amended to read:

28.11 **(9)** (ar) 2. Notwithstanding s. 20.001 (3) (c), if the amount in the appropriation under s. 20.370 ~~(4) (aw)~~ (5) (bq) is insufficient for the amount that must lapse under subd. 1., the remainder that is necessary for the lapse shall lapse from the appropriation under s. 20.370 ~~(4) (ay)~~ (5) (bu).

SECTION 1535. 29.05 (2) of the statutes is amended to read:

29.05 **(2)** ADDITIONAL ARREST POWERS. In addition to the arrest powers under sub. (1), a conservation warden who has completed a program of law enforcement

training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (b) 1. and has complied with any applicable requirements under s. 165.85 (4) (bn) 1. while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. 165.83 (1) (b) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the conservation warden makes an arrest without the presence of another law enforcement agency, the conservation warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The conservation warden shall be available as a witness for the state. A conservation warden may not conduct investigations for violations of state law except as authorized in sub. (3) and ss. ~~16.21~~ 41.41 (12) and 23.11 (4). A conservation warden acting under the authority of this subsection is considered an employe of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

SECTION 1536m. 29.09 (9m) of the statutes is renumbered 29.09 (9m) (a).

SECTION 1537. 29.09 (9m) (a) 1m. of the statutes is created to read:

29.09 **(9m)** (a) 1m. Bonus deer hunting permit.

SECTION 1537m. 29.09 (9m) (b) of the statutes is created to read:

29.09 **(9m)** (b) If a person applies jointly for a hunter's choice deer hunting permit and a bonus deer hunting permit, the person shall pay a single processing fee. A person who applies for a bonus deer hunting permit is exempt from paying an

additional processing fee if the person has already applied for a hunter's choice deer hunting permit for the same season. If the department authorizes the issuing of more than one bonus deer hunting permit to a person in a single season under s. 29.1075 (2), the person is exempt from paying an additional processing fee for an application for the 2nd or subsequent bonus deer hunting permit.

SECTION 1538. 29.09 (9r) of the statutes is created to read:

29.09 **(9r)** HANDLING FEES FOR APPLICATIONS FOR CERTAIN APPROVALS. (a) In addition to any other fee imposed under s. 29.092, the department may collect handling fees for the approvals that the department itself issues. The handling fees shall cover the costs associated with paying for approvals that are requested by mail, telephone or electronic means.

(b) If the department collects handling fees under par. (a), it shall promulgate rules to designate the approvals to which the fees shall apply and to establish the amounts of the fees. The fees may not be more than the amounts necessary to cover the handling costs of issuing the approvals. In this paragraph, "handling costs" includes credit transaction fees, mailing costs and personnel costs that are necessary to process the credit transaction.

(c) Any fees collected under this subsection shall be deposited in the conservation fund and credited to the appropriation account under s. 20.370 (1) (Lu).

SECTION 1538m. 29.092 (2) (a) of the statutes, as affected by 1993 Wisconsin Act 153, is amended to read:

29.092 **(2)** (a) *Resident small game.* Except as provided in sub. (3v) (a) 1. and (am), the fee for a resident small game hunting license is $10.25.

SECTION 1556. 29.092 (2) (o) of the statutes is amended to read:

29.092 **(2)** (o) *Deer tag and back tag.* There is no fee for a deer tag or back tag issued with a resident deer hunting license, resident archer hunting license, nonresident deer hunting license, nonresident archer hunting license, resident sports license, nonresident sports license, resident conservation patron license or nonresident conservation patron license.

SECTION 1560. 29.092 (3) (f) of the statutes is amended to read:

29.092 **(3)** (f) *Resident disabled person.* ~~There is no~~ The fee for ~~a~~ an annual fishing license issued to a resident disabled person under s. 29.145 (1c) is $6.25.

SECTION 1571. 29.092 (3v) (am) of the statutes is created to read:

29.092 **(3v)** (am) The fee for a resident annual small game hunting license issued to a resident who is at least 12 years old but less than 18 years old is $6.25.

SECTION 1574. 29.092 (4) (am) of the statutes is created to read:

29.092 **(4)** (am) *Nonresident sports license.* The minimum fee for a nonresident sports license is $222.25. Any applicant, at the applicant's option, may pay a greater or additional fee for this license.

SECTION 1576. 29.092 (4) (bn) of the statutes is created to read:

29.092 **(4)** (bn) *Nonresident conservation patron license.* The fee for a nonresident conservation patron license is $523.25. Any applicant, at the applicant's option, may pay a greater or additional fee for this license.

SECTION 1580. 29.092 (11) (g) of the statutes is amended to read:

29.092 **(11)** (g) (title) ~~*Wild*~~ *Resident wild ginseng harvest license.* The fee for a resident wild ginseng harvest license is ~~$5~~ $15, except that there is no fee for a license issued to a ~~person~~ resident for cutting, rooting up, gathering or destroying wild ginseng only on the ~~person's~~ resident's own land.

SECTION 1581. 29.092 (11) (gm) of the statutes is created to read:

29.092 **(11)** (gm) *Nonresident wild ginseng harvest license.* The fee for a nonresident wild ginseng harvest license is $30.

SECTION 1582. 29.092 (11) (h) of the statutes is amended to read:

29.092 **(11)** (h) (title) ~~*Wild*~~ *Resident wild ginseng dealer license, class A*. The fee for a class A resident wild ginseng dealer license is $100.

SECTION 1583. 29.092 (11) (i) of the statutes is created to read:

29.092 **(11)** (i) *Resident wild ginseng dealer license, class B*. The fee for a class B resident wild ginseng dealer license is $500.

SECTION 1584. 29.092 (11) (j) of the statutes is created to read:

29.092 **(11)** (j) *Resident wild ginseng dealer license, class C.* The fee for a class C resident wild ginseng dealer license is $1,000.

SECTION 1585. 29.092 (11) (k) of the statutes is created to read:

29.092 **(11)** (k) N*onresident wild ginseng dealer license.* The fee for a nonresident wild ginseng dealer license is $1,000.

SECTION 1589m. 29.092 (13) (b) of the statutes is amended to read:

29.092 **(13)** (b) *Duplicate archer hunting, sports or conservation patron license.* The fee for a duplicate resident archer hunting license, nonresident archer hunting license, resident sports license, nonresident sports license, resident conservation patron license or nonresident conservation patron license is $6.50 if the duplicate license includes any deer tags and $4.25 if the duplicate license is issued after the open season for hunting deer and does not include any deer tags.

SECTION 1593g. 29.092 (13m) of the statutes is renumbered 29.092 (13m) (a) and amended to read:

29.092 **(13m)** (a) The processing fee for an application for a hunter's choice deer hunting permit, a bonus deer hunting permit, a wild turkey hunting license, a

Canada goose hunting permit, a bobcat hunting and trapping permit, an otter trapping permit or a fisher trapping permit is $2.75.

SECTION 1593r. 29.092 (13m) (b) of the statutes is created to read:

29.092 **(13m)** (b) The processing fee for a joint application for a hunter's choice deer hunting permit and a bonus deer hunting permit if the person applies jointly for the 2 permits is $2.75.

SECTION 1594m. 29.092 (14) (a) of the statutes is amended to read:

29.092 **(14)** (a) *Surcharge generally.* In addition to the fees specified under subs. (2) (a) and (c) to (k), (3v) (a) 1. and (am) and (4) (a), a person who applies for a resident small game, resident deer, resident bear, resident archer, nonresident annual small game, nonresident 5–day small game, nonresident deer, nonresident bear, nonresident fur–bearing animal, nonresident archer license or resident sports license shall pay a wildlife damage surcharge of $1.

SECTION 1595m. 29.092 (14) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

29.092 **(14)** (a) *Surcharge generally.* In addition to the fees specified under subs. (2) (a) and (c) to (k), (3v) (a) 1. and (am) and (4) (a) and (am), a person who applies for a resident small game, resident deer, resident bear, resident archer, nonresident annual small game, nonresident 5–day small game, nonresident deer, nonresident bear, nonresident fur–bearing animal, nonresident archer license, resident sports license, or nonresident sports license shall pay a wildlife damage surcharge of $1.

SECTION 1601m. 29.092 (14) (b) of the statutes is amended to read:

29.092 **(14)** (b) *Addition of surcharge.* The wildlife damage surcharge shall be added to the fee provided in sub. (2) (a) or (c) to (k), (3v) (a) 1. or (am) or (4) (a).

SECTION 1602m. 29.092 (14) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

29.092 **(14)** (b) *Addition of surcharge.* The wildlife damage surcharge shall be added to the fee provided in sub. (2) (a) or (c) to (k), (3v) (a) 1. or (am) or (4) (a) or (am).

SECTION 1603. 29.092 (15m) of the statutes is created to read:

29.092 **(15m)** HANDLING FEES FOR CERTAIN APPROVAL APPLICATIONS. The handling fee for an approval designated by rule under s. 29.09 (9r) (b) is the amount established under s. 29.09 (9r) (b).

SECTION 1604. 29.093 (2) (a) of the statutes is amended to read:

29.093 **(2)** (a) *General effective period.* Except as provided under pars. (b) ~~and (c)~~ to (cg), a hunting license is valid from April 1 or the date of issuance, whichever is later, until March 31 of the following year.

SECTION 1605. 29.093 (2) (b) of the statutes is amended to read:

29.093 **(2)** (b) *Archer hunting license; issuance after the beginning of the open season for hunting deer.* Except as provided in par. (i) 2., a resident archer hunting license, a nonresident archer hunting license, a resident conservation patron license or a nonresident conservation patron license issued during the open season for the hunting of deer with a bow and arrow does not authorize such hunting until 3 days after it is issued, excluding the date of issuance.

SECTION 1607. 29.093 (2) (d) of the statutes is amended to read:

29.093 **(2)** (d) *Wild turkey hunting stamp.* A wild turkey hunting stamp is valid ~~for the one–year period specified on the stamp~~ from the date of issuance until December 31 of the year in which the stamp was issued.

SECTION 1608. 29.093 (2) (g) of the statutes is amended to read:

29.093 **(2)** (g) *Restriction on the issuance of deer hunting licenses during the open season.* Except as provided under par. (i) 1., no resident deer hunting license, nonresident deer hunting license, resident sports license, nonresident sports license, resident conservation patron license or nonresident conservation patron license may be issued during the open season for the hunting of deer with firearms.

SECTION 1609. 29.093 (2) (i) 2. of the statutes is amended to read:

29.093 **(2)** (i) 2. A resident archer hunting license or a resident conservation patron license issued during the open season for hunting deer with a bow and arrow authorizes such hunting beginning on the date of issuance if issued to a person who is a member of the U.S. armed forces who exhibits proof that he or she is in active service with the armed forces and that he or she is stationed in this state or is a resident of this state on furlough or leave.

SECTION 1610. 29.093 (3) (c) of the statutes is amended to read:

29.093 **(3)** (c) *Resident disabled person fishing license.* A ~~permanent~~ fishing license issued before the effective date of this paragraph .... [revisor inserts date], to a disabled person under s. 29.145 (1c) is valid from the date of issuance and remains valid until March 31, 1996, as long as the licensee ~~is~~ continues to be a resident and continues to meet the requirement of s. 29.145 (1c) (a), (b) or (c).

SECTION 1611. 29.093 (11) (c) of the statutes is amended to read:

29.093 **(11)** (c) *Wild ginseng dealer license.* A nonresident wild ginseng dealer license or a class A, class B or class C wild ginseng dealer license is valid from July 1 or the date of issuance, whichever is later, until the following June 30.

SECTION 1612. 29.103 (7) of the statutes is created to read:

29.103 **(7)** USE OF MONEYS FROM FEES. The fees collected from the sale of wild turkey hunting stamps under this section shall be deposited in the conservation fund and credited to the appropriation account under s. 20.370 (1) (ht).

SECTION 1615. 29.1075 (3) of the statutes is amended to read:

29.1075 **(3)** USE OF FEES. The fees received from issuing permits under this section shall be deposited into the conservation fund and credited to the appropriation under s. 20.370 ~~(4) (gq)~~ (5) (fq).

SECTION 1617. 29.145 (1c) (intro.) of the statutes is amended to read:

29.145 **(1c)** (title) ~~PERMANENT FISHING~~ FISHING LICENSE FOR DISABLED PERSONS. (intro.) The department shall issue ~~a permanent~~ an annual disabled person fishing license to any resident who applies for this license and who does one of the following:

SECTION 1618. 29.147 (1) of the statutes is amended to read:

29.147 **(1)** A resident sports license shall be issued subject to s. 29.09 by the department or by a county clerk to any resident who is over the age of 12 years, a U.S. citizen, and who applies for this license and pays the minimum fee. A nonresident sports license shall be issued subject to s. 29.09 by the department or by a county clerk to any person who is not a resident and who meets these requirements.

SECTION 1619. 29.147 (2) of the statutes is amended to read:

29.147 **(2)** A resident sports license confers upon the licensee all the combined privileges conferred by a resident small game hunting license, resident fishing license and resident deer hunting license subject to all the duties, conditions, limitations and restrictions prescribed in this chapter and by department order.

SECTION 1620. 29.147 (2m) of the statutes is created to read:

29.147 **(2m)** A nonresident sports license confers upon the licensee all the combined privileges conferred by a nonresident small game hunting license,

nonresident fishing license and nonresident deer hunting license subject to all the duties, conditions, limitations and restrictions prescribed in this chapter and by department order.

SECTION 1621. 29.1475 (1) of the statutes is amended to read:

29.1475 **(1)** ISSUANCE. A resident conservation patron license shall be issued subject to s. 29.09 by the department to any resident 14 years old or older who applies for ~~this~~ the license. A nonresident conservation patron license shall be issued subject to s. 29.09 by the department to any person 14 years old or older who is not a resident and who applies for the license.

SECTION 1622. 29.1475 (2) of the statutes is amended to read:

29.1475 **(2)** (title) AUTHORIZATION; RESIDENT HUNTING, FISHING AND TRAPPING PRIVILEGES. A resident conservation patron license confers upon the licensee all the combined privileges conferred by a resident small game hunting license, resident deer hunting license, resident wild turkey hunting license, resident bear hunting license, resident archer hunting license, waterfowl hunting stamp, pheasant hunting stamp, a wild turkey hunting stamp, resident annual fishing license, sturgeon spearing license, an inland waters trout stamp, a Great Lakes trout and salmon stamp and trapping license.

SECTION 1623. 29.1475 (2m) of the statutes is created to read:

29.1475 **(2m)** AUTHORIZATION; NONRESIDENT HUNTING AND FISHING PRIVILEGES. A nonresident conservation patron license confers upon the licensee all the combined privileges conferred by a nonresident small game hunting license, nonresident deer hunting license, nonresident wild turkey hunting license, nonresident bear hunting license, nonresident archer hunting license, waterfowl hunting stamp, pheasant hunting stamp, a wild turkey hunting stamp, nonresident annual fishing license,

sturgeon spearing license, an inland waters trout stamp and a Great Lakes trout and salmon stamp.

SECTION 1624. 29.1475 (6) of the statutes is amended to read:

29.1475 **(6)** ADMISSION STICKER. At the same time the department issues a conservation patron license, it may issue an annual resident or nonresident vehicle admission sticker or a special sticker for admission to state parks and similar areas. Alternatively or in addition, the department may issue an annual resident or nonresident vehicle admission sticker or a special sticker for admission to state parks and similar areas to a person who has a conservation patron license on location at the state park or similar area. A person who is issued a sticker under this subsection shall affix the sticker by its own adhesive to the interior surface of the lower left–hand corner of the windshield of the vehicle. A sticker issued under this section is not considered part of a conservation patron license for the purpose of issuing a duplicate and no duplicate sticker shall be issued unless the license holder provides evidence that the vehicle upon which the sticker is affixed is no longer usable or that the vehicle was transferred to another person and the license holder presents the original sticker or remnants of it to the department.

SECTION 1625. 29.149 (5) of the statutes is amended to read:

29.149 **(5)** USE OF MONEYS FROM FEES. The department shall expend the receipts from the sale of inland waters trout stamps on improving and maintaining trout habitat in ~~the~~ inland trout waters ~~of the state~~, conducting trout surveys in inland trout waters and administering this section.

SECTION 1626. 29.15 (2) of the statutes is amended to read:

29.15 **(2)** REQUIREMENT. No person may fish for trout or salmon in the outlying trout and salmon waters of the state unless the person is issued a resident or

nonresident 2–day sports fishing license, unless the person is issued a conservation patron license under s. 29.1475 or unless the person is issued a Great Lakes trout and salmon stamp which is affixed by the stamp's adhesive to the person's fishing license or sports license.

SECTION 1627. 29.155 (1m) of the statutes is amended to read:

29.155 **(1m)** The department shall, in cooperation with and with the assistance of the department of ~~development~~ tourism, publicize the special events and programs sponsored or approved under sub. (1g) or (1h).

SECTION 1631. 29.41 (3) of the statutes is amended to read:

29.41 **(3)** Possess the raw skin of any muskrat, mink, otter, fisher or pine marten at any time unless the person is the holder of a scientific collector permit, fur dealer license, trapping license or resident conservation patron license of current issue. No license is required for a person breeding, raising and producing domestic fur–bearing animals in captivity as defined in s. 29.579 or for a person authorized to take muskrats on a cranberry marsh under a permit issued to the person by the department.

SECTION 1631m. 29.525 of the statutes is repealed.

SECTION 1632. 29.544 (3) of the statutes is amended to read:

29.544 **(3)** LICENSE REQUIRED EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the members of the immediate family of a licensee or of a recipient of old–age assistance ~~or general relief~~ or members of their immediate families. The department shall issue a wild rice identification card to each member of a licensee's immediate family, to a recipient of old–age assistance ~~or general relief~~ and to each member of the recipient's

family. The term "immediate family" includes husband and wife and minor children having their abode and domicile with the parent or legal guardian.

SECTION 1633. 29.547 (1) (a) of the statutes is amended to read:

29.547 **(1)** (a) "Dealer" means a person who ~~buys~~ purchases for purposes of resale at least 8 ounces of wild ginseng ~~annually~~ in a license year.

SECTION 1634. 29.547 (1) (am) of the statutes is created to read:

29.547 **(1)** (am) "License year" means the period beginning on July 1 of a given year and ending on the following June 30.

SECTION 1635. 29.547 (1) (b) of the statutes is amended to read:

29.547 **(1)** (b) "Wild ginseng" means ~~ginseng~~ an unprocessed plant, dry root~~,~~ or live root ~~or seed~~ of the species Panax quinquefolius that is not grown or nurtured by a person.

SECTION 1636. 29.547 (4) of the statutes is renumbered 29.547 (4) (intro.) and amended to read:

29.547 **(4)** PURCHASE WITH KNOWLEDGE. (intro.) No person may purchase wild ginseng if the person knows the ginseng was cut, rooted up or gathered between November 1 and the following September 1. No ~~person~~ dealer may purchase wild ginseng if ~~the person~~ any of the following applies:

(b) The dealer knows ~~that the vendor does not have a license to harvest ginseng or~~ that the vendor has violated this section or a rule promulgated under this section.

SECTION 1637. 29.547 (4) (a) of the statutes is created to read:

29.547 **(4)** (a) The dealer fails to inspect the vendor's wild ginseng harvest license or wild ginseng dealer license.

SECTION 1638. 29.547 (6) (a) of the statutes is amended to read:

29.547 **(6)** (a) *Requirement.* No person may cut, root up, gather or destroy wild ginseng unless the person has a valid wild ginseng harvest license issued by the department. The department shall promulgate rules for issuing wild ginseng harvest licenses. The department may promulgate rules on the quantity of wild ginseng that each person may harvest~~,~~ and restrictions on areas where wild ginseng may be harvested and on the methods which may be used to harvest wild ginseng.

SECTION 1639. 29.547 (7) (title) of the statutes is amended to read:

29.547 **(7)** (title) WILD GINSENG DEALER ~~LICENSE~~ LICENSES.

SECTION 1640. 29.547 (7) of the statutes is renumbered 29.547 (7) (a) (intro.) and amended to read:

29.547 **(7)** (a) (title) *License required.* (intro.) No ~~person~~ resident may ~~engage in business~~ act as a dealer ~~and no dealer may purchase wild ginseng~~ in this state unless he or she has ~~a~~ one of the following valid wild ginseng dealer ~~license~~ licenses issued by the department~~.~~:

(c) (title) *Rules.* The department may establish by rule the procedure for issuing ~~a~~ wild ginseng dealer ~~license~~ licenses.

SECTION 1641. 29.547 (7) (a) 1. of the statutes is created to read:

29.547 **(7)** (a) 1. A class A resident wild ginseng dealer license authorizes the purchase for purposes of resale of not more than 100 pounds dry weight of wild ginseng in a license year.

SECTION 1642. 29.547 (7) (a) 2. of the statutes is created to read:

29.547 **(7)** (a) 2. A class B resident wild ginseng dealer license authorizes the purchase for purposes of resale of not more than 1,000 pounds dry weight of wild ginseng in a license year.

SECTION 1643. 29.547 (7) (a) 3. of the statutes is created to read:

29.547 **(7)** (a) 3. A class C resident wild ginseng dealer license authorizes the purchase for purposes of resale of any amount of wild ginseng in a license year.

SECTION 1644. 29.547 (7) (b) of the statutes is created to read:

29.547 **(7)** (b) *Nonresident wild ginseng dealer license.* A person who is not a resident may not act as a dealer in this state unless he or she has a valid nonresident wild ginseng dealer license issued by the department.

SECTION 1645. 29.547 (8) (title) of the statutes is amended to read:

29.547 **(8)** (title) SHIPMENT AND CERTIFICATION OF ORIGIN OF WILD GINSENG.

SECTION 1646. 29.547 (8) (a) of the statutes is amended to read:

29.547 **(8)** (a) (title) ~~*Certificate required*~~ *Wild ginseng originating in this state.* ~~Except as provided under par. (b), no~~ No person may ship out of this state wild ginseng ~~out of~~ that originates in this state unless the wild ginseng is accompanied by a valid ~~and completed shipping~~ certificate of origin issued under this subsection.

SECTION 1647. 29.547 (8) (b) of the statutes is repealed.

SECTION 1648. 29.547 (8) (bn) of the statutes is created to read:

29.547 **(8)** (bn) *Wild ginseng originating in another state.* 1. No person may ship out of this state to a foreign country wild ginseng that originates in another state unless the wild ginseng is accompanied by a valid certificate of origin issued by that other state. No person may ship out of this state wild ginseng that originates in another state under a certificate of origin issued under this subsection.

2. No resident may purchase for purposes of resale wild ginseng that originates in another state unless the wild ginseng is accompanied by a valid certificate of origin from the other state.

3. If a dealer who is a resident receives wild ginseng that originated in another state and if a certificate of origin issued by that state does not accompany the wild

ginseng, the dealer shall return the wild ginseng to the sender within 30 days after its receipt.

SECTION 1649. 29.547 (8) (c) of the statutes is amended to read:

29.547 **(8)** (c) *Issuance of certificates.* The department shall promulgate a rule establishing the procedure for issuing certificates of origin. The department may issue ~~shipping~~ certificates of origin only to a person who has a valid wild ginseng harvest license or a valid wild ginseng dealer license. ~~No person except the person to whom the shipping certificate is issued may use or possess the shipping certificate.~~

SECTION 1650. 29.547 (8) (d) of the statutes is amended to read:

29.547 **(8)** (d) *Effective period; cancellations; return.* Unless canceled, a ~~shipping~~ certificate of origin is valid for the period indicated on the certificate's face. The department may cancel a ~~shipping~~ certificate of origin at any time. ~~Any person to whom shipping certificates of origin are issued shall return all unused shipping certificates to the department within 10 days after the expiration of the period indicated on the certificates or within 10 days after the department cancels the certificates.~~

SECTION 1651. 29.547 (8) (e) of the statutes is amended to read:

29.547 **(8)** (e) *Validity.* A ~~shipping~~ certificate of origin is valid only if it has not expired or been canceled by the department, is fully completed and contains no false information. A ~~shipping~~ certificate of origin issued under this subsection is valid only for wild ginseng originating ~~from~~ in this state.

SECTION 1652. 29.547 (8) (f) of the statutes is amended to read:

29.547 **(8)** (f) *Prohibitions.* ~~No person may ship wild ginseng originating from another state under a shipping certificate issued under this subsection.~~ No person may use an expired or canceled ~~shipping~~ certificate of origin, falsify information on

a ~~shipping~~ certificate~~, use a shipping certificate without fully completing it~~ of origin, maintain false records ~~or copies of shipping~~ of certificates of origin or fail to maintain records or comply with rules promulgated by the department concerning ~~shipping~~ certificates of origin.

SECTION 1653. 29.547 (9) (a) of the statutes is amended to read:

29.547 **(9)** (a) *Purchases.* A dealer ~~who purchases wild ginseng~~ shall maintain records of the quantity purchased, the name and wild ginseng license number of the vendor and other information required by the department.

SECTION 1654. 29.547 (9) (b) of the statutes is amended to read:

29.547 **(9)** (b) *Sales and shipments.* A dealer shall maintain records required under ~~sub. (8)~~ this section and shall keep records and reports of sales, shipments and transactions as required by the department.

SECTION 1655. 29.598 (7) (d) 2. of the statutes is amended to read:

29.598 **(7)** (d) 2. The department shall pay participating counties under subd. 1. from the appropriation under s. 20.370 ~~(4) (gb)~~ (5) (fa) and from the appropriation under s. 20.370 ~~(4) (gq)~~ (5) (fq) after first deducting from s. 20.370 ~~(4) (gq)~~ (5) (fq) payments made for county administrative costs under sub. (2) (d) and payments made for wildlife damage abatement assistance under sub. (5) (c). If the amount in the appropriation under s. 20.370 ~~(4) (gb)~~ (5) (fa) and the amount remaining after these deductions from the appropriation under s. 20.370 ~~(4) (gq)~~ (5) (fq) are not sufficient to pay the full amount required under subd. 1., the department shall pay participating counties on a prorated basis.

SECTION 1656. 29.599 (4) (a) of the statutes is amended to read:

29.599 **(4)** (a) *Costs reimbursed.* Except as provided under par. (c), the department may pay each participating county or municipality up to 100% of the

county's or municipality's actual costs that are directly attributable to providing additional law enforcement services during the spearfishing season. The department shall make any aid payments from the appropriations under s. 20.370 ~~(4) (ga)~~ (5) (ea) by September 30 of the calendar year in which the county or municipality files an application under sub. (2) (c). The department may not make an aid payment unless the payment is approved by the secretary of administration.

SECTION 1657. 29.599 (4) (c) of the statutes is amended to read:

29.599 **(4)** (c) *Prorated payments allowed.* If the total amount of reimbursable costs under par. (a) exceeds the amount available for payments under s. 20.370 ~~(4) (ga)~~ (5) (ea), the department may prorate payments to participating counties and municipalities.

SECTION 1657b. 29.9965 (1) (e) of the statutes is amended to read:

29.9965 **(1)** (e) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the wild animal protection assessment required under this section. If the deposit is forfeited, the amount of the wild animal protection assessment shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (f). If the deposit is returned, the wild animal protection assessment shall also be returned.

SECTION 1657e. 29.9965 (1) (f) of the statutes is amended to read:

29.9965 **(1)** (f) The clerk of the court shall collect and transmit to the county treasurer the wild animal protection assessment and other amounts required under s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b).

SECTION 1657f. 29.9965 (2) of the statutes is amended to read:

29.9965 **(2)** DEPOSIT OF WILD ANIMAL PROTECTION ASSESSMENT FUNDS. The ~~state treasurer~~ secretary of administration shall deposit the moneys collected under this section into the conservation fund.

SECTION 1657h. 29.9967 (1) (c) of the statutes is amended to read:

29.9967 **(1)** (c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the fishing shelter removal assessment prescribed in this section. If the deposit is forfeited, the amount of the fishing shelter removal assessment shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the deposit is returned, the fishing shelter removal assessment shall also be returned.

SECTION 1657L. 29.9967 (1) (d) of the statutes is amended to read:

29.9967 **(1)** (d) The clerk of the court shall collect and transmit to the county treasurer the fishing shelter removal assessment and other amounts required under s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b).

SECTION 1657p. 29.997 (1) (c) of the statutes is amended to read:

29.997 **(1)** (c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources assessment prescribed in this section. If the deposit is forfeited, the amount of the natural resources assessment shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the deposit is returned, the natural resources assessment shall also be returned.

SECTION 1657r. 29.997 (1) (d) of the statutes is amended to read:

29.997 **(1)** (d) The clerk of the court shall collect and transmit to the county treasurer the natural resources assessment and other amounts required under s.

59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b). The ~~state treasurer~~ secretary of administration shall deposit the amount of the natural resources assessment in the conservation fund.

SECTION 1657u. 29.998 (1) (c) of the statutes is amended to read:

29.998 **(1)** (c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the natural resources restitution payment prescribed in this section. If the deposit is forfeited, the amount of the natural resources restitution payment shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the deposit is returned, the natural resources restitution payment shall also be returned.

SECTION 1657y. 29.998 (1) (d) of the statutes is amended to read:

29.998 **(1)** (d) The clerk of the court shall collect and transmit to the county treasurer the natural resources restitution payment and other amounts required under s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b). The ~~state treasurer~~ secretary of administration shall deposit the amount of the natural resources restitution payment in the conservation fund.

SECTION 1658. 30.126 (5) (h) of the statutes is amended to read:

30.126 **(5)** (h) *May not have improper toilets.* No person may construct, place or maintain a fishing raft on authorized portions of the Wolf river if the fishing raft is equipped with a toilet which permits toilet waste to be disposed of in the waterway. A toilet on a fishing raft shall comply with rules of the department of ~~industry, labor and human relations~~ development as if the toilet were on a boat.

SECTION 1658m. 30.203 (9) of the statutes is amended to read:

30.203 **(9)** FUNDING. Funding for this project shall be paid from the appropriations under ss. 20.370 (1) (mu) and 20.866 (2) (tr) and (tu).

SECTION 1661m. 30.277 (1) of the statutes is amended to read:

30.277 **(1)** FUNDING. Beginning in fiscal year 1992–93 and ending in fiscal year 1999–2000, from the appropriation under s. 20.866 (2) (tz), the department shall award grants to municipalities to assist municipalities in projects on or adjacent to rivers that flow through urban areas. For each fiscal year, except as provided in s. 23.0915 (1r) ~~(c)~~ (a) 2. and (b) 2., the department shall designate for expenditure $1,900,000 for grants under this section and for grants under s. 23.096 for the purposes under sub. (2) (a).

SECTION 1662. 30.28 (title) of the statutes is amended to read:

30.28 (title) ~~**Fee**~~ **Fees for permits ~~and~~, approvals, determinations and hearings.**

SECTION 1663. 30.28 (1) of the statutes is amended to read:

30.28 **(1)** (title) FEES REQUIRED. The department shall charge a permit or approval fee for carrying out its duties and responsibilities under ss. 30.10 to 30.205 and 30.21 to 30.27 ~~except that the department may not charge a fee for an approval granted under s. 30.12 (3) (a) 3~~. The permit or approval fee shall accompany the permit application or request for approval ~~and shall be refunded if the permit or approval is not granted~~.

SECTION 1664. 30.28 (2) of the statutes is repealed and recreated to read:

30.28 **(2)** AMOUNT OF FEES. (a) For fees charged for permits and approvals under ss. 30.10 to 30.205 and 30.21 to 30.27, the department shall classify the types of permits and approvals based on the estimated time spent by the department in

reviewing, investigating and making determinations whether to grant the permits or approvals. The department shall then set the fees as follows:

1. For a permit or approval with an estimated time of less than 3 hours, the fee shall be $30.

2. For a permit or approval with an estimated time of more than 3 hours but less than 9 hours, the fee shall be $100.

3. For a permit or approval with an estimated time of more than 9 hours, the fee shall be $300.

(c) For conducting a hearing on an application for which notice is provided under s. 30.02 (3), the person requesting the hearing shall pay a fee of $25.

SECTION 1665. 30.28 (2m) of the statutes is created to read:

30.28 **(2m)** ADJUSTMENTS IN FEES. (a) The department shall refund a permit or approval fee if the applicant requests a refund before the department determines that the application for the permit or approval is complete. The department may not refund a permit or approval fee after the department determines that the application is complete.

(b) If the applicant applies for a permit or requests an approval after the project is begun or after it is completed, the department shall charge an amount equal to twice the amount of the fee that it would have charged under this section.

(c) If more than one fee under sub. (2) (a) or s. 31.39 (2) (a) or 144.0252 is applicable to a project, the department shall charge only the highest fee of those that are applicable.

(d) The department, by rule, may increase any fee specified in sub. (2).

SECTION 1666. 30.28 (3) (title) of the statutes is created to read:

30.28 **(3)** (title) EXEMPTIONS.

SECTION 1667. 30.28 (3) of the statutes is renumbered 30.28 (3) (a) and amended to read:

30.28 **(3)** (a) This section does not apply to projects funded in whole or in part by any federal agency, or state agency, ~~county, city, village, town, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan sewerage district or federally recognized Native American tribal governing body.~~

SECTION 1668. 30.28 (3) (b) of the statutes is created to read:

30.28 **(3)** (b) This section does not apply to a permit issued under s. 30.12 (3) (a) 2., 2m. or 3.

SECTION 1670. 30.32 (9) of the statutes is amended to read:

30.32 **(9)** OPTIONAL CONTRACT PROVISIONS. The officer or agency in charge of negotiating the contract may insert in the specifications of the work reasonable and lawful conditions as to hours of labor and the residence and character of workers to be employed by the contractor and especially, so far as is practicable in the judgment of such officer or agency, such reasonable and lawful conditions as will tend to confine employment on such work, in whole or in part, to permanent and bona fide residents of this state. The officer or agency may do any part of such work by day labor under such conditions as it prescribes. The officer or agency may demand of such bidders and contractors that all contracts shall be let subject to chs. ~~101,~~ 102, 103 and 105, to the end that the officer or agency and municipality shall be held harmless. The officer or agency may reject any or all bids or parts thereof for any such work or supplies or materials.

SECTION 1674m. 30.42 (1) (e) of the statutes is amended to read:

30.42 **(1)** (e) For each county named in s. ~~15.345 (6)~~ 15.445 (3) (b), assign a department employe whose office is in the county to serve as a liaison representative on issues concerning the riverway.

SECTION 1682. 30.52 (3) (b) of the statutes is amended to read:

30.52 **(3)** (b) *Fee for boats under 16 feet.* The fee for the issuance or renewal of a certificate of number for a boat less than 16 feet in length is ~~$6.50~~ $11.

SECTION 1683. 30.52 (3) (c) of the statutes is amended to read:

30.52 **(3)** (c) *Fee for boats 16 feet or more but less than 26 feet.* The fee for the issuance or renewal of a certificate of number for a boat 16 feet or more but less than 26 feet in length is ~~$8.50~~ $16.

SECTION 1684. 30.52 (3) (d) of the statutes is amended to read:

30.52 **(3)** (d) *Fee for boats 26 feet or more but less than 40 feet.* The fee for the issuance or renewal of a certificate of number for a boat 26 feet or more but less than 40 feet in length is ~~$10.50~~ $30.

SECTION 1685. 30.52 (3) (e) of the statutes is amended to read:

30.52 **(3)** (e) *Fee for boats 40 feet or longer.* The fee for the issuance or renewal of a certificate of number for a boat 40 feet or more in length is ~~$12.50~~ $50.

SECTION 1686. 30.52 (3) (f) of the statutes is amended to read:

30.52 **(3)** (f) *Fee for nonmotorized sailboats.* Notwithstanding pars. (b) to (e), the fee for the issuance or renewal of a certificate of number for a sailboat which is not a motorboat is ~~$6.50~~ $10.

SECTION 1687. 30.52 (3) (i) of the statutes is amended to read:

30.52 **(3)** (i) *Fleet fees.* A person owning or holding 3 or more boats may, at the person's option, pay a fleet rate for these boats instead of the fees which otherwise would be payable under pars. (b) to (g). Notwithstanding pars. (b) to (g), the fee for

the issuance or renewal of certificates of number or registrations for boats under the fleet rate is ~~$9~~ $18 plus 50% of the fees which would otherwise be applicable for the boats under pars. (b) to (g).

SECTION 1691. 30.71 of the statutes is amended to read:

30.71 Boats equipped with toilets. No person may, while maintaining or operating any boat equipped with toilets on inland waters or outlying waters of this state, as defined in s. 29.01 (9) and (11), dispose of any toilet wastes in any manner into the inland or outlying waters of this state. The department of ~~industry, labor and human relations~~ development may promulgate rules necessary to carry out the purposes of this section.

SECTION 1693. 30.92 (4) (a) of the statutes is amended to read:

30.92 **(4)** (a) The department shall develop and administer, with the approval of the commission, a financial assistance program for governmental units, including itself, and qualified lake associations for the construction and ~~maintenance~~ rehabilitation of capital improvements related to recreational boating facilities, for the ~~maintenance and operation~~ improvement of locks and facilities which provide access between waterways and for the projects specified in par. (b) 8. No financial assistance under this section may be provided to the Fox river management commission for feasibility studies of construction projects or for construction projects. No financial assistance under this section may be provided to the department other than for projects for access to inland lakes without a public access facility.

SECTION 1694. 30.92 (4) (b) 2. of the statutes is amended to read:

30.92 **(4)** (b) 2. The department may cost–share, with the approval of the commission, with a qualified lake association or an affected governmental unit,

including itself, at a rate of up to 50% of any construction, ~~management, operation,~~ acquisition, ~~maintenance~~ rehabilitation, feasibility study or other project costs or any combination of these costs, for the recreational boating project if the costs are the type that qualify for funding under this section. The department may pay, with the approval of the commission, an additional 10% of the costs of a construction project if ~~a~~ the municipality conducts a boating safety enforcement and education program approved by the department.

SECTION 1695. 30.92 (4) (b) 7. of the statutes is amended to read:

30.92 **(4)** (b) 7. Projects qualifying for funds available for recreational boating aids under this section include, but are not limited to, construction, rehabilitation and improvement of harbors of refuge on the Great Lakes; accommodation of motor–powered recreational watercraft; construction, rehabilitation and improvement of public access and related facilities on inland waters where motor–powered recreational watercraft are permitted; and ~~management, maintenance and operation~~ improvement of locks and facilities that provide access between waterways for the operators of recreational watercraft.

SECTION 1697. 30.94 (6m) of the statutes is amended to read:

30.94 **(6m)** STATE AID. Notwithstanding s. 30.92 (4) (a), the department shall provide in each fiscal year funds from the appropriation under s. 20.370 ~~(4) (dq)~~ (5) (hu) to the commission for the management, operation, restoration and repair of the Fox river navigational system if Brown county, Calumet county, Fond du Lac county, Outagamie county and Winnebago county contribute matching funds for the management and operation of the Fox river navigational system.

SECTION 1698. 30.95 (title) of the statutes is renumbered 31.309 (title) and amended to read:

31.309 (title) **Portage levee system.**

SECTION 1699. 30.95 (1) of the statutes is renumbered 31.309 (1) (a) and amended to read:

31.309 **(1)** (a) The department shall provide a grant ~~of $600,000 in fiscal year 1993–94 and of $600,000 in fiscal year 1994–95~~ in the 1995–97 fiscal biennium from the appropriation under s. 20.370 ~~(4) (bu)~~ (5) (cq) to the city of Portage for the amount necessary for the renovation and repair of the city of Portage levee in the Portage levee system. The grant under this ~~section~~ paragraph may not exceed ~~$1,200,000~~ $800,000 in fiscal year 1995–96 and $800,000 in fiscal year 1996–97.

SECTION 1700. 30.95 (2) of the statutes is repealed.

SECTION 1701. 31.307 (4) of the statutes is amended to read:

31.307 **(4)** For purposes of s. 30.92 (4) (b) 6., moneys expended from the appropriation under s. 20.370 ~~(4) (bu)~~ (5) (cq) for the study under sub. (1) shall be considered as amounts expended for projects considered necessary without regard to location.

SECTION 1702. 31.309 (1) (title) of the statutes is created to read:

31.309 **(1)** (title) CITY OF PORTAGE LEVEE.

SECTION 1703. 31.309 (1) (b) of the statutes is created to read:

31.309 **(1)** (b) When the department determines that the renovation and repair described under par. (a) are complete, the city of Portage shall assume the maintenance of the city of Portage levee in the Portage levee system in a manner that will best protect the surrounding area from the overflow of the Wisconsin River.

SECTION 1704. 31.309 (2) (title) of the statutes is created to read:

31.309 **(2)** (title) LEWISTON AND CALEDONIA LEVEES.

SECTION 1705. 31.309 (2) (b) of the statutes is created to read:

31.309 **(2)** (b) The department may expend in fiscal year 1995–96, from the appropriation under s. 20.370 (5) (cq), up to $400,000 for a study concerning the future of strengthening and maintaining the Lewiston and Caledonia levees in the Portage levee system. The study shall include a management plan for these 2 levees.

SECTION 1706. 31.36 (4) of the statutes is renumbered 31.309 (2) (a) and amended to read:

31.309 **(2)** (a) The department shall ~~construct, strengthen and~~ maintain the Lewiston and Caledonia levees in the Portage levee system in ~~such~~ a manner ~~as~~ that will best protect the ~~vicinity~~ surrounding area from the overflow of the Wisconsin river.

SECTION 1707. 31.39 (title) of the statutes is amended to read:

31.39 (title) **~~Fee~~ Fees for permits ~~and~~, approvals and hearings.**

SECTION 1708. 31.39 (1) of the statutes is amended to read:

31.39 **(1)** (title) FEES REQUIRED. The department shall charge a permit or approval fee for carrying out its duties and responsibilities under ss. 31.02 to 31.185 and 31.33 to 31.38. The permit or approval fee shall accompany the permit application or request for approval ~~and shall be refunded if the permit is not granted~~.

SECTION 1709. 31.39 (2) of the statutes is repealed and recreated to read:

31.39 **(2)** AMOUNT OF FEES. (a) For fees charged for permits and approvals under ss. 31.02 to 31.185 and 31.33 to 31.38, the department shall classify the types of permits and approvals based on the estimated time spent by the department in reviewing, investigating and making determinations whether to grant the permits or approvals. The department shall then set the fees as follows:

1. For a permit or approval with an estimated time of less than 3 hours, the fee shall be $30.

2. For a permit or approval with an estimated time of more than 3 hours but less than 9 hours, the fee shall be $100.

3. For a permit or approval with an estimated time of more than 9 hours, the fee shall be $300.

(b) For conducting a hearing on an application for which notice is provided under s. 31.06 (1), the person requesting the hearing for the permit or approval shall pay a fee of $25.

SECTION 1710. 31.39 (2m) of the statutes is created to read:

31.39 **(2m)** ADJUSTMENTS IN FEES. (a) The department shall refund a permit or approval fee if the applicant requests a refund before the department determines that the application for the permit or approval is complete. The department may not refund a permit or approval fee after the department determines that the application is complete.

(b) If the applicant applies for a permit or requests an approval after the project is begun or after it is completed, the department shall charge an amount equal to twice the amount of the fee that it would have charged under this section.

(c) If more than one fee under sub. (2) (a) or s. 30.28 (2) (a) or 144.0252 is applicable to a project, the department shall charge only the highest fee of those that are applicable.

(d) The department, by rule, may increase any fee specified in sub. (2).

SECTION 1711. 31.39 (3) of the statutes is amended to read:

31.39 **(3)** (title) EXEMPTIONS. This section does not apply to any federal agency~~,~~ or state agency~~, county, city, village, town, county utility district, town sanitary district, public inland lake protection and rehabilitation district, metropolitan~~

~~sewerage district, the Dane county lakes and watershed commission or any federally recognized Native American tribal governing body.~~

SECTION 1713. 32.19 (2) (b) of the statutes is amended to read:

32.19 **(2)** (b) "Comparable dwelling" means one which, when compared with the dwelling being taken, is substantially equal concerning all major characteristics and functionally equivalent with respect to: the number and size of rooms and closets, area of living space, type of construction, age, state of repair, size and utility of any garage or other outbuilding, type of neighborhood and accessibility to public services and places of employment. "Comparable dwelling" shall meet all of the standard building requirements and other code requirements of the local governmental body and shall also be decent, safe and sanitary and within the financial means of the displaced person, as defined by the department of ~~industry, labor and human relations~~ development.

SECTION 1714. 32.19 (2) (e) 1. b. of the statutes is amended to read:

32.19 **(2)** (e) 1. b. As a result of rehabilitation, demolition or other displacing activity, as determined by the department of ~~industry, labor and human relations~~ development, if the person is a tenant–occupant of a dwelling, business or farm operation and the displacement is permanent.

SECTION 1715. 32.19 (3) (b) 1. of the statutes is amended to read:

32.19 **(3)** (b) 1. Dwellings. Any displaced person who moves from a dwelling and who elects to accept the payments authorized by this paragraph in lieu of the payments authorized by par. (a) may receive an expense and dislocation allowance, determined according to a schedule established by the department of ~~industry, labor and human relations~~ development.

SECTION 1716. 32.19 (3) (b) 2. of the statutes is amended to read:

32.19 **(3)** (b) 2. Business and farm operations. Any displaced person who moves or discontinues his or her business or farm operation, is eligible under criteria established by the department of ~~industry, labor and human relations~~ development by rule and elects to accept payment authorized under this paragraph in lieu of the payment authorized under par. (a), may receive a fixed payment in an amount determined according to criteria established by the department of ~~industry, labor and human relations~~ development by rule, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business at the displacement dwelling is the rental of such property to others is not eligible for a payment under this subdivision.

SECTION 1717. 32.19 (3) (c) of the statutes is amended to read:

32.19 **(3)** (c) *Optional payment for businesses.* Any displaced person who moves his or her business, and elects to accept the payment authorized in par. (a), may, if otherwise qualified under par. (b) 2., elect to receive the payment authorized under par. (b) 2., minus whatever payment the displaced person received under par. (a), if the displaced person discontinues the business within 2 years of the date of receipt of payment under par. (a), provided that the displaced person meets eligibility criteria established by the department of ~~industry, labor and human relations~~ development by rule. In no event may the total combined payment be less than $1,000 nor more than $20,000.

SECTION 1718. 32.19 (4) (a) 2. of the statutes is amended to read:

32.19 **(4)** (a) 2. The amount of increased interest expenses and other debt service costs incurred by the owner to finance the purchase of another property substantially similar to the property taken, if at the time of the taking the land acquired was subject to a bona fide mortgage or was held under a vendee's interest

in a bona fide land contract, and such mortgage or land contract had been executed in good faith not less than 180 days prior to the initiation of negotiations for the acquisition of such property. The computation of the increased interest costs shall be determined according to rules promulgated by the department of ~~industry, labor and human relations~~ development.

SECTION 1719. 32.19 (4) (b) (intro.) of the statutes is amended to read:

32.19 **(4)** (b) *Tenants and certain others.* (intro.) In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any individual or family displaced from any dwelling which was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of negotiations for the acquisition of such property or, if displacement is not a direct result of acquisition, such other event as determined by the department of ~~industry, labor and human relations~~ development by rule. For purposes of this paragraph, a nonprofit corporation organized under ch. 181 may, if otherwise eligible, be considered a displaced tenant. Subject to the limitations under par. (bm), such payment shall be either:

SECTION 1720. 32.19 (4m) (a) 2. of the statutes is amended to read:

32.19 **(4m)** (a) 2. The amount, if any, which will compensate such owner displaced person for any increased interest and other debt service costs which such person is required to pay for financing the acquisition of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations for its acquisition. The amount under this subdivision shall be determined according to rules promulgated by the department of ~~industry, labor and human relations~~ development.

SECTION 1721. 32.19 (4m) (b) (intro.) of the statutes is amended to read:

32.19 **(4m)** (b) *Tenant–occupied business or farm operation.* (intro.) In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any tenant displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or farm operation lies or, if displacement is not a direct result of acquisition, such other event as determined by the department of ~~industry, labor and human relations~~ development, and who actually rents or purchases a comparable replacement business or farm operation for the displaced business or farm operation within 2 years after the date the person vacates the acquired property. At the option of the tenant displaced person, such payment shall be either:

SECTION 1722. 32.19 (4m) (b) 1. of the statutes is amended to read:

32.19 **(4m)** (b) 1. The amount, not to exceed $30,000, which is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years. The payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of ~~industry, labor and human relations~~ development and the monthly rent of a comparable replacement business or farm operation, and multiplying the difference by 48; or

SECTION 1723. 32.197 of the statutes is amended to read:

32.197 Waiver of relocation assistance. An owner–occupant of property being acquired may waive his or her right to receive any relocation payments or services under this subchapter if the property being acquired is not contiguous to any

property which may be acquired by the condemnor and is not part of a previously identified or proposed project where it is reasonable to conclude that acquisition by the condemnor may occur in the foreseeable future. Prior to the execution of any waiver under this section, the condemnor shall provide to the owner–occupant, in writing, full information about the specific payments and services being waived by the owner–occupant. The department of ~~industry, labor and human relations~~ development shall by rule establish procedures for relocation assistance waivers under this section to ensure that the waivers are voluntarily and knowledgeably executed.

SECTION 1724. 32.20 of the statutes is amended to read:

32.20 Procedure for collection of itemized items of compensation. Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the condemnor carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the damages upon which they are based have fully materialized but not later than 2 years after the condemnor takes physical possession of the entire property acquired or such other event as determined by the department of ~~industry, labor and human relations~~ development by rule. If such claim is not allowed within 90 days after the filing thereof, the claimant has a right of action against the condemnor carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise

may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment.

SECTION 1725. 32.25 (1) of the statutes is amended to read:

32.25 **(1)** Except as provided under sub. (3) and s. 85.09 (4m), no condemnor may proceed with any activity that may involve the displacement of persons, business concerns or farm operations until the condemnor has filed in writing a relocation payment plan and relocation assistance service plan and has had both plans approved in writing by the department of ~~industry, labor and human relations~~ development.

SECTION 1726. 32.25 (2) (h) of the statutes is amended to read:

32.25 **(2)** (h) Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards established by the department of ~~industry, labor and human relations~~ development for decent, safe and sanitary dwellings. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.

SECTION 1727. 32.26 (title) of the statutes is amended to read:

32.26 (title) **Authority of the department of ~~industry, labor and human relations~~ development.**

SECTION 1728. 32.26 (1) of the statutes is amended to read:

32.26 **(1)** In addition to all other powers granted in this subchapter, the department of ~~industry, labor and human relations~~ development shall formulate local standards for decent, safe and sanitary dwelling accommodations.

SECTION 1729. 32.26 (2) (a) of the statutes is amended to read:

32.26 **(2)** (a) The department of ~~industry, labor and human relations~~ development shall promulgate rules to implement and administer ss. 32.19 to 32.27.

SECTION 1730. 32.26 (2) (b) of the statutes is amended to read:

32.26 **(2)** (b) The department of ~~industry, labor and human relations~~ development and the department of transportation shall establish interdepartmental liaison procedures for the purpose of cooperating and exchanging information to assist the department of ~~industry, labor and human relations~~ development in promulgating rules under par. (a).

SECTION 1731. 32.26 (3) of the statutes is amended to read:

32.26 **(3)** The department of ~~industry, labor and human relations~~ development may make investigations to determine if the condemnor is complying with ss. 32.19 to 32.27. The department may seek an order from the circuit court requiring a condemnor to comply with ss. 32.19 to 32.27 or to discontinue work on that part of the project which is not in substantial compliance with ss. 32.19 to 32.27. The court shall give hearings on these actions precedence on the court's calendar.

SECTION 1732. 32.26 (4) of the statutes is amended to read:

32.26 **(4)** Upon the request of the department of ~~industry, labor and human relations~~ development, the attorney general shall aid and prosecute all necessary actions or proceedings for the enforcement of this subchapter and for the punishment of all violations of this subchapter.

SECTION 1733. 32.26 (5) of the statutes is amended to read:

32.26 **(5)** Any displaced person may, prior to commencing court action against the condemnor under s. 32.20, petition the department of ~~industry, labor and human relations~~ development for review of his or her complaint, setting forth in the petition the reasons for his or her dissatisfaction. The department may conduct an informal review of the situation and attempt to negotiate an acceptable solution. If an acceptable solution cannot be negotiated within 90 days, the department shall notify all parties, and the petitioner may then proceed under s. 32.20. The informal review procedure provided by this subsection is not a condition precedent to the filing of a claim and commencement of legal action pursuant to s. 32.20. In supplying information required by s. 32.25 (2) (d), the condemnor shall clearly indicate to each displaced person his or her right to proceed under this paragraph and under s. 32.20, and shall supply full information on how the displaced person may contact the department of ~~industry, labor and human relations~~ development.

SECTION 1734. 32.26 (6) of the statutes is amended to read:

32.26 **(6)** The department of ~~industry, labor and human relations~~ development, with the cooperation of the attorney general, shall prepare pamphlets in simple language and in readable format describing the eminent domain laws of this state, including the reasons for condemnation, the procedures followed by condemnors, how citizens may influence the condemnation process and the rights of property owners and citizens affected by condemnation. The department shall make copies of the pamphlets available to all condemnors, who may be charged a price for the pamphlets sufficient to recover the costs of production.

SECTION 1735. 32.26 (7) of the statutes is amended to read:

32.26 **(7)** The department of ~~industry, labor and human relations~~ development shall provide technical assistance on relocation plan development and

implementation to any condemnor carrying out a project which may result in the displacement of any person.

SECTION 1736. 34.01 (2) (a) of the statutes is amended to read:

34.01 **(2)** (a) Any loss of public moneys, which have been deposited in a designated public depository in accordance with this chapter, resulting from the failure of any public depository to repay to any public depositor the full amount of its deposit because the ~~commissioner~~ office of credit unions, administrator of federal credit unions, ~~commissioner of banking,~~ U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift supervision, federal deposit insurance corporation, resolution trust corporation, division of banking or ~~commissioner~~ division of savings and loan has taken possession of the public depository or because the public depository has, with the consent and approval of the ~~commissioner~~ office of credit unions, administrator of federal credit unions, ~~commissioner of banking,~~ U.S. office of thrift supervision, federal deposit insurance corporation, resolution trust corporation, division of banking or ~~commissioner~~ division of savings and loan, adopted a stabilization and readjustment plan or has sold a part or all of its assets to another credit union, bank, savings bank or savings and loan association which has agreed to pay a part or all of the deposit liability on a deferred payment basis or because the depository is prevented from paying out old deposits because of rules of the ~~commissioner~~ office of credit unions, administrator of federal credit unions, ~~commissioner of banking,~~ U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift supervision, federal deposit insurance corporation, resolution trust corporation, division of banking or ~~commissioner~~ division of savings and loan.

SECTION 1737. 34.03 (intro.) of the statutes is amended to read:

34.03 (title) **Powers of the ~~commissioner~~ division of banking.** (intro.) The ~~commissioner~~ division of banking may do any of the following:

SECTION 1738. 34.03 (2) of the statutes is amended to read:

34.03 **(2)** Require any public depository or the trustees of segregated trusts created by banks for the benefit of public depositors to furnish information upon request. Any public depository which refuses or neglects to give any information so requested shall be excluded from the right to receive public deposits. Information obtained under this subsection may not be disclosed by the ~~commissioner~~ division of banking unless disclosed as provided in s. 220.06.

SECTION 1739. 34.03 (3) of the statutes is amended to read:

34.03 **(3)** Take such action as ~~he or she~~ the division deems necessary or appropriate for the protection, collection, compromise or settlement of any claim against or in favor of the appropriation under s. ~~20.124~~ 20.144 (1) (a).

SECTION 1739m. 34.03 (4) of the statutes is amended to read:

34.03 **(4)** Exercise all powers reasonably necessary and proper to the full and complete performance of ~~his or her~~ the division's functions under this chapter, including but not limited to ordinary powers granted corporations.

SECTION 1742. 34.08 (1) of the statutes is amended to read:

34.08 **(1)** Except as provided in sub. (2), the appropriation in s. ~~20.124~~ 20.144 (1) (a) shall be used to repay public depositors for losses until the appropriation is exhausted.

SECTION 1743. 34.08 (2) of the statutes is amended to read:

34.08 **(2)** Payments under sub. (1) shall be made in the order in which satisfactory proofs of loss are received by the ~~commissioner~~ division of banking. The payment made to any public depositor for all losses of the public depositor in any

individual public depository may not exceed $400,000 above the amount of deposit insurance provided by an agency of the United States or by the Wisconsin credit union savings insurance corporation at the public depository which experienced the loss. Upon a satisfactory proof of loss, the ~~commissioner~~ division of banking shall direct the department of administration to ~~draw its warrant payable~~ pay from the appropriation under s. ~~20.124~~ 20.144 (1) (a) ~~and the state treasurer shall pay the warrant under s. 14.58 (4)~~ in favor of the public depositor that has submitted the proof of loss.

SECTION 1744. 34.08 (3) of the statutes is amended to read:

34.08 **(3)** Losses become fixed as of the date of loss. A public depositor experiencing a loss shall, within 60 days of the loss, assign its interest in the deposit, to the extent of the amount paid under this section, to the ~~commissioner~~ division of banking. Upon failure to make the assignment, the public depositor shall forfeit its right to payment under this section. Any recovery made by the ~~commissioner~~ division of banking under the assignment shall be repaid to the appropriation under s. ~~20.124~~ 20.144 (1) (a).

SECTION 1745. 34.09 of the statutes is amended to read:

34.09 Financial institutions eligible as public depositories. Every federal or state credit union, state bank, federal or state savings and loan association, savings and trust company and federal or state savings bank and every national bank located in this state which complies in all respects as to public deposits with this chapter and will accept payments made by the state under s. 16.412 may be designated as a public depository and may receive and hold public deposits, subject to this chapter. The ~~commissioner~~ division of banking shall have the same powers and duties with regard to making and continuing public deposits in national

banks, federal and state credit unions, federal and state savings banks and federal and state savings and loan associations as the powers and duties exercised and performed by the ~~commissioner~~ division of banking with regard to public deposits in state banks.

SECTION 1746. 34.10 of the statutes is amended to read:

34.10 Reorganization and stabilization of financial institutions. Whenever the ~~commissioner~~ office of credit unions, administrator of federal credit unions, ~~commissioner of banking,~~ U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift supervision, federal deposit insurance corporation, resolution trust corporation, division of banking or ~~commissioner~~ division of savings and loan has taken charge of a credit union, bank, savings bank or savings and loan association with a view of restoring its solvency, pursuant to law, or with a view of stabilizing and readjusting the structure of any national or state credit union, bank, savings bank or savings and loan association located in this state, and has approved a reorganization plan or a stabilization and readjustment agreement entered into between the credit union, bank, savings bank or savings and loan association and depositors and unsecured creditors, or when a credit union, bank, savings bank or savings and loan association, with the approval of the ~~commissioner~~ office of credit unions, administrator of federal credit unions, ~~commissioner of banking,~~ U.S. comptroller of the currency, federal home loan bank board, U.S. office of thrift supervision, federal deposit insurance corporation, resolution trust corporation, division of banking or ~~commissioner~~ division of savings and loan proposes to sell its assets to another credit union, bank, savings bank or savings and loan association which agrees to assume a part or all of the deposit liability of such selling credit union, bank, savings bank or savings and loan association and to pay the same on

a deferred payment basis, the governing board of the public depositor may, on the approval of the ~~commissioner~~ division of banking, join in the execution of any reorganization plan, or any stabilization and readjustment agreement, or any depositor's agreement relative to a proposed sale of assets if, in its judgment and that of the ~~commissioner~~ division of banking, the reorganization plan or stabilization and readjustment agreement or proposed sale of assets is in the best interest of all persons concerned. The joining in any reorganization plan, or any stabilization and readjustment agreement, or any proposed sale of assets which meets the approval of the ~~commissioner~~ division of banking does not waive any rights under this chapter.

SECTION 1747. 34.11 of the statutes is amended to read:

34.11 Penalties. Any person who wilfully violates ss. 34.01 to 34.10, or any orders or rules promulgated by the ~~commissioner~~ division of banking under said sections, shall for each such offense be fined not more than $500 or imprisoned not more than 6 months, or both.

SECTION 1748. 35.03 (4) of the statutes is amended to read:

35.03 **(4)** Direct the manner, form, style, quantity and method, when these are not expressly prescribed by law, of ~~public~~ printing for state agencies except printing of the first class; and provide editorial services to state agencies in the preparation of copy for the printer.

SECTION 1749. 35.24 (1) (a) of the statutes is amended to read:

35.24 **(1)** (a) The Blue Book shall contain the biographies and pictures of state officers, senators and representatives to the assembly and officers of each house, information pertaining to the organization of Wisconsin state government, and statistical and other information of the same general character as that heretofore published, but so selected and condensed as will limit the number of pages to 1,000

or less. In making such selection the legislative reference bureau is directed to consult freely with the ~~state superintendent~~ secretary of education and the director of the historical society, and insofar as possible, make the book useful for civics classes in schools.

SECTION 1750. 35.84 (figure) column B line 43 of the statutes is amended to read:

35.84 (figure) Column B Statutes, Soft Covers; s. 35.18

43. Public Defender Board ..... ~~340~~ 378

SECTION 1751. 35.84 (figure) column C line 43 of the statutes is amended to read:

35.84 (figure) Column C Annotations; s. 35.23

43. Public Defender Board ..... ~~41~~ 44

SECTION 1752. 35.84 (figure) column D line 43 of the statutes is amended to read:

35.84 (figure) Column D Laws of Wisconsin; s. 35.15

43. Public Defender Board ..... ~~41~~ 44

SECTION 1753. 35.84 (figure) column J line 43 of the statutes is amended to read:

35.84 (figure) Column J Opinions of Attorney General; s. 35.28; s. 165.015 (1)

43. Public Defender Board ..... ~~41~~ 44

SECTION 1754. 35.84 (figure) column K line 43 of the statutes is amended to read:

35.84 (figure) Column K Supreme Court Reports; s. 35.28; s. 751.11

43. Public Defender Board ..... ~~41~~ 44

SECTION 1755. 35.86 (1) of the statutes is amended to read:

35.86 **(1)** The director of the historical society may procure the exchange of public documents produced by federal, state, county, local and other agencies as may be desirable to maintain or enlarge its historical, literary and statistical collections, and may make such distributions of public documents, with or without exchange, as may accord with interstate or international comity. The state law librarian shall procure so many of such exchanges as the state law librarian is authorized by law to make, and the department of health and social services, ~~commissioner~~ division of banking, department of public instruction, legislative reference bureau, and the legislative council staff, may procure by exchange such documents from other states and countries as may be needed for use in their respective offices. Any other state agency wishing to initiate a formal exchange program in accordance with this section may do so by submitting a formal application to the department and by otherwise complying with this section.

SECTION 1755m. 35.87 of the statutes is renumbered 35.87 (1) and amended to read:

35.87 **(1)** The legislature may provide as a service to paid subscribers routine distribution of copies of all bills, joint resolutions, amendments, acts, journals, bulletins of proceedings and hearing bulletins printed for the legislature. ~~The~~

(2) If the service is provided, the biennial fee, effective January 1 of each odd–numbered year, for subscription to the complete legislative document distribution service shall be ~~based on 20% of prior session actual printing costs of such documents, including but not limited to the costs of typesetting, purchasing, paper, printing, duplication, collating and binding, as determined by the legislative reference bureau and the department. Portions~~ $500. If the service is provided, the joint committee on legislative organization may authorize portions of the service ~~may~~

~~be made available for a~~ to be provided separately, and may prescribe a biennial fee ~~equal to a percentage of the fee for the total service, based on the respective percentages of total printing costs~~ for each portion so provided. The sum of the biennial fees for all portions of the service provided separately may not be less than $500. Actual postage or delivery costs shall be added to the fee for those subscribers who do not pick up their documents.

(4) The joint committee on legislative organization shall determine the operational responsibility for the service authorized under this section, including the procedure for sale of the service, distribution of documents and the collection of fees. The officer designated by the legislature shall ~~pay~~ deposit all moneys received for subscriptions to the service into the general fund.

SECTION 1755n. 35.87 (3) of the statutes is created to read:

35.87 **(3)** If the service is provided, the chief of the legislative reference bureau shall review the fee prescribed in this section on a biennial basis and, no later than December 1 of each even–numbered year, shall recommend to the joint committee any revision to the fee that the chief determines to be appropriate. The joint committee may thereafter recommend to the legislature revision of the fee prescribed in this subsection. The joint committee shall promptly transmit a copy of its recommendation to the secretary of administration.

SECTION 1755p. 36.05 (9s) of the statutes is created to read:

36.05 **(9s)** "Mainframe" means a large scale, central computer maintained by the board for multipurpose functions.

SECTION 1757. 36.11 (1) (b) of the statutes is amended to read:

36.11 **(1)** (b) ~~The~~ Except as provided in this paragraph, the board may purchase, have custody of, hold, control, possess, lease, grant easements and enjoy

any lands, buildings, books, records and all other property of any nature which may be necessary and required for the purposes, objects and uses of the system authorized by law~~, except that the~~. Any lease is subject to the powers of the University of Wisconsin Hospitals and Clinics Authority under s. 233.03 (13) and the rights of the authority under any lease agreement, as defined in s. 233.01 (6). The board shall not permit a facility that would be privately owned or operated to be constructed on state–owned land without obtaining prior approval of the building commission under s. 13.48 (12). The board may sell or dispose of such property as provided by law, or any part thereof when in its judgment it is for the best interests of the system and the state~~, except that~~. All purchases and sales of real property shall be subject to the approval of the building commission. The provision of all leases of real property to be occupied by the board shall be the responsibility of the department of administration under s. 16.84 (5).

SECTION 1757g. 36.11 (3) (d) of the statutes is amended to read:

36.11 **(3)** (d) 1. Except as provided in subd. 2., the board shall require that a ~~$25~~ $28 fee accompany each application for admittance from persons seeking admittance to any school within the system as new freshmen or as transfer students from outside the system. The board may exempt from the fee under this subdivision, on the basis of financial need, a maximum of 5% of the applications in any school year.

2. The board shall require that a ~~$35~~ $38 fee accompany each application for admittance to a graduate school, law school or medical school within the system.

SECTION 1757r. 36.11 (3) (d) 3. of the statutes is created to read:

36.11 **(3)** (d) 3. Of the fee received with each application under subds. 1. and 2., the board shall provide $3 for the support of the higher education location program under s. 36.25 (36).

SECTION 1758. 36.11 (6) (a) 2. of the statutes is amended to read:

36.11 **(6)** (a) 2. Make grants equivalent in value to the payment of incidental fees to disabled residents of the state who are recommended and supervised by the department of ~~health and social services~~ industry, labor and human relations under s. 47.02.

SECTION 1758c. 36.11 (6) (b) of the statutes is amended to read:

36.11 **(6)** (b) The board may not make a grant under par. (a) to a person if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments.

SECTION 1758m. 36.11 (6) (c) of the statutes is created to read:

36.11 **(6)** (c) By April 10, 1996, and annually thereafter, the board shall develop and submit to the education commission for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year to students enrolled in the system.

SECTION 1759. 36.11 (26) of the statutes is amended to read:

36.11 **(26)** BUILDING PROGRAM PLANNING AND APPROVAL. The board shall establish a process for submission of building projects to the building commission for approval. No building project for the system may be submitted by the board to the building commission unless the project is developed and approved by the board in conformity with this subsection. This subsection does not apply to building projects of the University of Wisconsin Hospitals and Clinics Authority.

SECTION 1761. 36.11 (28) of the statutes is created to read:

36.11 **(28)** LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Subject to 1995 Wisconsin Act .... (this act), section 9159 (2) (k), the board shall negotiate and enter into a lease agreement with the University of

Wisconsin Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7) and shall comply with s. 233.04 (7g).

SECTION 1761m. 36.11 (28m) of the statutes is created to read:

36.11 **(28m)** AFFILIATION AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Subject to 1995 Wisconsin Act .... (this act), section 9159 (2) (k), the board shall negotiate and enter into an affiliation agreement with the University of Wisconsin Hospitals and Clinics Authority that meets the requirements under s. 233.04 (7m) and shall comply with s. 233.04 (7p).

SECTION 1762. 36.11 (29) of the statutes is created to read:

36.11 **(29)** OTHER AGREEMENTS WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. The board may enter into joint purchasing contracts and other contracts, rental agreements and cooperative agreements and other necessary arrangements with the University of Wisconsin Hospitals and Clinics Authority which may be necessary and convenient for the missions, objects and uses of the University of Wisconsin Hospitals and Clinics Authority authorized by law. Purchasing contracts and agreements are subject to s. 16.73 (5).

SECTION 1762g. 36.11 (29m) of the statutes is created to read:

36.11 **(29m)** REPORT ON EXPENDITURES. Beginning in the 1996–97 fiscal year, annually the board shall report to the department of administration and the joint committee on finance the amount of expenditures from the appropriations under s. 20.285 (1) (h) and (iz) and (3) (iz) in the previous fiscal year that were in excess of the dollar amounts shown in the appropriation schedule under s. 20.005 (3) for those appropriations in the previous fiscal year.

SECTION 1762w. 36.11 (30) of the statutes is created to read:

36.11 **(30)** INFORMATION TECHNOLOGY REPORTS. The board shall prepare and submit reports to the joint committee on information policy upon request of the committee under s. 13.58 (5) (b) 3.

SECTION 1762x. 36.11 (31) of the statutes is created to read:

36.11 **(31)** INFORMATION TECHNOLOGY STRATEGIC PLAN. The board shall adopt, revise biennially and submit to the cochairpersons of the joint committee on information policy, the governor and the secretary of administration, no later than September 15 of each even–numbered year, a strategic plan for the utilization of information technology to carry out the functions of the board. The plan shall address the business needs of the system and shall identify all resources relating to information technology which the board desires to acquire, contingent upon funding availability, the priority for such acquisitions and the justification for such acquisitions. The plan shall also identify any changes in the functioning of the system under the plan.

SECTION 1762y. 36.11 (32) of the statutes is created to read:

36.11 **(32)** COMPUTER SERVICES DATA COLLECTION. The board shall collect and maintain data necessary to calculate numerical measures of the efficiency and effectiveness of the mainframe computer services provided by the board at the University of Wisconsin–Madison.

SECTION 1762z. 36.25 (3m) (d) of the statutes is amended to read:

36.25 **(3m)** (d) ~~The~~ At the commencement of each gubernatorial term of office, the board shall appoint a solid waste research council under s. 15.04 (1) (c) consisting of the chancellor of each institution that has faculty with expertise in solid waste disposal or his or her designee. The council shall advise the board concerning the awarding of funds for research projects under par. (c) proposed by institutions.

SECTION 1767. 36.25 (12) (b) of the statutes is amended to read:

36.25 **(12)** (b) All property used by the Wisconsin psychiatric institute established under s. 46.044, except real property used by the institute and except property of the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics, is transferred to the board which shall hold such property for the use of the psychiatric research institute.

SECTION 1768. 36.25 (13) (title) of the statutes is repealed.

SECTION 1769. 36.25 (13) (a) of the statutes is repealed.

SECTION 1770g. 36.25 (13) (b) of the statutes is renumbered 233.04 (3b) (a) and amended to read:

233.04 **(3b)** (a) ~~The board shall maintain~~ Except as provided in par. (b), maintain, control and supervise the use of ~~such hospitals~~ the University of Wisconsin Hospitals and Clinics, for the purposes of:

1. Delivering comprehensive, high–quality health care to patients using the hospitals and to those seeking care from its programs, including a commitment to provide such care for the medically indigent.

2. ~~Instructing medical~~ Providing an environment suitable for instructing medical and other health professions students, physicians, nurses and members of other health–related disciplines.

3. Sponsoring and supporting research in the delivery of health care to ~~promote~~ further the welfare of the patients treated and applying the advances in health knowledge to alleviate human suffering, promote health and prevent disease.

4. Assisting health programs and personnel throughout the state and region in the delivery of health care.

SECTION 1771. 36.25 (13) (c) of the statutes is repealed.

SECTION 1772. 36.25 (13) (d) of the statutes is repealed.

SECTION 1772f. 36.25 (14) of the statutes is amended to read:

36.25 **(14)** GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The board shall give preference in awarding grants under this subsection to residents of this state. The board may not make a grant under this subsection to a person if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments.

SECTION 1772m. 36.25 (16) of the statutes is repealed.

SECTION 1773. 36.25 (30) (intro.) of the statutes is amended to read:

36.25 **(30)** HAZARDOUS POLLUTION PREVENTION PROGRAM. (intro.) The board shall establish in the extension a hazardous pollution prevention program to promote hazardous pollution prevention, as defined in s. 144.955 (1) (c). In cooperation with the department of natural resources, the department of development and the hazardous pollution prevention ~~board~~ council, the program shall do all of the following:

SECTION 1774. 36.25 (30) (b) of the statutes is repealed.

SECTION 1775. 36.25 (30) (c) of the statutes is amended to read:

36.25 **(30)** (c) Assist the hazardous pollution prevention ~~board~~ council in preparing the report under s. ~~144.955 (3) (f)~~ 560.19 (4) (d).

SECTION 1775e. 36.25 (30e) of the statutes is created to read:

36.25 **(30e)** RECYCLING MARKET DEVELOPMENT BOARD. The board shall assign to extension personnel the responsibility for managing the attachment of the recycling market development board to the system.

SECTION 1775f. 36.25 (30e) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 1775h. 36.25 (30g) of the statutes is created to read:

36.25 **(30g)** RECYCLING MARKET DEVELOPMENT PROGRAM. The board shall establish in the extension, in cooperation with the recycling market development board, a program of education and technical assistance related to recycling market development. The program shall serve waste generators, as defined in s. 159.40 (4); solid waste scrap brokers, dealers and processors; business entities that use or could use recovered materials or that produce or could produce products from recovered materials and persons who provide support services to those business entities; and the general public.

SECTION 1775hi. 36.25 (33) of the statutes is amended to read:

36.25 **(33)** QUALITY IMPROVEMENT AWARDS. From the appropriation under s. 20.285 (1) (a), the board annually may award up to $500 each to no more than 10 system employes who make suggestions that result in significant quality improvements for the system relating to supplies and expenses. ~~The~~ At the commencement of each gubernatorial term of office, the board shall appoint a council under s. 15.04 (1) (c) to nominate recipients for the awards. The board shall not make more than one award to an employe in the same fiscal year. An award is not part of an employe's base pay.

SECTION 1775j. 36.25 (36) of the statutes is created to read:

36.25 **(36)** HIGHER EDUCATION LOCATION PROGRAM. The board shall maintain in the extension a higher education location program to provide information on undergraduate admission requirements, degree programs, enrollment, student financial aid, student housing and admission forms.

SECTION 1775k. 36.25 (37) of the statutes is created to read:

36.25 **(37)** AREA HEALTH EDUCATION CENTER. The board shall maintain at the University of Wisconsin–Madison an area health education center to support community–based primary care training programs.

SECTION 1775m. 36.27 (1) (a) of the statutes is amended to read:

36.27 **(1)** (a) Subject to ~~par.~~ pars. (b) and (c), the board may establish for different classes of students differing tuition and fees incidental to enrollment in educational programs or use of facilities in the system. Except as otherwise provided in this section, the board may charge any student who is not exempted by this section a nonresident tuition. The board may establish special rates of tuition and fees for the extension and summer sessions and such other studies or courses of instruction as the board deems advisable.

SECTION 1775p. 36.27 (1) (b) of the statutes is created to read:

36.27 **(1)** (b) Beginning in the 1996–97 academic year, the board shall charge each resident student enrolled full–time in the medical school tuition based on financial need, but not exceeding the amount charged a nonresident student enrolled full–time in the medical school. The board shall establish standards and methods for determining financial need, including a methodology for the calculation of expected parental and student contributions.

SECTION 1775r. 36.27 (4) (a) of the statutes is amended to read:

36.27 **(4)** (a) In the 1993–94 ~~and 1994–95~~ to 1996–97 academic years, the board may annually exempt from nonresident tuition, but not from incidental or other fees, up to 200 students enrolled at the university of Wisconsin–Parkside as juniors or seniors in programs identified by that institution as having surplus capacity and up

to 150 students enrolled at the university of Wisconsin–Superior in programs identified by that institution as having surplus capacity.

SECTION 1776m. 36.34 (1) (b) of the statutes is amended to read:

36.34 **(1)** (b) The board shall establish a grant program for minority undergraduates enrolled in the system. The board shall designate all grants under this subsection as Lawton grants. Grants shall be awarded from the appropriation under s. 20.285 (4) (dd). The board may not make a grant under this subsection to a person if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments.

SECTION 1777. 36.39 (2) of the statutes is amended to read:

36.39 **(2)** Complimentary and reduced price tickets ~~required~~ permitted by rules of intercollegiate athletic conferences in which the system participates if the chancellor of the institution participating in the athletic event has approved the furnishing of such tickets; and

SECTION 1778. 36.47 of the statutes is repealed.

SECTION 1779. 36.50 (title) and (1) (intro.) of the statutes are renumbered 196.497 (title) and (1) (intro.).

SECTION 1780. 36.50 (1) (a) of the statutes is repealed.

SECTION 1781. 36.50 (1) (b) to (d) of the statutes are renumbered 196.497 (1) (b) to (d).

SECTION 1782. 36.50 (2) of the statutes is renumbered 196.497 (2) and amended to read:

196.497 **(2)** COORDINATION. (a) *Initial agency to be contacted.* The ~~board~~ commission shall serve as the initial agency in this state to be contacted by the

federal department of energy or any other federal agency on any matter related to the long–term disposal of high–level radioactive waste or transuranic waste.

(b) *Receipt of information.* The ~~board~~ commission shall serve as the initial agency in this state to receive any report, study, document, information or notification of proposed plans from the federal department of energy or any other federal agency on any matter related to the long–term disposal of high–level radioactive waste or transuranic waste. Notification of proposed plans include notification of proposals to conduct field work, on–site evaluation, on–site testing or similar activities.

(c) *Dissemination of information.* The ~~board~~ commission shall disseminate or arrange with the federal department of energy or other federal agency to disseminate information received under par. (b) to appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public, interested citizen groups and persons who have requested in writing to receive this information.

(d) *Response.* The ~~board~~ commission shall respond to contacts under par. (a) and information received under par. (b) if a response is appropriate. The ~~board~~ commission shall consult with ~~the radioactive waste policy council and the radioactive waste technical council and with~~ appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups in preparing this response. ~~The radioactive waste policy council and the radioactive waste technical council shall prepare written comments for use in this response if requested to do so by the board.~~

SECTION 1783. 36.50 (3) of the statutes is renumbered 196.497 (3) and amended to read:

196.497 **(3)** ADVOCATE. The ~~board~~ commission shall serve as an advocate on behalf of the citizens of this state before the federal department of energy and other federal agencies on matters related to the long–term disposal of radioactive waste and transuranic waste.

SECTION 1784. 36.50 (4) of the statutes is repealed.

SECTION 1785. 36.50 (5) to (7) of the statutes are renumbered 196.497 (5) to (7) and amended to read:

196.497 **(5)** REVIEW OF APPLICATIONS FOR FEDERAL FUNDS. The ~~board~~ commission shall review any application to the federal department of energy or other federal agency by a state agency, local unit of government or regional planning commission for funds for any program related to the long–term disposal of high–level radioactive waste or transuranic waste. If the ~~board~~ commission finds that the application is not consistent with the ~~board's~~ commission's policy related to the long–term disposal of high–level radioactive waste or transuranic waste or that the application is not in the best interest of the state, the ~~board~~ commission shall forward its findings to the governor, the joint committee on finance and the federal agency to which the application for funds is being made. If the ~~board~~ commission finds that the application of a state agency is not consistent with the ~~board's~~ commission's policy related to the long–term disposal of high–level radioactive waste or transuranic waste or that the application of a state agency is not in the best interest of the state, the findings forwarded to the governor shall include a recommendation that the governor act under s. 16.54 (1) and stipulate conditions for the acceptance of the funds which are necessary to safeguard the interests of the state.

(6) MONITOR FEDERAL ACTIVITY. The ~~board~~ commission shall monitor activity in congress and the federal government related to the long–term disposal of high–level

radioactive waste and transuranic waste. The ~~board~~ commission may advise the congressional delegation from this state of action which is needed to protect the interests of the state.

(7) REQUEST ATTORNEY GENERAL TO INTERVENE. If appropriate the ~~board~~ commission shall request the attorney general to intervene in federal proceedings to protect the state's interests and present the state's point of view on matters related to the long–term disposal of high–level radioactive waste or transuranic waste.

SECTION 1786. 36.50 (8) (title) of the statutes is renumbered 196.497 (8) (title).

SECTION 1787. 36.50 (8) (a) and (b) of the statutes are renumbered 196.497 (8) (a) and (b) and amended to read:

196.497 **(8)** (a) *Negotiations with the federal department of energy.* The ~~board~~ commission shall serve as the agency in this state to negotiate written agreements and modifications to these agreements, with the federal department of energy on any matter related to the long–term disposal of high–level radioactive waste or transuranic waste.

(b) *Negotiations with other federal agencies.* The ~~board~~ commission shall serve as the agency in this state to negotiate written agreements and modifications to these agreements, with any federal agency other than the federal department of energy on any matter related to the long–term disposal of high–level radioactive waste or transuranic waste.

SECTION 1788. 36.50 (8) (c) of the statutes is repealed.

SECTION 1789. 36.50 (8) (d) of the statutes is renumbered 196.497 (8) (d) and amended to read:

196.497 **(8)** (d) *Hearings.* The ~~board~~ commission shall conduct ~~more than one~~ public ~~hearing~~ hearings on any proposed agreement or modification to an agreement

negotiated under par. (a) or (b). The ~~board~~ commission shall provide 30 days' notice of the date and location of hearings conducted under this paragraph. The ~~board~~ commission shall prepare a written summary of testimony presented at hearings conducted under this paragraph and shall consider the need for modifications to the negotiated agreement as a result of the hearings.

SECTION 1790. 36.50 (8) (e) of the statutes is repealed.

SECTION 1791. 36.50 (8) (f) of the statutes is renumbered 196.497 (8) (f).

SECTION 1792. 36.50 (8) (g) of the statutes is renumbered 196.497 (8) (g) and amended to read:

196.497 **(8)** (g) *Technical revisions.* The ~~board~~ commission may negotiate what in the ~~board's~~ commission's judgment are technical revisions to any agreement approved under sub. (10).

SECTION 1793. 36.50 (8) (h) of the statutes is repealed.

SECTION 1794. 36.50 (8) (i) of the statutes is renumbered 196.497 (8) (i).

SECTION 1795. 36.50 (9) of the statutes is renumbered 196.497 (9), and 196.497 (9) (a), (b) (intro.) and 5. to 11. and (c) (intro.), 2., 4. and 5., as renumbered, are amended to read:

196.497 **(9)** (a) *Separate agreements.* The ~~board~~ commission may negotiate separate agreements with the federal department of energy concerning different stages of the process of evaluating and selecting a site for the long–term disposal of high–level radioactive waste or transuranic waste. The ~~board~~ commission shall negotiate a separate agreement with the federal department of energy for the final stages of the selection of any site for the long–term disposal of high–level radioactive waste or transuranic waste.

(b) *Contents.* (intro.) Any agreement negotiated by the ~~board~~ commission with the federal department of energy under sub. (8) (a) shall include all of the following:

5. A requirement that the federal department of energy and any of its contractors or subcontractors shall provide the ~~board~~ commission with all reports and documents the ~~board~~ commission requests and any other relevant reports and documents in a timely manner and in accordance with any applicable law, regulation or rule. The requirement shall specify that the federal department of energy may not charge a fee for searching for or for supplying reports and documents requested by the ~~board~~ commission. The requirement shall specify that the federal department of energy shall provide the ~~board~~ commission with all reports and documents the ~~board~~ commission requests and any other relevant reports and documents from contractors and subcontractors after the reports and documents are submitted to the federal department of energy regardless of whether the reports and documents have received the department of energy's final approval.

6. A requirement that, upon request by the ~~board~~ commission, the federal department of energy shall provide the data, methods and underlying assumptions used in the preparation of reports and documents in accordance with any applicable law, regulation or rule.

7. A requirement that the federal department of energy shall notify the ~~board~~ commission of any grants related to the long–term disposal of high–level radioactive waste and transuranic waste from the federal department of energy to any person in this state.

8. A requirement that the federal department of energy shall notify the ~~board~~ commission in a timely manner of any proposed field work, on–site evaluation, on–site testing or similar activities it or any contractor or subcontractor intends to

conduct and a requirement that the federal department of energy shall allow the ~~board~~ commission to monitor these activities by designating a reasonable number of persons to observe the activities or by any other appropriate means.

9. A requirement that the federal department of energy shall provide the ~~board~~ commission in a timely manner with a copy of any requests for proposals and final contracts issued by the federal department of energy relating to the evaluation, selection or construction of a site for the long–term disposal of high–level radioactive waste or transuranic waste in this state.

10. A provision that the federal department of energy shall agree to provide funds to be used to ~~provide educational programs under sub. (4) and to~~ review the activities of the federal department of energy and its contractors and subcontractors which relate to assessing the suitability of the state for the long–term disposal of high–level radioactive waste or transuranic waste.

11. A process for resolving disputes between the ~~board~~ commission and the federal department of energy including disputes concerning alleged violations of the written agreement and disputes concerning technical assessments made by the federal department of energy. The process for resolving disputes concerning technical assessments made by the federal department of energy may involve a process of scientific review and mediation.

(c) *Objection to site selection.* (intro.) Any agreement negotiated by the ~~board~~ commission with the federal department of energy under sub. (8) (a) shall include a list of reasons for which the ~~board~~ commission may object to the selection of a site within this state for the long–term disposal of high–level radioactive waste and transuranic waste. These reasons shall include the following:

2. The federal department of energy fails to address to the satisfaction of the ~~board~~ commission the potential socioeconomic effects of the site or of the transportation of waste to the site.

4. If, in the judgment of the ~~board~~ commission, the federal department of energy fails to comply with criteria, regulations or standards of other federal agencies concerning the long–term disposal of high–level radioactive waste or transuranic waste including criteria which excludes a proposed site from consideration because of previous mining or drilling of any type within the area which could be affected by the construction of the site or by the heat resulting from the disposal of high–level radioactive waste or transuranic waste at the site.

5. If, in the judgment of the ~~board~~ commission, the federal department of energy fails to use generally accepted scientific and technical practices in evaluating the suitability of a site for the long–term disposal of high–level radioactive waste or transuranic waste.

SECTION 1796. 36.50 (10) of the statutes is renumbered 196.497 (10), and 196.497 (10) (a) to (c), as renumbered, are amended to read:

196.497 **(10)** (a) *Submission.* The ~~board~~ commission shall submit any written agreement or modification to an agreement negotiated under sub. (8) (a) or (b), approved by the ~~board~~ commission and approved by the federal department of energy or other federal agency to the speaker of the assembly and the president of the senate. The ~~board~~ commission shall submit with the agreement or modification a written summary of the hearings held under sub. (8) (d).

(b) *Introduction of bill.* Upon request of the ~~board~~ commission, the speaker of the assembly or the president of the senate shall introduce a bill to approve the agreement or modification to an agreement. The bill is not subject to s. 16.47 (2).

(c) *Legislative action required.* Within 120 days after the bill is introduced the appropriate committees in each house of the legislature shall authorize an extraordinary session of the legislature to commence within the 120 days and to extend until the legislature passes the bill or passes a joint resolution which disapproves of the agreement or modification and returns the agreement or modification to the ~~board~~ commission for renegotiation. If the 120–day period extends beyond the date specified in s. 13.02 (1), the 120–day period is deemed to commence on the first day the succeeding legislature convenes, unless a bill or joint resolution is passed prior to that time.

SECTION 1797. 36.50 (11) of the statutes is renumbered 196.497 (11), and 196.497 (11) (a), as renumbered, is amended to read:

196.497 **(11)** (a) *Submission.* The ~~board~~ commission shall submit any technical revision to a written agreement negotiated under sub. (8) (g), approved by the ~~board~~ commission and approved by the federal department of energy or other federal agency, to the presiding officer of each house of the legislature and to the governor.

SECTION 1798. 36.50 (11m) of the statutes is renumbered 196.497 (11m), and 196.497 (11m) (a) to (c) and (f), as renumbered, are amended to read:

196.497 **(11m)** (a) (title) *Review by the ~~board~~ commission.* If the federal department of energy selects a site in the state for construction of a repository for the long–term disposal of high–level radioactive or transuranic waste, the ~~board~~ commission shall review the adequacy of the selected site and of the site plan prepared by the federal department of energy under sub. (9) (b) 12. The review shall include a full scientific review of the adequacy of the selected site and of the site plan. ~~The board shall solicit written comments on the selected site and the site plan from the radioactive waste policy council and the radioactive waste technical council.~~ The

~~board~~ commission shall utilize recognized experts in conducting its scientific review. The ~~board~~ commission shall conduct more than one public hearing on the site plan and shall make available to the public arguments and evidence for and against the site plan. The ~~board~~ commission shall provide 30 days' notice of the date and location of the public hearings. The ~~board~~ commission shall solicit comments from appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups on the adequacy of the selected site and the site plan. The ~~board~~ commission shall make these comments available to the public.

(b) *Recommendation to the legislature and the governor.* After completing this review, the ~~board~~ commission shall submit a recommendation to the speaker of the assembly, the president of the senate and the governor on whether the state should accept the site selected by the federal department of energy and the site plan. The reasons for which the ~~board~~ commission may recommend that the legislature and the governor object to the site selection or the site plan, or both, include those specified in sub. (9) (c). The recommendation to the speaker of the assembly and the president of the senate shall be accompanied by a request for the introduction of a bill to approve the site selected and the site plan or by a request for the introduction of a bill to disapprove the site or the site plan or both.

(c) *Introduction of legislation.* Upon request of the ~~board~~ commission, the speaker of the assembly or the president of the senate shall introduce a bill reflecting the recommendation of the ~~board~~ commission on whether to approve or disapprove the site selected by the federal department of energy and the site plan. The bill is not subject to s. 16.47 (2).

(f) *Transmittal of action by the legislature and the governor.* After the legislature takes action under par. (d) and after the governor takes any action under par. (e), the chief clerk of the house of origin shall notify the ~~board~~ commission of the action taken and the ~~board~~ commission shall send a report to the president of the United States, the members of the U.S. senate, the members of the U.S. house of representatives, the federal department of energy and other appropriate federal agencies. The report shall contain a summary of the review undertaken by the ~~board~~ commission in accordance with par. (a), the recommendation made by the ~~board~~ commission under par. (b), the action of the legislature under par. (d) and any action of the governor under par. (e).

SECTION 1799. 36.50 (12) to (14) of the statutes are renumbered 196.497 (12) to (14) and amended to read:

196.497 **(12)** IMPLEMENTATION. The ~~board~~ commission shall implement agreements, modifications and technical revisions approved under subs. (10) and (11). In implementing these agreements, modifications and revisions, the ~~board~~ commission may solicit the views of appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public and interested citizen groups.

(13) FUNDING. The ~~board~~ commission shall attempt to finance all of its expenses under this section from moneys received from the federal department of energy and other federal agencies and from gifts and grants received from other persons.

(14) STATE AGENCIES TO COOPERATE. ~~The geological and natural history survey shall provide staff and other administrative services to assist the board in its duties.~~ Other state agencies shall assist the ~~board~~ commission in fulfilling its duties under this section to the fullest extent possible.

SECTION 1799m. 36.51 (6) of the statutes is amended to read:

36.51 **(6)** The center or institution may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the ~~state treasurer~~ secretary of administration shall pay the claim from the appropriation under s. 20.255 (2) (cn).

SECTION 1800. 36.51 (7) of the statutes is amended to read:

36.51 **(7)** All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the ~~state superintendent~~ department of ~~public instruction~~ education under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no center or institution may be required to provide special foods for individual persons with allergies or medical disorders.

SECTION 1800m. 38.04 (2m) of the statutes is repealed.

SECTION 1800n. 38.04 (7m) of the statutes is created to read:

38.04 **(7m)** FINANCIAL AIDS. By April 10, 1996, and annually thereafter, the board shall develop and submit to the education commission for its review under s. 39.285 (1) a proposed formula for the awarding of grants under s. 39.435, except for grants awarded under s. 39.435 (2) or (5), for the upcoming academic year to students enrolled in the technical colleges.

SECTION 1801. 38.04 (11) (a) 2. of the statutes is amended to read:

38.04 **(11)** (a) 2. In consultation with the ~~state superintendent~~ department of public instruction, the board shall establish, by rule, a uniform format for district boards to use in reporting the number of pupils attending district schools under ss. 118.15 (1) (b), (cm) and (d) and 118.37 and in reporting pupil participation in technical preparation programs under s. 118.34, including the number of courses taken for advanced standing in the district's associate degree program and for ~~vocational,~~ technical ~~and adult education~~ college credit. The format shall be identical to the format established by the ~~state superintendent~~ department of public instruction under s. 115.28 (38).

SECTION 1802. 38.04 (18) of the statutes is repealed.

SECTION 1803. 38.04 (26) of the statutes is amended to read:

38.04 **(26)** TECHNICAL PREPARATION PROGRAMS. In consultation with the ~~state superintendent~~ department of ~~public instruction~~ education, the board shall approve courses for technical preparation programs under s. 118.34. By July 1, 1994, and annually thereafter by July 1, the board shall publish a list of the approved courses that indicates the schools in which each course is taught and the credit equivalency available in each district for each course.

SECTION 1810g. 38.27 (1) (e) of the statutes is amended to read:

38.27 **(1)** (e) Educational programs, courses or services that would not otherwise be established or maintained because of ~~declines~~ limitations in district fiscal capacity.

SECTION 1810m. 38.272 (1) of the statutes is amended to read:

38.272 **(1)** A student enrolled in a district's farm business and production management program may apply to the board for a grant for the purpose of paying 50% of the tuition for ~~the first 4~~ up to 6 years ~~of the program~~.

SECTION 1812. 38.28 (1m) (a) 1. of the statutes is amended to read:

38.28 **(1m)** (a) 1. "District aidable cost" means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under subs. (6) and (7) and ss. 38.12 (9), 38.14 (3) and (9), ~~46.32,~~ 118.15 (2) (a), 118.37 and 146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11), 38.26, 38.27 and 38.38, all fees collected under s. 38.24 and driver education and chauffeur training aids.

SECTION 1813. 38.30 (1) (b) of the statutes is amended to read:

38.30 **(1)** (b) District boards may receive payments from the department of ~~health and social services~~ industry, labor and human relations under s. 47.02 to cover the cost of training for resident and nonresident students who are enrolled in district schools and are veterans ineligible for benefits under par. (a).

SECTION 1813m. 38.36 (6) of the statutes is amended to read:

38.36 **(6)** The district board may file a claim with the department of public instruction for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department of public instruction approves the claim, it shall certify that payment is due and the ~~state treasurer~~ secretary of administration shall pay the claim from the appropriation under s. 20.255 (2) (cn).

SECTION 1814. 38.36 (7) of the statutes is amended to read:

38.36 **(7)** All meals served must meet the approval of the board, which shall establish minimum nutritional standards and reasonable expenditure limits consistent with the standards and limits established by the ~~state superintendent~~ department of ~~public instruction~~ education under s. 115.345 (6). The board shall give special consideration to the dietary problems of elderly persons in formulating a nutritional plan. However, no district board may be required to provide special foods for individual persons with allergies or medical disorders.

SECTION 1815. 38.51 (title) of the statutes is amended to read:

38.51 (title) ~~**Educational approval board**~~ **Proprietary schools.**

SECTION 1816. 38.51 (1) (a) of the statutes is repealed.

SECTION 1817. 38.51 (1) (cm) of the statutes is created to read:

38.51 **(1)** (cm) "Department" means the department of education.

SECTION 1818. 38.51 (1) (g) of the statutes is amended to read:

38.51 **(1)** (g) "Teaching location" means the area and facilities designated for use by a school required to be approved by the ~~board~~ department under this section.

SECTION 1819. 38.51 (2) of the statutes is amended to read:

38.51 **(2)** PURPOSE. The purpose of ~~the board~~ this section is to approve schools and courses of instruction for the training of veterans of the armed forces and war orphans receiving assistance from the federal government, protect the general public by inspecting and approving private trade, correspondence, business and technical schools doing business within this state whether located within or outside this state, changes of ownership or control of these schools, teaching locations used by these schools and courses of instruction offered by these schools and to regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by these schools.

SECTION 1820. 38.51 (3) of the statutes is amended to read:

38.51 **(3)** RULE-MAKING POWER. The ~~board~~ department shall promulgate rules and establish standards necessary to carry out ~~its~~ the purpose of this section.

SECTION 1821. 38.51 (5) of the statutes is repealed.

SECTION 1822. 38.51 (6) (a) of the statutes is amended to read:

38.51 **(6)** (a) Except as provided in par. (b) the ~~board~~ department shall be the state approval agency for the education and training of veterans and war orphans. It shall approve and supervise schools and courses of instruction for their training under Title 38, USC, and may enter into and receive money under contracts with the U.S. department of veterans affairs or other appropriate federal agencies.

SECTION 1823. 38.51 (7) (intro.) of the statutes is amended to read:

38.51 **(7)** APPROVAL OF SCHOOLS GENERALLY. (intro.) In order to protect students, prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction and encourage schools to maintain courses and courses of instruction consistent in quality, content and length with generally accepted educational standards, the ~~board~~ department shall:

SECTION 1824. 38.51 (7) (g) of the statutes is amended to read:

38.51 **(7)** (g) Approve courses of instruction, schools, changes of ownership or control of schools and teaching locations meeting the requirements and standards established by the ~~board~~ department and complying with rules promulgated by the ~~board~~ department and publish a list of the schools and courses of instruction approved.

SECTION 1825. 38.51 (7) (h) of the statutes is amended to read:

38.51 **(7)** (h) Issue permits to solicitors when all ~~board~~ department requirements have been met.

SECTION 1826. 38.51 (7) (i) of the statutes is amended to read:

38.51 **(7)** (i) Require schools to furnish a surety bond in an amount as provided by rule of the ~~board~~ department.

SECTION 1827. 38.51 (8) (a) of the statutes is amended to read:

38.51 **(8)** (a) *In general.* No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students therefor in this state for a consideration or remuneration, except upon the actual business premises of the school, unless the solicitor first secures a solicitor's permit from the ~~board~~ department. If the solicitor represents more than one school, a separate permit shall be obtained for each school represented by the solicitor.

SECTION 1828. 38.51 (8) (b) of the statutes is amended to read:

38.51 **(8)** (b) *Solicitor's permit.* The application for a solicitor's permit shall be made on a form furnished by the ~~board~~ department and shall be accompanied by a fee and a surety bond acceptable to the ~~board~~ department in the sum of $2,000. The ~~board~~ department shall, by rule, specify the amount of the fee for a solicitor's permit. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his or her enrollment or as a result of the failure of the school to faithfully perform the agreement made with the student by the solicitor, and may be supplied by the solicitor or by the school itself either as a blanket bond covering each of its solicitors in the amount of $2,000 or the surety bond under sub. (7) (i). Upon approval of a permit the ~~board~~ department shall issue an identification card to the solicitor giving his or her name and address, the name and address of the employing school, and certifying that the person whose name appears on the card is authorized to solicit students for the school. A permit shall be valid for one year from the date issued.

Liability under this paragraph of the surety on the bond for each solicitor covered thereby shall not exceed the sum of $2,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the same upon giving 30 days' notice in writing to the ~~board~~ department and thereafter shall be relieved of liability under this paragraph for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee, a surety bond acceptable to the ~~board~~ department in the sum of $2,000 if a continuous bond has not been furnished, and such information as the ~~board~~ department requests of the applicant. The ~~board~~ department shall, by rule, specify the amount of the fee for renewal of a solicitor's permit.

SECTION 1829. 38.51 (8) (c) (intro.) of the statutes is amended to read:

38.51 **(8)** (c) *Refusal or revocation of permit.* (intro.) The ~~board~~ department may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any combination of the following grounds:

SECTION 1830. 38.51 (8) (c) 1. of the statutes is amended to read:

38.51 **(8)** (c) 1. Wilful violation of this subsection or any rule promulgated by the ~~board~~ department under this section;

SECTION 1831. 38.51 (8) (c) 2. of the statutes is amended to read:

38.51 **(8)** (c) 2. Furnishing false, misleading or incomplete information to the ~~board~~ department;

SECTION 1832. 38.51 (8) (c) 4. of the statutes is amended to read:

38.51 **(8)** (c) 4. Refusal by the school to be represented to allow reasonable inspection or to supply information after written request therefor by the ~~board~~ department;

SECTION 1833. 38.51 (8) (c) 5. of the statutes is amended to read:

38.51 **(8)** (c) 5. Failure of the school which the solicitor represents to meet requirements and standards established by and to comply with rules promulgated by the ~~board~~ department pursuant to sub. (7);

SECTION 1834. 38.51 (8) (d) of the statutes is amended to read:

38.51 **(8)** (d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by registered mail to the last address of the applicant or permit holder shown in the records of the ~~board~~ department. Revocation of a permit shall be effective 10 days after the notice of revocation has been mailed to the permit holder.

SECTION 1835. 38.51 (8) (e) of the statutes is amended to read:

38.51 **(8)** (e) *Request for appearance.* Within 20 days of the receipt of notice of the ~~board's~~ department's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request permission to appear before the ~~board~~ department in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request the ~~board~~ department shall grant a hearing to the applicant or holder of the permit within 30 days giving that person at least 10 days' notice of the date, time and place.

SECTION 1836. 38.51 (9) (h) of the statutes is amended to read:

38.51 **(9)** (h) Schools accredited by accrediting agencies recognized by the ~~board~~ department.

SECTION 1837. 38.51 (10) (a) of the statutes is amended to read:

38.51 **(10)** (a) *Authority.* All proprietary schools shall be examined and approved by the ~~board~~ department before operating in this state. Approval shall be granted to schools meeting the criteria established by the ~~board~~ department for a period not to exceed one year. No school may advertise in this state unless approved

by the ~~board~~ department. All approved schools shall submit quarterly reports, including information on enrollment, number of teachers and their qualifications, course offerings, number of graduates, number of graduates successfully employed and such other information as the ~~board~~ department deems necessary.

SECTION 1838. 38.51 (10) (b) of the statutes is amended to read:

38.51 **(10)** (b) *Application.* Application for initial approval of a school or a course of instruction, approval of a teaching location, change of ownership or control of a school, renewal of approval of a school or reinstatement of approval of a school or course of instruction which has been revoked shall be made on a form furnished by the ~~board~~ department and shall be accompanied by a fee set by the ~~board~~ department under par. (c), and such other information as the ~~board~~ department deems necessary to evaluate the school in carrying out the purpose of this section.

SECTION 1839. 38.51 (10) (c) (intro.) of the statutes is amended to read:

38.51 **(10)** (c) *Fees; rule making.* (intro.) The ~~board~~ department shall promulgate rules to establish fees. In promulgating rules to establish fees, the ~~board~~ department shall:

SECTION 1840. 38.51 (10) (c) 1. of the statutes is amended to read:

38.51 **(10)** (c) 1. Require that the amount of fees collected under this paragraph be sufficient to cover all costs that the ~~board~~ department incurs in examining and approving proprietary schools under this subsection.

SECTION 1845. 39.115 (3) of the statutes is created to read:

39.115 **(3)** Enter into a contract with any state agency, county, cooperative educational service agency, technical college district, municipality or school district for the educational communications board to furnish engineering and other services related to the construction or operation of telecommunications facilities.

SECTION 1851. 39.155 (1) of the statutes is amended to read:

39.155 **(1)** ~~All~~ Subject to sub. (3), all funds appropriated to the medical college of Wisconsin, inc., under s. 20.250 (1) (a) shall be based on a per capita formula for an amount for each Wisconsin resident enrolled at the college who is paying full tuition and demonstrates financial need. A student's qualification as a resident of this state shall be determined by the higher educational aids board in accordance with s. 36.27, so far as applicable. The higher educational aids board shall promulgate rules that establish standards and methods for determining financial need, including a methodology for the calculation of expected parental and student contributions.

SECTION 1851g. 39.155 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

39.155 **(1)** Subject to sub. (3), all funds appropriated to the medical college of Wisconsin, inc., under s. 20.250 (1) (a) shall be based on a per capita formula for an amount for each Wisconsin resident enrolled at the college who is paying full tuition and demonstrates financial need. A student's qualification as a resident of this state shall be determined by the department of education in accordance with s. 36.27, so far as applicable. The department of education shall promulgate rules that establish standards and methods for determining financial need, including a methodology for the calculation of expected parental and student contributions.

SECTION 1851m. 39.155 (2) of the statutes is amended to read:

39.155 **(2)** On or before January 15 and September 15 of each year, the medical college of Wisconsin, inc., shall submit to the higher educational aids board for its approval a list of the Wisconsin residents enrolled at the college who are paying full tuition. The higher educational aids board shall not approve a Wisconsin resident

on the list unless the resident demonstrates financial need, as determined by the higher educational aids board. The state shall make semiannual payments to the medical college of Wisconsin, inc., from the appropriation under s. 20.250 (1) (a), upon approval of the list. If the appropriation under s. 20.250 (1) (a) is insufficient to pay the amount specified to be disbursed under s. 20.250 (1) (a), the payments shall be disbursed on a prorated basis for each student entitled to such aid. ~~No more than 8 such payments~~ Payments may be made to the medical college of Wisconsin, inc., from the appropriation under s. 20.250 (1) (a), for any individual student only during a period of 4 consecutive academic years.

SECTION 1851r. 39.155 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

39.155 **(2)** On or before January 15 and September 15 of each year, the medical college of Wisconsin, inc., shall submit to the department of education for its approval a list of the Wisconsin residents enrolled at the college who are paying full tuition. The department of education shall not approve a Wisconsin resident on the list unless the resident demonstrates financial need, as determined by the department of education. The state shall make semiannual payments to the medical college of Wisconsin, inc., from the appropriation under s. 20.250 (1) (a), upon approval of the list. If the appropriation under s. 20.250 (1) (a) is insufficient to pay the amount specified to be disbursed under s. 20.250 (1) (a), the payments shall be disbursed on a prorated basis for each student entitled to such aid. Payments may be made to the medical college of Wisconsin, inc., from the appropriation under s. 20.250 (1) (a), for any individual student only during a period of 4 consecutive academic years.

SECTION 1852. 39.155 (3) of the statutes is amended to read:

39.155 **(3)** The medical college of Wisconsin, inc., may not assess tuition for a Wisconsin resident enrolled at the college in an amount that exceeds the difference between the tuition assessed a nonresident student enrolled at the college and the amount disbursed under s. 20.250 (1) (a) for each Wisconsin resident enrolled at the college. This subsection applies only to students enrolled in the class entering the college in the 1986–87 academic year and thereafter for whom payments are made to the Medical College of Wisconsin, Inc., from the appropriation under s. 20.250 (1) (a).

SECTION 1853. Subchapter III (title) of chapter 39 [precedes 39.26] of the statutes is amended to read:

CHAPTER 39

SUBCHAPTER III

HIGHER EDUCATIONAL AIDS ~~BOARD~~

SECTION 1854. 39.26 of the statutes is amended to read:

39.26 Definition. In this subchapter, ~~"board"~~ "department" means the ~~higher educational aids board~~ department of education.

SECTION 1855m. 39.27 of the statutes is repealed.

SECTION 1856. 39.28 (1) and (2) of the statutes are amended to read:

39.28 **(1)** The ~~board~~ department shall administer the programs under this subchapter and may promulgate such rules as are necessary to carry out its functions. ~~It~~ The department may accept and use any funds which it receives from participating institutions, lenders or agencies. ~~It~~ The department may enter into such contracts as are necessary to carry out its functions under this subchapter.

(2) The ~~board~~ department shall establish plans to be administered by the ~~board~~ department for participation by this state under any federal acts relating to higher

education and submit them to the U.S. commissioner of education for the commissioner's approval. The ~~board~~ department may utilize such criteria for determination of priorities, participation or purpose as are delineated in the federal acts.

SECTION 1857. 39.28 (3) of the statutes is repealed.

SECTION 1858. 39.28 (4) of the statutes is amended to read:

39.28 **(4)** The ~~board~~ department may assign, sell, convey or repurchase student loans made under s. 39.32 subject to prior approval by the joint committee on finance.

SECTION 1859. 39.28 (5) of the statutes is repealed.

SECTION 1859m. 39.285 of the statutes is created to read:

39.285 Education commission review of proposed formulae. (1) By May 1, 1996, and annually thereafter, the education commission shall approve, modify or disapprove any proposed formula for the awarding of grants for the upcoming academic year submitted under sub. (2) or s. 36.11 (6) (c) or 38.04 (7m).

(2) By April 10, 1996, and annually thereafter, the Wisconsin Association of Independent Colleges and Universities shall develop and submit to the education commission for its review under sub. (1) a proposed formula for the awarding of grants under s. 39.30 for the upcoming academic year to students enrolled at private institutions of higher education.

SECTION 1860. 39.29 of the statutes is repealed.

SECTION 1861. 39.30 (2) (e) of the statutes is amended to read:

39.30 **(2)** (e) The ~~board~~ department may not make a grant to a student if ~~it~~ the department receives a certification under s. ~~46.255~~ 49.855 (7) that the student is delinquent in child support or maintenance payments.

SECTION 1861m. 39.30 (2) (f) of the statutes is created to read:

39.30 **(2)** (f) No grants may be awarded under this section unless the applicable formula submitted under s. 39.285 (2) is approved or modified by the education commission under s. 39.285 (1).

SECTION 1862. 39.30 (3) (e) of the statutes is amended to read:

39.30 **(3)** (e) The ~~board~~ department shall establish criteria for the treatment of financially independent students which are consistent with procedures in pars. (a) to (d).

SECTION 1863. 39.30 (3) (f) of the statutes is amended to read:

39.30 **(3)** (f) The ~~board~~ department may not make initial awards of grants under this section for an academic year in an amount that exceeds 122% of the amount appropriated under s. 20.235 (1) (b) for the fiscal year in which the grant may be paid.

SECTION 1864. 39.30 (4) of the statutes is amended to read:

39.30 **(4)** FORMS. The ~~board~~ department shall prescribe, furnish and make available, at locations in the state convenient to the public, application forms for grants under this section. Upon request, ~~it~~ the department shall advise and assist applicants in making out such forms.

SECTION 1865. 39.31 (intro.) of the statutes is amended to read:

39.31 Determination of student costs. (intro.) In determining a student's total cost of attending a postsecondary institution for the purpose of calculating the amount of a grant under s. 39.30, 39.38, 39.435 or 39.44 the ~~board~~ department shall include the following:

SECTION 1866. 39.31 (2) of the statutes is amended to read:

39.31 **(2)** Miscellaneous expenses, as determined by the ~~board~~ department.

SECTION 1867. 39.31 (3) of the statutes is amended to read:

39.31 **(3)** The cost of child care, as determined by the ~~board~~ department.

SECTION 1868. 39.32 (2) (intro.) of the statutes is amended to read:

39.32 **(2)** (intro.) The ~~board~~ department shall:

SECTION 1869. 39.32 (3) (intro.) of the statutes is amended to read:

39.32 **(3)** (intro.) The ~~board~~ department may make and authorize loans to be made to students if:

SECTION 1870. 39.32 (3) (b) of the statutes is amended to read:

39.32 **(3)** (b) The student's eligibility for a loan is certified to the ~~board~~ department by the institution of higher education in which the student is enrolled or has been accepted for enrollment.

SECTION 1871. 39.32 (3) (g) of the statutes is amended to read:

39.32 **(3)** (g) The student is not in default on any previous loan or the ~~board~~ department has determined that the student has made satisfactory arrangements to repay the defaulted loan.

SECTION 1872. 39.32 (5) of the statutes is amended to read:

39.32 **(5)** The ~~board~~ department may collect any loans made or authorized to be made by the ~~board~~ department pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 stats.

SECTION 1873. 39.32 (6) of the statutes is amended to read:

39.32 **(6)** The ~~board~~ department shall satisfy the loan of any student who obtained a loan under this section or s. 39.023, 1965 stats., between July 1, 1966, and December 15, 1968, where such student died or dies after July 1, 1966, and before completing repayment thereof, and shall write off the balance of principal and interest owing on the loan on the date it received confirmation of such student's death. Obligation to repay such a loan shall terminate on the date of the student's

death and any payments made thereon to the ~~board~~ department after such date shall be refunded to the payor or the payor's heirs, executor or administrator from the appropriation in s. 20.235 (2) (ba) upon receipt by the ~~board~~ department of an application for refund.

SECTION 1874. 39.32 (7) of the statutes is amended to read:

39.32 **(7)** The ~~board~~ department may write off defaulted student loans made pursuant to this section or made prior to July 1, 1966, under s. 49.42, 1963 stats., from moneys other than advances from the investment board originally appropriated for student loans, and from moneys other than moneys resulting from assignment, sale or conveyance of student loans.

SECTION 1875. 39.32 (8) of the statutes is amended to read:

39.32 **(8)** The ~~board~~ department may use up to $150,000 annually of student revenue bond proceeds for the purpose of consolidating loans for needy students who have a state direct loan and one or more federally guaranteed student loans from one or more private lenders.

SECTION 1876. 39.32 (10) of the statutes is amended to read:

39.32 **(10)** (a) The ~~board~~ department may enter into contractual agreements with lenders in this state and lenders in other states which grant loans to residents of this state, and with institutions and agencies wherein the ~~board~~ department may provide and furnish to such lenders, institutions and agencies administrative services related to the operation of any programs involving the granting of loans to students including but not limited to any and all services and functions related to the granting, administering and collecting of any loans made to students.

(b) The ~~board~~ department shall have all powers as are reasonably appropriate to the provision of such services and the performance of such contracts and may

include charges or fees to be paid by the lenders, institutions and agencies to the ~~board~~ department for the provision of such administrative services or any services or activities related to the collection of any student loans for which the ~~board~~ department may become responsible by operation of law or by contractual agreements under this paragraph, but such charges or fees, before being instituted by the ~~board~~ department, shall be approved by the secretary of ~~the department of~~ administration.

SECTION 1877. 39.32 (11) of the statutes is amended to read:

39.32 **(11)** (a) In lieu of the procedure under ch. 812, the ~~board~~ department, on behalf of the corporation under s. 39.33, or the corporation, on its own behalf, may certify the department of administration to deduct money from a state employe's earnings. The ~~board~~ department shall specify an amount, not to exceed 25% of the employe's disposable earnings, as defined in s. 812.30 (6), to be deducted on a continuing basis until the amount certified by the ~~board~~ department or corporation has been paid. The department of administration shall remit moneys deducted to the ~~board~~ department or the corporation.

(b) The procedure in this section may be used only if the amount owed to the ~~board~~ department or corporation is reduced to a judgment. At least 30 days prior to certification, the ~~board~~ department or corporation shall notify the debtor under s. 879.05 (2) or (3) of the intent to certify the debt to the department of administration and of the debtor's right to a contested case hearing before the ~~board~~ department under s. 227.42. If the debtor requests a hearing within 20 days after receiving notice, the ~~board~~ department shall notify the department of administration which shall not make deductions under par. (a) until a decision is reached under s. 227.47 or the case is otherwise concluded.

(c) The department of administration shall prescribe the manner and form for certification of debts by the ~~board~~ department or corporation under this subsection.

SECTION 1878. 39.325 of the statutes is amended to read:

39.325 Wisconsin health education loan program. (1) There is established, to be administered by the ~~board~~ department, a Wisconsin health education loan program under P.L. 94–484, on July 29, 1979, in order to provide financial aid to medical and dentistry students enrolled in the university of Wisconsin medical school, the medical college of Wisconsin or Marquette university school of dentistry.

(2) The ~~board~~ department shall lend to students who qualify under sub. (1) any moneys appropriated or authorized through the issuance of revenue obligations. The ~~board~~ department shall require a student borrowing moneys under this section to pay interest while in medical or dental school and during his or her residency training at the rate of at least 3% per year on the sum of the principal amount of the student's obligation and the accumulated interest, unless federal law provides otherwise as a condition of guaranteeing the loan. Principal and interest payable on maturing revenue obligations shall, when necessary, be paid from funded reserves, authorized under subch. II of ch. 18, or from moneys made available under chapter 20, laws of 1981, section 2022 (1).

(3) The ~~board~~ department shall promulgate rules and establish standards and methods of determining the amounts of loans, rates of interest and other administrative procedures consistent with P.L. 94–484, on July 29, 1979. The rates of interest shall be set as low as possible, but shall remain sufficient to cover all costs of the program under this section.

SECTION 1879. 39.33 of the statutes is amended to read:

39.33 Guaranteed student loan program. (1) The ~~board~~ department may organize and maintain a nonstock corporation under ch. 181 to provide for a guaranteed student loan program in this state under P.L. 89–287 and P.L. 89–329 as may from time to time be amended. The ~~board~~ department may make use of and pay for the use of the facilities and services of such corporation.

(2) The ~~board~~ department may provide administrative services for the nonstock corporation with which the ~~board~~ department has entered into a contractual agreement for purposes of providing for a guaranteed student loan program in this state. Services provided under this section shall be in accordance with the decision of the ~~board~~ department as to the type and scope of services requested and the civil service range of any employe assigned to them.

(3) The ~~board~~ department or the legislature or any person delegated by the legislature may inspect and examine or cause an inspection and examination of all records relating to all programs that are, or are to be, administered under contractual agreement between the ~~board~~ department and the corporation.

SECTION 1880. 39.34 of the statutes is amended to read:

39.34 Medical student loan program. Notwithstanding s. 39.34, 1991 stats., the ~~board~~ department shall terminate on August 12, 1993, any obligation to repay a loan awarded under this section.

SECTION 1881. 39.35 of the statutes is amended to read:

39.35 Repayment of scholarships for teachers in educationally disadvantaged areas. Notwithstanding s. 39.35, 1969 stats., and s. 39.35, 1991 stats., the ~~board~~ department shall terminate on August 12, 1993, any obligation to repay a student aid award made under this section.

SECTION 1882. 39.36 of the statutes is amended to read:

39.36 Repayment of stipends for teachers of the handicapped. Notwithstanding s. 39.36, 1969 stats., s. 39.37 (3) (b), 1969 stats., and s. 39.36, 1991 stats., the ~~board~~ department shall terminate on August 12, 1993, any obligation to repay a stipend awarded under this section.

SECTION 1883. 39.37 (2) of the statutes is amended to read:

39.37 **(2)** There is created a separate nonlapsible trust fund designated the student loan repayment fund consisting of all revenues received in repayment of student loans funded under this section, and any other revenues dedicated to it by the ~~board~~ department. The ~~board~~ department may pledge revenues received or to be received by the fund to secure revenue obligations issued under this section, and shall have all other powers necessary and convenient to distribute the proceeds of the revenue obligations and loan repayments in accordance with subch. II of ch. 18.

SECTION 1884. 39.37 (3) of the statutes is amended to read:

39.37 **(3)** All student loans funded with revenue obligations issued under this section shall be fully guaranteed as to repayment of principal and interest from among a nonstock corporation organized under s. 39.33 (1), the United States, its agencies or instrumentalities. The ~~board~~ department may enter into agreements necessary to affect this guaranty.

SECTION 1885. 39.374 (2) of the statutes is amended to read:

39.374 **(2)** There is created a separate nonlapsible trust fund designated the Wisconsin health education loan repayment fund consisting of all revenues received in repayment of loans funded under this section or loans financed from moneys made available under chapter 20, laws of 1981, section 2022 (1). The ~~board~~ department may pledge revenues received or to be received by the fund to secure revenue obligations issued under this section, and shall have all other powers necessary and

convenient to distribute the proceeds of the revenue obligations and loan repayments in accordance with subch. II of ch. 18.

SECTION 1886. 39.374 (3) of the statutes is amended to read:

39.374 **(3)** All loans funded with revenue obligations issued under this section shall be fully guaranteed as to repayment of principal and interest by the United States, its agencies or instrumentalities. The ~~board~~ department may enter into agreements necessary to effect this guaranty.

SECTION 1887. 39.38 (1) of the statutes is amended to read:

39.38 **(1)** There is established, to be administered by the ~~board~~ department, a grant program to assist those Indian students who are residents of this state to receive a higher education.

SECTION 1887e. 39.38 (2) of the statutes is amended to read:

39.38 **(2)** Grants under this section shall be based on financial need, as determined by the board. The maximum grant shall not exceed $2,200 per year, of which not more than $1,100 may be from the appropriation under s. 20.235 (1) (fb). State aid from this appropriation may be matched by a contribution from a federally recognized American Indian tribe or band that is deposited in the general fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall be awarded to students for full–time or part–time attendance at any accredited institution of higher education in this state. The board may not make a grant under this section to a student if it receives a certification under s. 46.255 (7) that the student is delinquent in child support or maintenance payments. Grants shall be renewable for up to 5 years if a recipient remains in good academic standing at the institution he or she is attending. The American Indian language and culture

education board shall advise the board on the allocation of grants to students enrolled less than half–time.

SECTION 1887g. 39.38 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

39.38 **(2)** Grants under this section shall be based on financial need, as determined by the department. The maximum grant shall not exceed $2,200 per year, of which not more than $1,100 may be from the appropriation under s. 20.235 (1) (fb). State aid from this appropriation may be matched by a contribution from a federally recognized American Indian tribe or band that is deposited in the general fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall be awarded to students for full–time or part–time attendance at any accredited institution of higher education in this state. The department may not make a grant under this section to a student if the department receives a certification under s. 49.855 (7) that the student is delinquent in child support or maintenance payments. Grants shall be renewable for up to 5 years if a recipient remains in good academic standing at the institution that he or she is attending. The American Indian language and culture education board shall advise the department on the allocation of grants to students enrolled less than half–time.

SECTION 1888. 39.39 (1) (a) (intro.) of the statutes is amended to read:

39.39 **(1)** (a) (intro.) There is established, to be administered by the ~~board~~ department, a stipend loan program for resident students, including registered nurses, who are:

SECTION 1889. 39.39 (2) (intro.) of the statutes is amended to read:

39.39 **(2)** (intro.) The ~~board~~ department shall:

SECTION 1890. 39.39 (2) (b) of the statutes is amended to read:

39.39 **(2)** (b) Promulgate rules to administer this section, including rules establishing loan amounts and the criteria and procedures for loan forgiveness and for selecting loan recipients. Loan recipients shall be selected on the basis of financial need, as determined by the ~~board~~ department, using the needs analysis methodology used under s. 39.435.

SECTION 1891. 39.39 (4) of the statutes is created to read:

39.39 **(4)** The board may not make any original stipend loans under this section after the effective date of this subsection .... [revisor inserts date].

SECTION 1892. 39.39 (4) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

39.39 **(4)** The department may not make any original stipend loans under this section.

SECTION 1893. 39.40 (2) (intro.) of the statutes is amended to read:

39.40 **(2)** (intro.) The ~~board~~ department shall establish a loan program for minority students who meet all of the following requirements:

SECTION 1893m. 39.40 (2) (a) of the statutes is amended to read:

39.40 **(2)** (a) Are registered as juniors or seniors, or hold a bachelor's degree and are registered as special students, in the University of Wisconsin System or in an accredited, private institution of higher education located in this state.

SECTION 1894. 39.40 (2) (c) of the statutes is amended to read:

39.40 **(2)** (c) Meet academic criteria specified by the ~~board~~ department.

SECTION 1894m. 39.40 (2m) of the statutes is created to read:

39.40 **(2m)** Loans under sub. (2) shall be awarded to students registered at an eligible institution of higher education on the basis of the institution's participation in the loan program under this section or s. 36.25 (16), 1993 stats., and the number

of its students eligible for such loans. Loans awarded to recipients shall be disbursed directly to the eligible institutions of higher education.

SECTION 1895. 39.40 (3) of the statutes is amended to read:

39.40 **(3)** Loans under sub. (2) shall be made from the appropriation under s. 20.235 (1) (cr). The ~~board~~ department shall forgive 25% of the loan and 25% of the interest on the loan for each school year the recipient teaches in a school district described under sub. (2) (d).

SECTION 1896. 39.40 (4) of the statutes is amended to read:

39.40 **(4)** The ~~board~~ department shall deposit in the general fund as general purpose revenue–earned all repayments of loans made under sub. (2) and the interest on the loans.

SECTION 1897. 39.40 (5) of the statutes is created to read:

39.40 **(5)** The department shall administer the repayment and forgiveness of loans made under s. 36.25 (16), 1993 stats. The department shall treat such loans as if they had been made under sub. (2).

SECTION 1900. 39.41 (1) (ae) of the statutes is repealed.

SECTION 1901. 39.41 (1) (bg) of the statutes is created to read:

39.41 **(1)** (bg) "Secretary" means the secretary of education.

SECTION 1902. 39.41 (1m) (b) of the statutes is amended to read:

39.41 **(1m)** (b) By February 15 of each school year, the school board of each school district operating one or more high schools and the governing body of each private high school may, for each high school with an enrollment of less than 80 pupils, nominate the senior with the highest grade point average in all subjects who may be designated as a scholar by the ~~executive~~ secretary under par. (c) 3.

SECTION 1903. 39.41 (1m) (c) (intro.) of the statutes is amended to read:

39.41 **(1m)** (c) (intro.) The ~~executive~~ secretary shall:

SECTION 1904. 39.41 (1m) (c) 5. of the statutes is amended to read:

39.41 **(1m)** (c) 5. For each public or private high school with an enrollment of less than 80 pupils, notify the school board of the school district operating the public high school or the governing body of the private high school that the school board or governing body may nominate a senior under par. (b) who may be designated as a scholar by the ~~executive~~ secretary.

SECTION 1905. 39.41 (1m) (cm) of the statutes is amended to read:

39.41 **(1m)** (cm) The ~~executive~~ secretary may grant waivers under par. (m).

SECTION 1906. 39.41 (1m) (d) of the statutes is amended to read:

39.41 **(1m)** (d) By February 15 of each school year, if 2 or more seniors from the same high school of at least 80 pupils have the same grade point average and, except for the limitation on the number of designated scholars, are otherwise eligible for designation under par. (a), the faculty of the high school shall select the applicable number of seniors for designation under par. (a) as scholars and shall certify, in order of priority, any remaining seniors as alternates for a scholar with the same grade point average. If a senior from that high school designated as a scholar under par. (a) does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), an alternate for the scholar with the same grade point average as any senior from that high school designated as a scholar under par. (a) shall be eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~board~~ department.

SECTION 1907. 39.41 (1m) (e) of the statutes is amended to read:

39.41 **(1m)** (e) If 2 or more seniors from the same high school of less than 80 pupils have the same grade point average and, except for the limitation of one

nominated senior, are otherwise eligible for nomination under par. (b), the faculty of the high school shall select the senior who may be nominated by the school board of the school district operating the public high school or the governing body of the private high school for designation under par. (b) as a scholar by the ~~executive~~ secretary. If that senior is designated as a scholar by the ~~executive~~ secretary and does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), faculty of the high school shall select one or more of the remaining seniors with the same grade point average for certification as a scholar and the school board of the school district operating the high school or the governing body of the private high school shall certify to the ~~board~~ department one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~board~~ department.

SECTION 1908. 39.41 (1m) (f) of the statutes is amended to read:

39.41 **(1m)** (f) If 2 or more seniors from the Wisconsin school for the visually handicapped have the same grade point average and, except for the limitation of one designated senior, are otherwise eligible for designation under par. (c) 1., the ~~executive~~ secretary shall make the designation under par. (c) 1. of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~board~~ department.

SECTION 1909. 39.41 (1m) (fm) of the statutes is amended to read:

39.41 **(1m)** (fm) If 2 or more seniors from the Wisconsin school for the deaf have the same grade point average and, except for the limitation of one designated senior,

are otherwise eligible for designation under par. (c) 2., the ~~executive~~ secretary shall make the designation under par. (c) 2. of the senior who may be eligible for a higher education scholarship as a scholar and, if that senior does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), shall designate one or more of the remaining seniors with the same grade point average as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~board~~ department.

SECTION 1910. 39.41 (1m) (i) of the statutes is amended to read:

39.41 **(1m)** (i) Notwithstanding par. (d), if the school board of a school district operating a high school or the governing body of a private high school has complied with s. 39.41 (1m) (d), 1991 stats., for the 1993–94 school year and a senior from that high school designated as a scholar under s. 39.41 (1m) (a), 1991 stats., and s. 39.41 (1m) (d), 1991 stats., does not qualify for a higher education scholarship under sub. (2) (a) or (3) (a), the faculty of the high school shall select one or more of the remaining seniors with the same grade point average for certification as a scholar. The school board of the school district operating the high school or the governing body of the private high school shall certify to the ~~board~~ department one or more of these seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the ~~board~~ department.

SECTION 1911. 39.41 (1m) (m) of the statutes is amended to read:

39.41 **(1m)** (m) Notwithstanding pars. (a), (b) and (d), if a high school ranks its seniors on the basis of grades in academic subjects, the school board of the school district operating the high school or the governing body of the private high school or, for purposes of par. (d), the faculty of the high school may request a waiver from the

~~executive~~ secretary in order to fulfill its requirements under par. (a), (b) or (d) on the basis of grade point averages in academic subjects.

SECTION 1912. 39.41 (2) (a) of the statutes is amended to read:

39.41 **(2)** (a) If a designated scholar under sub. (1m) is admitted to and enrolls, on a full–time basis, by September 30 of the academic year immediately following the school year in which the senior was designated a scholar, in a center or institution within the university of Wisconsin system or in a technical college district school that is participating in the program under this section, the scholar shall receive a higher education scholarship that exempts the scholar from all tuition and fees, including segregated fees, at the center, institution or district school for one year, subject to the availability of funds, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996–97 academic year or for any academic year thereafter may not exceed $2,250 per academic year.

SECTION 1913. 39.41 (2) (b) of the statutes is amended to read:

39.41 **(2)** (b) For each year that a scholar who receives a scholarship under par. (a) is enrolled full time, maintains at least a 3.0 grade point average, or the equivalent as determined by the center, institution or district school, and makes satisfactory progress toward an associate or a bachelor's degree, the student shall be exempt from all tuition and fees, including segregated fees, in the subsequent year, subject to the availability of funds, except that the maximum scholarship for a scholar who receives an original scholarship for the 1996–97 academic year or for any academic year thereafter may not exceed $2,250 per academic year. No scholar is eligible for an exemption for more than 4 years at a center or institution or more than 3 years at a district school.

SECTION 1914. 39.41 (2) (c) of the statutes is amended to read:

39.41 **(2)** (c) Subject to sub. (4), for each year the student is exempt from tuition and fees under par. (a) or (b), the ~~board~~ department shall pay the center, institution or district school, on behalf of the student, an amount equal to 50% of the student's tuition and fees, except that the maximum payment for a student who receives an original scholarship for the 1996–97 academic year or for any academic year thereafter may not exceed $1,125 per academic year.

SECTION 1916. 39.41 (3) (a) of the statutes is amended to read:

39.41 **(3)** (a) If a designated scholar under sub. (1m) is admitted to and enrolls, on a full–time basis, by September 30 of the academic year immediately following the school year in which the senior was designated a scholar, in a private institution of higher education that is located in this state and participating in the program under this section, the ~~board~~ department shall pay the institution, on behalf of the pupil, an amount equal to 50% of the tuition and fees charged a resident undergraduate at the university of Wisconsin–Madison in the same academic year, except that the maximum payment for a pupil who receives an original scholarship for the 1996–97 academic year or for any academic year thereafter may not exceed $1,125 per academic year.

SECTION 1918. 39.41 (4) of the statutes is amended to read:

39.41 **(4)** (a) The ~~board~~ department shall make the payments under subs. (2) (c) and (3) only if the center, institution, district school or private institution matches the amount of the payment from institutional funds, gifts or grants. Beginning in the 1992–93 school year, the matching requirement under this paragraph for the centers and institutions within the university of Wisconsin system shall be satisfied by payments of an amount equal to the total payments from the centers and institutions made under this paragraph in the 1991–92 school year and, if such

payments are insufficient to satisfy the matching requirement, by the waiver of academic fees established under s. 36.27.

(b) The ~~board~~ department shall make the payments under subs. (2) (c) and (3) from the appropriation under s. 20.235 (1) (fy) subject to the availability of funds. If the amount in the appropriation under s. 20.235 (1) (fy) in any fiscal year is insufficient to fully make the payments, the amount of each payment shall be reduced proportionately.

SECTION 1919. 39.41 (5) of the statutes is amended to read:

39.41 **(5)** (a) Each center or institution within the university of Wisconsin system, technical college district school and private institution of higher education that wishes to participate in the scholarship program under this section shall notify the ~~board~~ department by October 1 prior to the academic year in which the institution wishes to participate.

(b) Each designated scholar who is eligible for a higher education scholarship under sub. (2) (a) or (3) (a) shall notify the ~~board~~ department as soon as practicable of the institution of higher education he or she will be attending in the next academic year.

(c) Annually, the ~~board~~ department shall notify each scholar who will be attending a participating institution of higher education in the next academic year of the amount of his or her higher education scholarship.

SECTION 1920. 39.41 (7) of the statutes is amended to read:

39.41 **(7)** By August 1, 1993, and annually thereafter, the ~~board~~ department shall submit a report to the joint committee on finance evaluating the success of the program under this section. The report shall specify the number and amount of the

scholarships awarded in the current fiscal year and the institutions of higher education chosen by the scholarship recipients.

SECTION 1921. 39.41 (8) of the statutes is amended to read:

39.41 **(8)** The ~~executive~~ secretary shall promulgate rules establishing criteria for the designation of scholars under sub. (1m) (c) 3.

SECTION 1924. 39.42 of the statutes is amended to read:

39.42 Interstate agreements. The ~~board~~ department, with the approval of the joint committee on finance, or the governing boards of any publicly supported institution of post–high school education, with the approval of the ~~board~~ department and the joint committee on finance, may enter into agreements or understandings which include remission of nonresident tuition for designated categories of students at state institutions of higher education with appropriate state agencies and institutions of higher education in other states to facilitate use of public higher education institutions of this state and other states. Such agreements and understandings shall have as their purpose the mutual improvement of educational advantages for residents of this state and such other states or institutions of other states with which agreements are made.

SECTION 1925. 39.435 (1) of the statutes is amended to read:

39.435 **(1)** There is established, to be administered by the ~~board~~ department a higher education grant program for postsecondary resident students enrolled at least half–time and registered as freshmen, sophomores, juniors or seniors in accredited institutions of higher education in this state. Except as authorized under sub. (5), such grants shall be made only to students enrolled in nonprofit public institutions in this state.

SECTION 1926. 39.435 (2) of the statutes is amended to read:

39.435 **(2)** The ~~board~~ department shall award talent incentive grants to uniquely needy students enrolled at least half–time as first–time freshmen at public and private nonprofit institutions located in this state and to sophomores, juniors and seniors who received such grants as freshmen. No grant under this subsection may exceed $1,800 for any academic year. The ~~board~~ department may not award a grant to the same student for more than 10 consecutive semesters or their equivalent. The ~~board~~ department shall promulgate rules establishing eligibility criteria for grants under this subsection.

SECTION 1927. 39.435 (3) of the statutes is amended to read:

39.435 **(3)** Grants under sub. (1) shall not be less than $250 during any one academic year, unless the joint committee on finance approves an adjustment in the amount of the minimum grant. Grants under sub. (1) shall not exceed $1,800 during any one academic year. The ~~board~~ department shall, by rule, establish a reporting system to periodically provide student economic data and shall promulgate other rules the ~~board~~ department deems necessary to assure uniform administration of the program.

SECTION 1928. 39.435 (4) (a) of the statutes is amended to read:

39.435 **(4)** (a) The ~~board~~ department shall promulgate rules establishing policies and procedures for determining dependent and independent status and for the calculation of expected parental and student contributions. The rules shall be consistent with generally accepted definitions and nationally approved needs analysis methodology.

SECTION 1929. 39.435 (4) (b) 1. and 2. of the statutes are amended to read:

39.435 **(4)** (b) 1. Annually, the ~~board~~ department shall establish equity award levels for students enrolled in the university of Wisconsin system and for students enrolled in technical colleges.

2. From the equity levels established under subd. 1., the ~~board~~ department shall subtract the amount of the expected parental contribution and the expected student contribution to determine the amount of the student's grant.

SECTION 1930. 39.435 (4) (c) of the statutes is amended to read:

39.435 **(4)** (c) Grants paid to independent students shall be determined by the ~~board~~ department consistent with the rules and procedures under pars. (a) and (b).

SECTION 1930m. 39.435 (4) (d) of the statutes is created to read:

39.435 **(4)** (d) The awarding of grants under this section is subject to any formula approved or modified by the education commission under s. 39.285 (1).

SECTION 1931. 39.435 (5) of the statutes is amended to read:

39.435 **(5)** The ~~board~~ department shall ensure that grants under this section are made available to students attending private or public institutions in this state who are deaf or hard of hearing or visually handicapped and who demonstrate need. Grants may also be made available to such handicapped students attending private or public institutions in other states under criteria established by the ~~board~~ department. In determining the financial need of these students special consideration shall be given to their unique and unusual costs.

SECTION 1932. 39.435 (6) of the statutes is amended to read:

39.435 **(6)** The ~~board~~ department may not make a grant under this section to a person if ~~it~~ the department receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments.

SECTION 1933. 39.44 (1) (b) of the statutes is amended to read:

39.44 **(1)** (b) There is established, to be administered by the ~~board~~ department, the minority undergraduate retention grant program for minority undergraduates enrolled in private, nonprofit higher educational institutions in this state or in technical colleges in this state.

SECTION 1934g. 39.44 (2) of the statutes is amended to read:

39.44 **(2)** Funds for the grants under this section shall be distributed from the appropriation under s. 20.235 (1) (fg), with 50% distributed to the eligible private institutions and ~~from the appropriation under s. 20.235 (1) (fh)~~ 50% distributed to the eligible technical colleges ~~on the basis of full–time equivalent enrollments of students eligible for grants under sub. (1) (b)~~. The board shall audit the enrollment statistics annually.

SECTION 1934m. 39.44 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

39.44 **(2)** Funds for the grants under this section shall be distributed from the appropriation under s. 20.235 (1) (fg), with 50% distributed to the eligible private institutions and 50% distributed to the eligible technical colleges. The department shall audit the enrollment statistics annually.

SECTION 1935. 39.44 (3) (b) of the statutes is amended to read:

39.44 **(3)** (b) Demonstrate to the satisfaction of the ~~board~~ department that such funds do not replace institutional grants to the recipients.

SECTION 1936. 39.44 (3) (c) of the statutes is amended to read:

39.44 **(3)** (c) Annually report to the ~~board~~ department the number of awards made, the amount of each award, the minority status of each recipient, other financial aid awards made to each recipient and the total amount of financial aid made available to the eligible students.

SECTION 1937. 39.44 (4) of the statutes is amended to read:

39.44 **(4)** The ~~board~~ department shall notify an institution or school receiving funds under sub. (2) if the ~~board~~ department receives a certification under s. ~~46.255~~ 49.855 (7) that a student is delinquent in child support or maintenance payments. An institution or school may not award a grant under this section to a student if it receives a notification under this subsection concerning that student.

SECTION 1940. 39.45 (2) to (7) of the statutes are amended to read:

39.45 **(2)** There is established, to be determined by the ~~board~~ department, a grant program for resident students who are current recipients of aid to families with dependent children under s. 49.19.

(3) Grants under this section shall be awarded on the basis of financial need, as determined by the ~~board~~ department, to resident students enrolled for at least 6 academic credits in the 2nd or 3rd year in programs leading to an associate degree or the 3rd, 4th or 5th year in programs leading to a bachelor's degree. Except as provided in sub. (5), no grant may exceed $4,000 per academic year. Students may apply for grants, upon a form prepared and furnished by the ~~board~~ department, on or after February 1 of any year for the fall semester or session of the upcoming academic year. No student is eligible to receive a grant under this section for more than 3 academic years.

(4) The ~~board~~ department shall give preference, as much as practicable, in awarding grants under this section to students enrolled in courses likely to increase the immediate employment opportunities of such students. The ~~board~~ department shall publish a list of such courses and shall include courses that have an occupational or vocational objective in areas with existing labor needs.

(5) The ~~board~~ department may award supplemental grants of between $500 and $1,000 per child per semester or session to students for the cost of child care for preschool children of the students. The student shall demonstrate, as determined by the ~~board~~ department, financial need for the supplemental grant. In awarding grants under this subsection, the ~~board~~ department may not exceed 20% of the appropriation for a given fiscal year for the grant program.

(6) From the appropriation under s. 20.235 (1) (fc), the ~~board~~ department shall use available funds to make grant awards under this section, but no award may be made before March 1 for the fall semester or session of the upcoming academic year.

(7) The ~~board~~ department shall promulgate rules to administer this section, including criteria and procedures for repayment of grants awarded under this section, including interest, by certain grant recipients who no longer reside in this state or do not successfully complete requirements for a degree. The ~~board~~ department shall deposit in the general fund as general purpose revenue–earned all repayments of grants awarded under this section and the interest on the grants.

SECTION 1943. 39.46 (1) of the statutes is amended to read:

39.46 **(1)** On or before July 1 of each year, the ~~higher educational aids board~~ department shall initiate, investigate and formulate for procurement, a contract for dental education services in accordance with this section. Thereafter, the ~~board~~ department shall conduct a biennial analysis of the program and include a report on its findings and recommendations in its reports under s. 15.04 (1) (d). The legislative audit bureau shall biennially postaudit expenditures under this section. Section 16.75 (1) to (5) are waived with respect to such contract.

SECTION 1944. 39.46 (2) (d) of the statutes is amended to read:

39.46 **(2)** (d) That the dental school administer and operate its courses and programs in dentistry in conformity with academic and professional standards, rules and requirements and seek progressively to enrich and improve its courses of dental education, research and public service by full and efficient use of budgetary and other resources available to it. In monitoring compliance with this paragraph the ~~board~~ department may rely on 3rd–party evaluations conducted by appropriate and recognized accrediting bodies.

SECTION 1945. 39.47 (1) and (2m) of the statutes are amended to read:

39.47 **(1)** There is established, to be administered by the ~~board~~ department, a Minnesota–Wisconsin student reciprocity agreement, the purpose of which shall be to ensure that neither state shall profit at the expense of the other and that the determination of any amounts owed by either state under the agreement shall be based on an equitable formula which reflects the educational costs incurred by the 2 states. The ~~board~~ department, representing this state, shall enter into an agreement meeting the requirements of this section with the designated body representing the state of Minnesota.

(2m) No resident of this state may receive a waiver of nonresident tuition under this section if the ~~board~~ department receives a certification under s. ~~46.255~~ 49.855 (7) that the resident is delinquent in child support or maintenance payments.

SECTION 1945m. 40.02 (17) (e) of the statutes is amended to read:

40.02 **(17)** (e) Each executive participating employe whose creditable service terminates on or after May 3, 1988, and each participating employe who is a present or former elected official or an appointee of a present or former elected official and who did not receive creditable service under s. 40.02 (17) (e), 1987 stats., or s. 40.02 (17) (e), 1989 stats., and whose creditable service terminates on or after August 15,

1991, who was previously in the position of the president of the university of Wisconsin system or in a position designated under s. 20.923 (4)~~,~~ or (8) ~~or (9)~~, but did not receive creditable service because of age restrictions, may receive creditable service equal to the period of executive service not credited if the participant pays to the department a lump sum payment equal to 5.5% of one–twelfth of the employe's highest earnings in a single annual earnings period multiplied by the number of months of creditable service granted under this paragraph. That amount shall be credited and treated as an employe required contribution for all purposes of the Wisconsin retirement system.

SECTION 1946. 40.02 (22) (e) of the statutes is amended to read:

40.02 **(22)** (e) Except for OASDHI purposes, at the employer's discretion, means compensation deemed to have been paid for services deemed to have been rendered during periods of leaves of absence without pay, at the employe's rate of pay prior to the leave, provided contributions and premiums on the deemed earnings are paid as required under s. 40.05. Any action taken under this paragraph that applies to state employes shall be taken pursuant to a collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10.

SECTION 1946m. 40.02 (22) (e) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.02 **(22)** (e) Except for OASDHI purposes, at the employer's discretion, means compensation deemed to have been paid for services deemed to have been rendered during periods of leaves of absence without pay, at the employe's rate of pay prior to the leave, provided contributions and premiums on the deemed earnings are paid as required under s. 40.05. Any action taken under this paragraph that applies

to state employes shall be taken pursuant to a collective bargaining agreement under subch. I or V of ch. 111 or s. 230.12 or 233.10.

SECTION 1947. 40.02 (25) (a) 3. of the statutes is amended to read:

40.02 **(25)** (a) 3. The blind employes of the Wisconsin workshop for the blind authorized under s. 47.03 (1) (b), 1989 stats., or of the nonprofit corporation with which the department of ~~health and social services~~ industry, labor and human relations contracts under s. 47.03 (1m) (a), 1989 stats., as of the beginning of the calendar month following completion of 1,000 hours of service. Persons employed by an employer who are blind when hired shall not be eligible for life insurance premium waiver because of any disability which is directly or indirectly attributed to blindness and may convert life insurance coverage only once under the contract; or

SECTION 1948. 40.02 (25) (b) 2m. of the statutes is amended to read:

40.02 **(25)** (b) 2m. A crew leader or regional crew leader employed by the Wisconsin conservation corps board for whom the Wisconsin conservation corps board under s. 16.20 (10) (fm) has authorized group health care coverage;

SECTION 1948m. 40.02 (25) (b) 2m. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.02 **(25)** (b) 2m. A crew leader or regional crew leader employed by the Wisconsin conservation corps board for whom the Wisconsin conservation corps board under s. 106.215 (10) (fm) has authorized group health care coverage;

SECTION 1949. 40.02 (25) (b) 8. of the statutes is amended to read:

40.02 **(25)** (b) 8. Any other state employe ~~of the state~~ for whom coverage is authorized under a collective bargaining agreement ~~under~~ pursuant to subch. V of ch. 111 or under s. 230.12 or 233.10;

SECTION 1949m. 40.02 (25) (b) 8. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.02 **(25)** (b) 8. Any other state employe for whom coverage is authorized under a collective bargaining agreement pursuant to subch. I or V of ch. 111 or under s. 230.12 or 233.10;

SECTION 1949n. 40.02 (30) of the statutes is amended to read:

40.02 **(30)** "Executive participating employe" means a participating employe in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4m)~~,~~ or (8) ~~or (9)~~ or authorized under s. 230.08 (2) (e) during the time of employment. All service credited prior to May 17, 1988, as executive service as defined under s. 40.02 (31), 1985 stats., shall continue to be treated as executive service as defined under s. 40.02 (31), 1985 stats., but no other service rendered prior to May 17, 1988, may be changed to executive service as defined under s. 40.02 (31), 1985 stats.

SECTION 1950. 40.02 (54) (f) of the statutes is amended to read:

40.02 **(54)** (f) The nonprofit corporation with which the department of ~~health and social services~~ industry, labor and human relations contracts under s. 47.03 (1m) (a), 1989 stats.

SECTION 1951. 40.02 (54) (h) of the statutes is created to read:

40.02 **(54)** (h) The University of Wisconsin Hospitals and Clinics Authority.

SECTION 1952. 40.02 (54t) of the statutes is created to read:

40.02 **(54t)** "State employe" means an employe of a state agency.

SECTION 1953. 40.02 (55) (a) of the statutes is amended to read:

40.02 **(55)** (a) Any person employed as a librarian by any school board in a library in any school under its jurisdiction, including a charter school as defined in s. 115.001 (1), whose qualifications as a librarian are at least equal to the minimum

librarian qualifications prescribed by the ~~state superintendent~~ department of ~~public instruction~~ education.

SECTION 1953r. 40.04 (3) (c) of the statutes is amended to read:

40.04 **(3)** (c) The department shall advise the investment board and the ~~state treasurer~~ secretary of administration as to the limitations on the amounts of cash to be invested from investment trusts under this subsection in order to maintain the cash balances deemed advisable to meet current annuity, benefit and expense requirements.

SECTION 1954. 40.05 (1) (b) of the statutes is amended to read:

40.05 **(1)** (b) In lieu of employe payment, the employer may pay all or part of the contributions required by par. (a), but all the payments shall be available for benefit purposes to the same extent as required contributions deducted from earnings of the participating employes. Action to assume employe contributions as provided under this paragraph shall be taken at the time and in the form determined by the governing body of the participating employer. The state and the University of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for employes who are covered by a collective bargaining agreement under subch. V of ch. 111 and for employes whose fringe benefits are determined under s. 230.12 an amount equal to 4% of the earnings paid by the state or authority unless otherwise provided in a collective bargaining agreement under subch. V of ch. 111 or unless otherwise determined under s. 230.12. The state shall pay under this paragraph for employes who are not covered by a collective bargaining agreement under subch. V of ch. 111 and for employes whose fringe benefits are not determined under s. 230.12 an amount equal to 4% of the earnings paid by the state unless a different amount is recommended by the secretary of employment relations and approved by the joint

committee on employment relations in the manner provided for approval of changes in the compensation plan under s. 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for employes who are not covered by a collective bargaining agreement under subch. V of ch. 111 an amount equal to 4% of the earnings paid by the authority unless a different amount is established by the board of directors of the authority under s. 233.10.

SECTION 1954m. 40.05 (1) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.05 **(1)** (b) In lieu of employe payment, the employer may pay all or part of the contributions required by par. (a), but all the payments shall be available for benefit purposes to the same extent as required contributions deducted from earnings of the participating employes. Action to assume employe contributions as provided under this paragraph shall be taken at the time and in the form determined by the governing body of the participating employer. The state shall pay under this paragraph for employes who are covered by a collective bargaining agreement under subch. V of ch. 111 and for employes whose fringe benefits are determined under s. 230.12 an amount equal to 4% of the earnings paid by the state unless otherwise provided in a collective bargaining agreement under subch. V of ch. 111 or unless otherwise determined under s. 230.12. The University of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for employes who are covered by a collective bargaining agreement under subch. I of ch. 111 and for employes whose fringe benefits are determined under s. 233.10 an amount equal to 4% of the earnings paid by the authority unless otherwise provided in a collective bargaining agreement under subch. I of ch. 111 or unless otherwise determined under s. 233.10. The state shall pay under this paragraph for employes who are not covered by a collective

bargaining agreement under subch. V of ch. 111 and for employes whose fringe benefits are not determined under s. 230.12 an amount equal to 4% of the earnings paid by the state unless a different amount is recommended by the secretary of employment relations and approved by the joint committee on employment relations in the manner provided for approval of changes in the compensation plan under s. 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for its employes who are not covered by a collective bargaining agreement under subch. I of ch. 111 an amount equal to 4% of the earnings paid by the authority unless a different amount is established by the board of directors of the authority under s. 233.10.

SECTION 1956. 40.05 (4) (ag) (intro.) of the statutes is amended to read:

40.05 **(4)** (ag) (intro.) Except as otherwise provided in accordance with a collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently employed insured employes covered by a collective bargaining agreement under subch. V of ch. 111 or whose health insurance premium contribution rates are determined under s. 230.12 or 233.10:

SECTION 1956m. 40.05 (4) (ag) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.05 **(4)** (ag) (intro.) Except as otherwise provided in accordance with a collective bargaining agreement under subch. I or V of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently employed insured employes covered by a collective bargaining agreement under subch. I or V of ch. 111 or whose health insurance premium contribution rates are determined under s. 230.12 or 233.10:

SECTION 1957. 40.05 (4) (ar) and (b) of the statutes are amended to read:

40.05 **(4)** (ar) The employer shall pay under par. (a) for employes who are not covered by a collective bargaining agreement under subch. V of ch. 111 and for employes whose health insurance premium contribution rates are not determined under s. 230.12 or 233.10 an amount equal to the amount specified in par. (ag) unless a different amount is recommended by the secretary of employment relations and approved by the joint committee on employment relations in the manner provided for approval of changes in the compensation plan under s. 230.12 (3).

(b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and under a collective bargaining agreement pursuant to subch. V of ch. 111 of any eligible employe shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employe under s. 40.02 (25) (b) 6. or 10., be converted, at the employe's current basic pay rate, to credits for payment of health insurance premiums on behalf of the employe or the employe's surviving insured dependents. The full premium for any eligible employe who is insured at the time of retirement, or for the surviving insured dependents of an eligible employe who is deceased, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. Except as provided in par. (bd), upon conversion of an employe's unused sick leave to credits under this paragraph, the employe or, if the employe is deceased, the employe's surviving insured dependents may elect to delay initiation of deductions from those credits for up to 10 years after the date of the conversion if the employe

or surviving insured dependents are covered by a comparable health insurance plan or policy during the period beginning on the date of the conversion and ending on the last day of the 2nd month after the date on which the employe or surviving insured dependents later elect to initiate deductions from those credits. A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

SECTION 1957g. 40.05 (4) (ar) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.05 **(4)** (ar) The employer shall pay under par. (a) for employes who are not covered by a collective bargaining agreement under subch. I or V of ch. 111 and for employes whose health insurance premium contribution rates are not determined under s. 230.12 or 233.10 an amount equal to the amount specified in par. (ag) unless a different amount is recommended by the secretary of employment relations and approved by the joint committee on employment relations in the manner provided for approval of changes in the compensation plan under s. 230.12 (3).

SECTION 1957r. 40.05 (4) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.05 **(4)** (b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I or V of ch. 111 of any eligible employe shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employe under s. 40.02 (25) (b) 6. or 10., be converted, at the employe's current basic pay rate, to credits for payment of health insurance premiums on behalf of the employe or the employe's

surviving insured dependents. The full premium for any eligible employe who is insured at the time of retirement, or for the surviving insured dependents of an eligible employe who is deceased, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. Except as provided in par. (bd), upon conversion of an employe's unused sick leave to credits under this paragraph, the employe or, if the employe is deceased, the employe's surviving insured dependents may elect to delay initiation of deductions from those credits for up to 10 years after the date of the conversion if the employe or surviving insured dependents are covered by a comparable health insurance plan or policy during the period beginning on the date of the conversion and ending on the last day of the 2nd month after the date on which the employe or surviving insured dependents later elect to initiate deductions from those credits. A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

SECTION 1958. 40.05 (4) (bm) of the statutes is amended to read:

40.05 **(4)** (bm) Except as provided under par. (bp), accumulated unused sick leave under ss. 36.30 and 230.35 (2) or 233.10 of any eligible employe shall, upon request of the employe at the time the employe is subject to layoff under s. 40.02 (40), be converted at the employe's current basic pay rate to credits for payment of health insurance premiums on behalf of the employe. The full amount of the required employe contribution for any eligible employe who is insured at the time of the layoff

shall be deducted from the credits until the credits are exhausted, the employe is reemployed, or 5 years have elapsed from the date of layoff, whichever occurs first.

SECTION 1959. 40.05 (5) (intro.) and (b) 4. of the statutes are amended to read:

40.05 **(5)** INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For ~~the~~ income continuation insurance provided under subch. V the employe shall pay the amount remaining after the employer has contributed the following or, if different, the amount determined under a collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10:

(b) 4. The accrual and crediting of sick leave shall be determined in accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and any collective bargaining agreement under subch. V of ch. 111.

SECTION 1959g. 40.05 (5) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.05 **(5)** INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income continuation insurance provided under subch. V the employe shall pay the amount remaining after the employer has contributed the following or, if different, the amount determined under a collective bargaining agreement under subch. I or V of ch. 111 or s. 230.12 or 233.10:

SECTION 1959r. 40.05 (5) (b) 4. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.05 **(5)** (b) 4. The accrual and crediting of sick leave shall be determined in accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I or V of ch. 111.

SECTION 1960. 40.05 (6) (a) of the statutes is amended to read:

40.05 **(6)** (a) Except as otherwise provided in accordance with a collective bargaining agreement under subch. V of ch. 111 or s. 230.12 or 233.10, each insured employe under the age of 70 and annuitant under the age of 65 shall pay for group life insurance coverage a sum, approved by the group insurance board, which shall not exceed 60 cents monthly for each $1,000 of group life insurance, based upon the last amount of insurance in force during the month for which earnings are paid. The equivalent premium may be fixed by the group insurance board if the annual compensation is paid in other than 12 monthly instalments.

SECTION 1960m. 40.05 (6) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.05 **(6)** (a) Except as otherwise provided in accordance with a collective bargaining agreement under subch. I or V of ch. 111 or s. 230.12 or 233.10, each insured employe under the age of 70 and annuitant under the age of 65 shall pay for group life insurance coverage a sum, approved by the group insurance board, which shall not exceed 60 cents monthly for each $1,000 of group life insurance, based upon the last amount of insurance in force during the month for which earnings are paid. The equivalent premium may be fixed by the group insurance board if the annual compensation is paid in other than 12 monthly instalments.

SECTION 1961. 40.06 (1) (c) of the statutes is amended to read:

40.06 **(1)** (c) For state agencies, contributions paid by employers shall be made from the respective funds from which the salaries are paid to the employe for whom the contributions are being made. The heads of the respective state agencies shall, at the time that salary deductions in accordance with par. (a) are sent to the department, determine the amount of the corresponding employer contributions, indicate the amount of the contribution on the report submitted to the department

and provide for payment to the department, by any method approved by the department, from the appropriate state funds of the amounts payable. If payment is by voucher, the department shall transmit the voucher to the department of administration. The ~~department~~ secretary of administration shall approve vouchers for payment of contributions due under s. 40.05 within 5 working days, s. 16.53 (10) notwithstanding, and the ~~state treasurer~~ shall immediately issue a check, share draft or other draft to the department of employe trust funds for the amount of the voucher.

SECTION 1963. 40.62 (2) of the statutes is amended to read:

40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules of the department, any collective bargaining agreement under subch. V of ch. 111, and ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 757.02 (5) and 978.12 (3), ~~subch. V of ch. 111 and the rules of the department~~.

SECTION 1963m. 40.62 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules of the department, any collective bargaining agreement under subch. I or V of ch. 111, and ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 757.02 (5) and 978.12 (3).

SECTION 1964. 40.80 (1) of the statutes is amended to read:

40.80 **(1)** The deferred compensation board shall select and contract with deferred compensation plan providers to be used by state agencies for providing deferred compensation plans to state employes.

SECTION 1964cg. 40.81 (1) of the statutes is amended to read:

40.81 **(1)** An employer other than the state or the University of Wisconsin Hospitals and Clinics Authority may provide for its employes the deferred

compensation plan established under s. 40.80. Any employer, including this state and the University of Wisconsin Hospitals and Clinics Authority, who makes the plan under s. 40.80 available to any of its employes shall make it available to all of its employes under procedures established by the department under this subchapter.

SECTION 1964cr. 40.81 (3) of the statutes is amended to read:

40.81 **(3)** Any action taken under this section shall apply to employes covered by a collective bargaining agreement under subch. IV or V of ch. 111.

SECTION 1964d. Chapter 41 (title) of the statutes is created to read:

CHAPTER 41

DEPARTMENT OF TOURISM

SECTION 1964dg. Subchapter I (title) of chapter 41 [precedes 41.01] of the statutes is created to read:

CHAPTER 41

SUBCHAPTER I

GENERAL PROVISIONS

SECTION 1964dm. 41.01 of the statutes is created to read:

41.01 Definitions. In this chapter:

(1) "Department" means the department of tourism.

(2) "Secretary" means the secretary of tourism.

SECTION 1964dp. Subchapter II (title) of chapter 41 [precedes 41.11] of the statutes is created to read:

CHAPTER 41

SUBCHAPTER II

TOURISM PROMOTION

SECTION 1964dr. 41.21 of the statutes is created to read:

41.21 Marketing clearinghouse. (1) The department shall establish and maintain a marketing clearinghouse to provide marketing services to all state agencies. The department may enter into an agreement with a state agency for a specific project or to provide specific products. The department may provide consulting services to a state agency, including any of the following:

(a) Developing marketing plans.

(b) Conducting market research.

(c) Public relations services.

(d) Advertising services.

(2) The department may charge state agencies for services and products under this section to cover its cost to provide the services and products. The department of administration shall collect the charges from the state agencies and deposit the moneys from the charges in the appropriation account under s. 20.380 (1) (kc).

SECTION 1964w. Subchapter III (title) of chapter 41 [precedes 41.40] of the statutes is created to read:

CHAPTER 41

SUBCHAPTER III

KICKAPOO VALLEY RESERVE

SECTION 1965. 42.01 (1) of the statutes is amended to read:

42.01 **(1)** The state fair park board shall manage the state fair park and supervise or conduct thereat fairs, exhibits or promotional events for agricultural, industrial, educational and recreational purposes; lease or license the use of any property thereon for other purposes when not needed for the above public purposes; and charge reasonable rents and fees for use of or attendance at the premises. The state fair park board may accept and administer gifts, grants and bequests.

SECTION 1965b. 42.06 (1) of the statutes is amended to read:

42.06 **(1)** Unless the secretary of administration acts under sub. (2), ~~the state treasurer and~~ the secretary of administration or ~~their duly~~ his or her authorized ~~representatives~~ representative shall be in attendance at the state fair each year to receive all moneys collected on account of state operation of the state fair and to audit and pay expenditures duly certified by the state fair park board as having been necessarily incurred in the operation of the state fair.

SECTION 1965e. 42.08 of the statutes is amended to read:

42.08 Insurance. The state fair park board may procure worker's compensation insurance to cover its employes, business interruption insurance, fire insurance and property insurance.

SECTION 1965g. 42.09 of the statutes is renumbered 42.09 (1).

SECTION 1965L. 42.09 (2) of the statutes is created to read:

42.09 **(2)** (a) The state fair park board may not alter or renovate any building, appurtenance, fixture, exhibit or other structure or facility at state fair park that is owned by the board but that was owned by the department of natural resources on the effective date of this paragraph .... [revisor inserts date], without the permission of the department, but the board may provide routine maintenance without the department's permission.

(b) The state fair park board shall allow the department of natural resources access to and use of the buildings, appurtenances, fixtures, exhibits and other structures and facilities described in par. (a) so that the department may prepare, display and dismantle exhibits during events occurring at state fair park.

SECTION 1965m. 42.10 of the statutes is amended to read:

42.10 Cooperation to promote agriculture. The state fair park board ~~shall~~ may enter into a memorandum of understanding with the department of agriculture, trade and consumer protection to coordinate the activities of the state fair park board and that department. The state fair park board shall cooperate with the department of agriculture, trade and consumer protection in the conduct and promotion of fairs, exhibits and educational and promotional events related to agriculture and the activities of that department at state fair park.

SECTION 1965s. 42.105 of the statutes is created to read:

42.105 State fair park board and department of tourism. (1) The state fair park board and the department of tourism shall enter into a memorandum of understanding setting forth the responsibilities of the department of tourism relating to promoting fairs, exhibits and promotional events at state fair park and the methods that the state fair park board and the department of tourism will use to cooperate in promoting and carrying out those fairs, exhibits and promotional events.

(2) Notwithstanding s. 15.03, the department of tourism shall process and forward all personnel and biennial budget requests by the state fair park board without change except as requested or concurred in by the state fair park board.

SECTION 1966. 42.11 (3) of the statutes is amended to read:

42.11 **(3)** The state fair park board ~~shall~~ may enter into a lease with a private nonprofit corporation to operate and maintain the Olympic ice training center. The state fair park board shall ensure that all costs of operation and maintenance of the center are paid by the lessee under ~~the~~ any lease~~. The~~ under this subsection. Any lease under this subsection shall contain proper covenants to guard against trespass and waste. The rents arising from ~~the~~ any lease under this subsection shall be

credited to the appropriation under s. 20.190 (1) (h). The state fair park board shall retain the original of ~~the~~ any lease under this subsection and file a copy with the department of administration.

SECTION 1967. 43.01 (6) of the statutes is repealed and recreated to read:

43.01 **(6)** "Secretary" means the secretary of education.

SECTION 1968. 43.03 (intro.) of the statutes is amended to read:

43.03 (title) **General duties of ~~state superintendent~~ department.** (intro.) The ~~state superintendent~~ department shall:

SECTION 1969. 43.05 (13) of the statutes is amended to read:

43.05 **(13)** Carry out such other programs and policies as directed by the ~~state superintendent~~ department.

SECTION 1970. 43.07 (intro.) of the statutes is amended to read:

43.07 Council on library and network development. (intro.) The ~~state superintendent~~ department and the division shall seek the advice of and consult with the council on library and network development in performing their duties in regard to library service. The ~~state superintendent~~ secretary or the administrator of the division shall attend every meeting of the council. The council may initiate consultations with the department and the division. The council shall:

SECTION 1971. 43.07 (2) of the statutes is amended to read:

43.07 **(2)** Advise the ~~state superintendent~~ secretary in regard to the general policies and activities of the state's program for library development, interlibrary cooperation and network development.

SECTION 1972. 43.07 (3) of the statutes is amended to read:

43.07 **(3)** Advise the ~~state superintendent~~ secretary in regard to the general policies and activities of the state's program for the development of school library

media programs and facilities and the coordination of these programs with other library services.

SECTION 1973. 43.07 (4) of the statutes is amended to read:

43.07 **(4)** Hold a biennial meeting for the purpose of discussing the report submitted by the ~~state superintendent~~ department under s. 43.03 (3) (d). Notice of the meeting shall be sent to public libraries, public library systems, school libraries and other types of libraries and related agencies. After the meeting, the council shall make recommendations to the ~~state superintendent~~ department regarding the report and any other matter the council deems appropriate.

SECTION 1974. 43.07 (5) of the statutes is amended to read:

43.07 **(5)** On or before July 1 of every odd–numbered year, transmit to the ~~state superintendent~~ department a descriptive and statistical report on the condition and progress of library services in the state and recommendations on how library services in the state may be improved. The ~~state superintendent~~ department shall include the report as an addendum to the department's biennial report under s. 15.04 (1) (d).

SECTION 1975. 43.07 (7) of the statutes is amended to read:

43.07 **(7)** Receive complaints, suggestions and inquiries regarding the programs and policies of the department relating to library and network development, inquire into such complaints, suggestions and inquiries, and advise the ~~state superintendent~~ secretary and the division on any action to be taken.

SECTION 1976. 43.13 (4) of the statutes is amended to read:

43.13 **(4)** Any decision by the division under this section may be appealed to the ~~state superintendent~~ department.

SECTION 1978. 43.24 (3) of the statutes is amended to read:

43.24 **(3)** Annually, the division shall review the reports and proposed service plans submitted by the public library systems under s. 43.17 (5) for conformity with this chapter and such rules and standards as are applicable. Upon approval, the division shall certify to the department of administration an estimated amount to which each system is entitled under this section. Annually on or before December 1 of the year immediately preceding the year for which aids are to be paid, the department of administration shall pay each system 75% of the certified estimated amount from the appropriation under s. 20.255 ~~(1)~~ (3) (e). The division shall, on or before the following April 30, certify to the department of administration the actual amount to which the system is entitled under this section. On or before July 1, the department of administration shall pay each system the difference between the amount paid on December 1 of the prior year and the certified actual amount of aid to which the system is entitled from the appropriation under s. 20.255 ~~(1)~~ (3) (e). The division may reduce state aid payments when any system or any participant thereof fails to meet the requirements of sub. (2). Beginning September 1, 1991, the division may reduce state aid payments to any system if the system or any participant in the system fails to meet the requirements of s. 43.15 (4).

SECTION 1980. 43.24 (3m) of the statutes is amended to read:

43.24 **(3m)** If the appropriation under s. 20.255 ~~(1)~~ (3) (e) in any one year is insufficient to pay the full amount under sub. (1), state aid payments shall be prorated among the library systems entitled to such aid.

SECTION 1981. 43.70 of the statutes is amended to read:

43.70 Common school fund. (1) No later than October 15 of each year, each school district administrator shall certify to the ~~state superintendent~~ department, on forms provided by the ~~state superintendent~~ department, a report of the total

number of children between the ages of 4 and 20 years residing in the school district on the preceding June 30. The number may be estimated by using statistically significant sampling techniques that have been approved by the ~~state superintendent~~ department.

(2) Annually, within 40 days after December 1, the ~~state superintendent~~ department shall ascertain the aggregate amount of all moneys received as income in the common school fund prior to that December 1 and shall apportion such amount to the school districts in proportion to the number of children resident therein between the ages of 4 and 20 years, as shown by the census report certified under sub. (1).

(3) Immediately upon making such apportionment, the ~~state superintendent~~ department shall certify to the department of administration the amount that each school district is entitled to receive under this section and shall notify each school district administrator of the amount so certified for his or her school district. Within 15 days after receiving such certification, the ~~department~~ secretary of administration ~~shall issue its warrants upon which the state treasurer~~ shall pay the amount apportioned forthwith to the proper school district treasurer. All moneys apportioned from the common school fund shall be expended for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts under s. 43.52, in accordance with rules promulgated by the ~~state superintendent~~ department. Appropriate records of such purchases shall be kept and necessary reports thereon shall be made to the ~~state superintendent~~ department.

SECTION 1983. 44.015 (3) of the statutes is amended to read:

44.015 **(3)** Accept collections of private manuscripts, printed materials, tapes, films, optical disks, materials stored in electronic format and artifacts, and it may enforce any reasonable restrictions on accessibility to the public, use or duplication of said collections which are agreed upon by the donor and the historical society.

SECTION 1984. 44.02 (5) of the statutes, as affected by 1995 Wisconsin Act 3, is amended to read:

44.02 **(5)** Keep its main library and museum rooms open at all reasonable hours on business days for the reception of the residents of this state who may wish to visit the library or museum. Except as provided under ~~sub.~~ subs. (5g) and (5m), the historical society may collect a fee for admission to historic sites or buildings acquired, leased or operated by the historical society, including areas within state parks or on other state–owned lands which incorporate historic buildings, restorations, museums or remains and which are operated by the historical society by agreement with the department of natural resources or other departments, or for lectures, pageants or similar special events, or for admission to defray the costs of special exhibits in its several buildings of documents, objects or other materials not part of the historical society's regular collections but brought in on loan from other sources for such special exhibitions or for use of the main library. The historical society shall take action on a continuing basis to raise funds from private sources for the operation of its main library. The historical society may procure and sell or otherwise dispose of postcards, souvenirs and other appropriate merchandise to help defray the costs of operating its several plants and projects.

SECTION 1986. 44.02 (5g) of the statutes is created to read:

44.02 **(5g)** Not charge a fee for use of the main library by any member of the historical society, any member of the faculty or academic staff of the University of

Wisconsin System, any student enrolled in the University of Wisconsin System or any other person exempted by rule of the historical society. The historical society may not charge a fee for use of the main library by any other person unless the historical society submits a fee schedule to the joint committee on finance that includes the specific fee to be charged to different categories of persons and an identification of any persons exempted by rule of the historical society. The fee schedule of the historical society shall be implemented if the committee approves the report, or does not schedule a meeting for the purpose of reviewing the report within 14 working days after receipt of the report.

SECTION 1987. 44.02 (8) of the statutes is amended to read:

44.02 **(8)** Bind, except when microfilmed or transferred to optical disks or electronic format, the unbound books, documents, manuscripts, pamphlets, and especially newspaper files in its possession.

SECTION 1987m. 44.02 (24) of the statutes is amended to read:

44.02 **(24)** Promulgate by rule procedures, standards and forms necessary to certify, and shall certify, expenditures for preservation or rehabilitation of historic property for the purposes of s. 71.07 (9r). These standards shall be substantially similar to the standards used by the secretary of the interior to certify rehabilitations under 26 USC ~~48 (g) (2) (C)~~ 47 (c) (2).

SECTION 1990. 44.095 (2) (d) of the statutes is amended to read:

44.095 **(2)** (d) Develop and periodically update a comprehensive plan for the protection, preservation and accessibility of electronic records of permanent historical value. The historical society shall submit the plan by June 30, 1995, and the plan updates annually thereafter until June 30, 1998, to the governor, the legislature under s. 13.172 (2), and the ~~privacy advocate~~ public records board, the

division of information technology services and the council on information technology in the department of administration.

SECTION 1992. 44.13 (1) of the statutes is amended to read:

44.13 **(1)** The state carriage museum, to be known as the Wesley W. Jung Carriage Museum, located at Old Wade House state park, shall be developed by ~~cooperation of the department of natural resources,~~ the society~~, and such other agencies as may be interested therein, in accordance with such arrangements as the department of natural resources and society agree upon~~.

SECTION 1993b. 44.25 (5g) of the statutes is created to read:

44.25 **(5g)** The commission may accept gifts, grants or bequests.

SECTION 1993j. 44.39 (5) of the statutes is created to read:

44.39 **(5)** WAIVER OF COMPLIANCE. (a) If the department of health and social services or the department of corrections determines that public safety may be jeopardized by compliance with any requirement of this section or s. 44.40 or 44.41, the department may request a waiver of compliance from the building commission. The building commission may grant the waiver of compliance.

(b) If a waiver of compliance is granted by the building commission under par. (a), the applicable agency shall notify the officer of any proposed action to be taken under the waiver that may affect a historic property. The officer shall be notified at least 30 days before the proposed action is taken and, during the period before the proposed action is taken, the applicable agency shall allow the historical society to document the condition of the historic property.

SECTION 1993te. 44.53 (1) (intro.) of the statutes is amended to read:

44.53 **(1)** (intro.) ~~The~~ Subject to s. 44.65, the board shall:

SECTION 1993tg. 44.55 of the statutes is amended to read:

44.55 Executive secretary. ~~The~~ Subject to s. 44.65, the board shall appoint an executive secretary outside the classified service to serve at its pleasure.

SECTION 1993ti. 44.56 (2) of the statutes is amended to read:

44.56 **(2)** ~~Every~~ Subject to s. 44.65, every recipient of a grant awarded by the board under the board's general grants program or community arts program from the appropriation under s. 20.215 (1) (b) shall perform a public service which shall be mutually agreed upon by the board and the grant recipient at the time the grant is awarded.

SECTION 1993tk. 44.565 (6) of the statutes is created to read:

44.565 **(6)** This section is subject to s. 44.65.

SECTION 1993tm. 44.57 (1) of the statutes is renumbered 44.57 (1) (a).

SECTION 1993tp. 44.57 (1) (b) of the statutes is created to read:

44.57 **(1)** (b) This section is subject to s. 44.65.

SECTION 1994. 44.60 (4) of the statutes is amended to read:

44.60 **(4)** At the request of the board, the department of ~~development~~ tourism shall assist the board in evaluating proposed projects under this section.

SECTION 1994m. 44.60 (5) of the statutes is created to read:

44.60 **(5)** This section is subject to s. 44.65.

SECTION 1995. 44.62 of the statutes is created to read:

44.62 Wisconsin regranting program. (1) In this section:

(a) "Local arts agency" has the meaning given in s. 44.565 (1).

(b) "Municipality" means any city, village, town, county or federally recognized American Indian tribe or band in this state.

(2) Subject to sub. (3) and s. 44.65, the board shall award grants under the Wisconsin regranting program to local arts agencies and municipalities. Grants shall be awarded from the appropriation under s. 20.215 (1) (f).

(3) No grant may be distributed under sub. (2) unless the local arts agency or municipality makes a matching fund contribution that is equal to the amount of the grant awarded under this section. Private funds and in–kind contributions may be applied to meet the requirement of this subsection.

(4) The board shall promulgate rules to implement and administer this section.

SECTION 1995g. 44.65 of the statutes is created to read:

44.65 Applicability. This subchapter does not apply after June 30, 1997, unless the joint committee on finance has approved the funding report of the arts board under 1995 Wisconsin Act .... (this act), section 9105 (3g) (a).

SECTION 1995m. 45.25 (4) (b) of the statutes is amended to read:

45.25 **(4)** (b) The department may not provide reimbursement under sub. (2) to an individual who is delinquent in child support or maintenance payments, as established by the receipt by the department of a certification under s. ~~46.255~~ 49.855.

SECTION 1995q. 45.25 (4) (d) of the statutes is created to read:

45.25 **(4)** (d) The department may provide reimbursement under sub. (2) from the appropriation account under s. 20.485 (2) (tf) for the fiscal year in which the course was completed or in which the academic term during which the course was taken ended, whichever is earlier.

SECTION 1996. 45.35 (6) of the statutes is amended to read:

45.35 **(6)** COORDINATION DUTIES. The department shall coordinate the activities of all state agencies and the University of Wisconsin Hospitals and Clinics Authority performing functions relating to the medical, hospital, or other remedial care,

placement and training, educational, economic or vocational rehabilitation of persons who served in the armed forces of the United States at any time and who were honorably discharged, including such persons with disabilities whether or not service–connected or war–connected. In particular it shall coordinate the activities of the technical college system board, state selective service administration, department of health and social services, department of industry, labor and human relations, department of public instruction, the university of Wisconsin system and other educational institutions, the University of Wisconsin Hospitals and Clinics Authority, and all other departments or agencies performing any of the functions specified, to the end that the benefits provided in this section may be made available to veterans as promptly and effectively as possible.

SECTION 1997. 45.35 (9) of the statutes is amended to read:

45.35 **(9)** VOCATIONAL TRAINING. The department in cooperation with the department of ~~health and social services~~ industry, labor and human relations shall make available to disabled veterans the benefits of vocational training and guidance, including veterans who have filed claims for federal rehabilitation benefits and during the pendency of such claims. In cases where such claims are allowed and federal reimbursement is made to the state, such money shall be paid into and become a part of the veterans trust fund.

SECTION 1998. 45.35 (13) (a) of the statutes is amended to read:

45.35 **(13)** (a) The department may receive money, lands ~~or other,~~ gifts and bequests in its name for the benefit of Wisconsin veterans and their dependents, or either, in accordance with policies adopted by the board. Such money shall be deposited in the state treasury and credited to the veterans trust fund and is

appropriated therefrom by s. 20.485 (2) (z) to the department to be used in accordance with such policies.

SECTION 1999. 45.35 (13) (b) of the statutes is amended to read:

45.35 **(13)** (b) The department may also receive moneys or other gifts and bequests in its name for the benefit of the Wisconsin veterans museum. All moneys so received shall be deposited in the state treasury and credited to the veterans trust fund and is appropriated therefrom by s. 20.485 (2) ~~(z)~~ (zm) to the department to be used, as far as practicable in accordance with the wishes of the donors, and in accordance with the policies adopted by the board.

SECTION 1999g. 45.351 (1g) of the statutes is created to read:

45.351 **(1g)** HEALTH CARE AID GRANTS. (a) The department may grant to any veteran or dependents such temporary health care aid as the department deems advisable to prevent want or distress. Health care aid to meet medical or hospital bills under this paragraph is limited to a payment of up to $5,000 per veteran or dependent for a maximum of 30 days within a 12–month period for the same condition or conditions. Health care aid may be used to provide payment for the treatment of alcoholism or other drug addiction or to provide payment for health care required because of alcoholism or other drug addiction or alcohol or other drug abuse. The department may not grant health care aid under this paragraph unless the aid recipient's health care provider agrees to accept, as full payment for the medical treatment for which the aid is to be granted, the amount of the grant, the amount of the recipient's health insurance or other 3rd–party payments, if any, and the amount which the department determines the aid recipient is capable of paying.

(b) This subsection does not apply after June 30, 1997.

SECTION 2000. 45.351 (2) (a) 1. of the statutes is amended to read:

45.351 **(2)** (a) 1. The department may lend any veteran not more than ~~$4,000~~ $4,500 on loans approved before ~~August 9, 1989~~ the effective date of this subdivision .... [revisor inserts date], and ~~$4,500~~ $5,000 on loans approved ~~during the period beginning~~ on ~~August 9, 1989~~ and after the effective date of this subdivision .... [revisor inserts date]. The loan is to be used for the purchase of a business or business property or the repairing of or adding to his or her home or business property, the construction of a garage, the education of the veteran or his or her children or to provide essential economic assistance if the department determines, after disregarding any payment described under s. 45.85, that the veteran satisfies the need requirements established by the department by rule. The need requirements may include, but are not limited to, consideration of the veteran's resources and credit available upon manageable terms. The department may prescribe loan conditions, but the interest rate shall be 6% per year for loan applications received by the department on or after July 20, 1985, and the term shall not exceed 10 years. The department may lend not more than the loan amount available to a veteran under this subdivision to a veteran's surviving spouse, whether remarried or not, or to the parent of a deceased veteran's children for the education of the minor or dependent children if the surviving spouse or parent is a resident of and living in this state on the date of application.

SECTION 2000d. 45.351 (2) (a) 2. of the statutes is repealed.

SECTION 2000g. 45.351 (2) (a) 4. of the statutes is amended to read:

45.351 **(2)** (a) 4. Nothing in this paragraph prohibits a veteran from receiving ~~loans~~ a loan under ~~subds.~~ subd. 1. ~~and 2.~~ for any purpose specified in ~~those subdivisions~~ that subdivision.

SECTION 2000m. 45.351 (2) (c) of the statutes is amended to read:

45.351 **(2)** (c) No person may receive a loan under this subsection if the department receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments.

SECTION 2001m. 45.352 of the statutes is repealed.

SECTION 2003c. 45.356 (6) of the statutes is amended to read:

45.356 **(6)** No person may receive a loan under this section if the department receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments.

SECTION 2004. 45.358 of the statutes is renumbered 45.358 (2).

SECTION 2005. 45.358 (1) of the statutes is created to read:

45.358 **(1)** DEFINITION. In this section, "veteran" means a person who has served on active duty in the U.S. armed forces.

SECTION 2006. 45.358 (2) (title) of the statutes is created to read:

45.358 **(2)** (title) CONSTRUCTION AND OPERATION OF CEMETERIES.

SECTION 2007. 45.358 (3) of the statutes is created to read:

45.358 **(3)** ELIGIBILITY. The following persons are eligible for burial at a cemetery constructed and operated under sub. (2):

(a) A veteran who died while on active duty and who was a resident of this state at the time of his or her entry or reentry into active service and his or her children and unremarried surviving spouse who are residents of this state at the time of their deaths.

(b) A veteran who was discharged or released from active duty in the U.S. armed forces under conditions other than dishonorable and who was a resident of this state at the time of his or her death and his or her children and unremarried surviving spouse who are residents of this state at the time of their deaths.

(c) The spouse of a veteran who is serving an active duty at the time of the spouse's death if the veteran was a resident of this state at the time of the veteran's entry or reentry into active service and if the spouse was a resident of this state at the time of the spouse's death.

(d) The spouse of a veteran if the veteran was discharged or released from active duty in the U.S. armed forces under conditions other than dishonorable and if the veteran and spouse were residents of this state at the time of the spouse's death.

SECTION 2007m. 45.358 (3m) of the statutes is created to read:

45.358 **(3m)** FEES. The department may charge a fee for burials under this section and may promulgate rules for the assessment of the fee.

SECTION 2008. 45.358 (4) of the statutes is created to read:

45.358 **(4)** GIFTS, GRANTS AND BEQUESTS. The department of veterans affairs may accept for the state all gifts, grants and bequests for the purposes of maintenance, restoration, preservation and rehabilitation of the veterans cemeteries constructed under sub. (2).

SECTION 2008g. 45.36 (4m) of the statutes is created to read:

45.36 **(4m)** VITAL RECORDS. The service office may obtain a copy of a vital record under s. 69.30 (2) and may transmit the copy to the department or to the U.S. department of veterans affairs to assist a veteran or his or her dependent in obtaining a benefit to which he or she may be entitled.

SECTION 2008m. 45.37 (11) of the statutes is amended to read:

45.37 **(11)** DISPOSITION OF PROPERTY DESCENDING TO STATE. If a member dies without a relative that is entitled to an interest in the property of the member under the rules of intestate succession and without leaving a will the existence of which is made known to the commandant of the home within 60 days of the member's death,

the member's property shall be converted to cash and turned over by the commandant of the home to the ~~state treasurer~~ secretary of administration to be paid into the appropriation under s. 20.485 (1) (h), without administration. The amount is subject to refund within 6 years to the estate of a veteran if it is subsequently discovered that the veteran left a will or a relative that is entitled to an interest in the property of the member under the rules of intestate succession or to any creditor of the veteran who establishes right to the fund or property or any portion thereof. The department, upon being satisfied that a claim out of such funds or property is legal and valid, shall pay the same out of such funds or property, except that payment of claims for a member's funeral and burial expenses may not exceed a total of $1,500 including any amount allowed by the United States for the member's funeral and burial and the right for burial and interment provided in sub. (15) (a).

SECTION 2008n. 45.375 of the statutes is created to read:

45.375 Hospital at Wisconsin Veterans Home. (1) The department of veterans affairs may establish a hospital at the Wisconsin Veterans Home at King.

(2) A hospital established under sub. (1) may not have an approved bed capacity, as defined in s. 150.01 (4m), greater than 16 beds. The approved bed capacity of the nursing home licensed under s. 50.03 on the effective date of this subsection .... [revisor inserts date], and operated at the Wisconsin Veterans Home at King is reduced by one bed for each approved bed at the hospital established under sub. (1).

SECTION 2009. 45.396 (1) of the statutes is renumbered 45.396 (1) (b), and 45.396 (1) (b) (intro.), as renumbered, is amended to read:

45.396 **(1)** (b) (intro.) ~~In this section, "part–time~~ "Part–time classroom study" means any of the following:

SECTION 2010. 45.396 (1) (intro.) of the statutes is created to read:

45.396 **(1)** (intro.) In this section:

SECTION 2011. 45.396 (1) (a) of the statutes is created to read:

45.396 **(1)** (a) "Institution of higher education" means an educational institution meeting the requirements of P.L. 89–329 for institutions covered therein and of P.L. 89–287 for business, trade, technical or vocational schools and full–time post–high school technical colleges.

SECTION 2012. 45.396 (2) of the statutes is amended to read:

45.396 **(2)** Any veteran upon the completion of any correspondence course or part–time classroom study from an institution of higher education~~, as defined in s. 39.32 (1) (a),~~ located in this state or from any public or private high school may be reimbursed in whole or in part for the cost of the course, including necessary textbooks, by the department upon presentation to the department of a certificate from the school indicating that the veteran has completed the course and stating the cost of the course and necessary textbooks and upon application for reimbursement completed by the veteran and received by the department no later than 60 days after the termination of the course for which the application for reimbursement is made. The department shall accept and process an application received more than 60 days after the termination of the course if the applicant shows good cause for the delayed receipt. The department may not require that an application be received sooner than 60 days after a course is completed. Benefits granted under this section shall be paid out of the appropriation under s. 20.485 (2) (vm).

SECTION 2013. 45.396 (3) (intro.) of the statutes is amended to read:

45.396 **(3)** (intro.) A veteran who is a resident of this state and otherwise qualified to receive benefits under this section may receive the benefits under sub.

(2) upon the completion of any correspondence courses or part–time classroom study from an ~~educational~~ institution of higher education located outside this state ~~which is accredited by the north central association of colleges and schools or, if outside the jurisdiction of that accrediting association, by an equivalent accrediting association~~, if any of the following applies:

SECTION 2013c. 45.396 (6) of the statutes is amended to read:

45.396 **(6)** The department may not make a grant to a person under this section if it receives a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments.

SECTION 2014. 45.397 (2) (a) of the statutes is amended to read:

45.397 **(2)** (a) The veteran is enrolled or accepted for enrollment in an institution of higher education, as defined in s. 39.32 (1) (a), in the state or is engaged in a structured on–the–job training program certified by the department of industry, labor and human relations~~, the department of health and social services~~ or the U.S. department of veterans affairs.

SECTION 2015. 45.397 (2) (c) of the statutes is amended to read:

45.397 **(2)** (c) The veteran is unemployed, underemployed, as defined by administrative rule, or has received a notice of termination of employment.

SECTION 2021m. 45.74 (6) of the statutes is amended to read:

45.74 **(6)** DELINQUENT SUPPORT PAYMENTS. It has received a certification under s. ~~46.255~~ 49.855 (7) that the person is delinquent in child support or maintenance payments.

SECTION 2021t. 46.001 of the statutes is amended to read:

46.001 Purposes of chapter. The purposes of this chapter are to conserve human resources in Wisconsin; to provide a just and humane program of services to

children in need of protection or services and nonmarital children; to prevent dependency, mental illness, developmental disability, mental infirmity~~, delinquency~~ and other forms of social maladjustment by a continuous attack on causes; to provide effective aid and services to all persons in need thereof and to assist those persons to achieve or regain self–dependence at the earliest possible date; ~~to provide a just, humane and efficient program for the rehabilitation of juvenile delinquents;~~ to avoid duplication and waste of effort and money on the part of public and private agencies; and to coordinate and integrate a social welfare program.

SECTION 2022. 46.011 (intro.) of the statutes is amended to read:

46.011 Definitions. (intro.) In chs. 46 ~~to~~, 48, 50, 51, 55 and 58~~, unless the context requires otherwise~~:

SECTION 2023m. 46.016 of the statutes is amended to read:

46.016 Cooperation with federal government. The department may cooperate with the federal government in carrying out federal acts concerning public assistance, social security, child welfare and youth services, ~~youth corrections,~~ mental hygiene, services for the blind~~, vocational rehabilitation,~~ and in other matters of mutual concern pertaining to public welfare.

SECTION 2025. 46.02 of the statutes is amended to read:

46.02 Agency powers and duties. Any institution which is subject to chs. 46, 48 to 51, 55 and 58 and to regulation under ch. 150 shall, in cases of conflict between chs. 46, 48 to 51, 55 and 58 and ch. 150, be governed by ch. 150. The department shall promulgate rules and establish procedures for resolving any such controversy.

SECTION 2026. 46.025 of the statutes is repealed.

SECTION 2026g. 46.027 of the statutes is repealed.

SECTION 2026m. 46.03 (1) of the statutes is amended to read:

46.03 **(1)** INSTITUTIONS GOVERNED. Maintain and govern ~~all secured correctional facilities, as defined in s. 48.02 (15m), that are operated by the department;~~ the Mendota and the Winnebago mental health institutes; and the centers for the developmentally disabled.

SECTION 2026p. 46.03 (4) (b) 1. of the statutes is amended to read:

46.03 **(4)** (b) 1. The department, in order to discharge more effectively its responsibilities under this chapter and ch. 48 and other relevant provisions of the statutes, is authorized to study causes and methods of prevention and treatment of ~~juvenile delinquency,~~ mental illness, mental deficiency, mental infirmity, and related social problems, including establishment of demonstration projects to apply and evaluate such methods in actual cases. The department is directed and authorized to utilize all powers provided by the statutes, including the authority under sub. (2a), to accept grants of money or property from federal, state or private sources, and to enlist the cooperation of other appropriate agencies and state departments; it may enter into agreements with local government subdivisions, departments and agencies for the joint conduct of such projects; and it may purchase services when deemed appropriate.

SECTION 2026r. 46.03 (6) of the statutes, as affected by 1993 Wisconsin Acts 377 and 385, is repealed.

SECTION 2027m. 46.03 (7) (a) of the statutes is amended to read:

46.03 **(7)** (a) Promote the enforcement of laws for the protection of developmentally disabled children, ~~delinquent children,~~ children in need of protection or services and nonmarital children; and to this end cooperate with courts assigned to exercise jurisdiction under ch. 48 and licensed child welfare agencies and

institutions (public and private) and take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made, including the establishment and enforcement of standards for services provided under ~~ss. 48.34 and~~ s. 48.345.

SECTION 2027p. 46.03 (7) (am) of the statutes, as affected by 1993 Wisconsin Act 385, is repealed.

SECTION 2027r. 46.03 (7) (b) of the statutes is repealed.

SECTION 2027t. 46.03 (7) (bm) of the statutes is amended to read:

46.03 **(7)** (bm) Maintain a file containing records of artificial inseminations under s. 891.40 ~~and records of declarations of paternal interest under s. 48.025 and of statements acknowledging paternity under s. 69.15 (3) (b)~~. The department shall release these records only upon an order of the court except that the department may use nonidentifying information concerning artificial inseminations for the purpose of compiling statistics ~~and except that records relating to declarations of paternal interest and statements acknowledging paternity may be used without a court order upon the request of the department or its designee under s. 59.07 (97) pursuant to the program responsibilities under s. 46.25 or by any other person with a direct and tangible interest in the record~~.

SECTION 2028m. 46.03 (7) (e) of the statutes is repealed.

SECTION 2029. 46.03 (7m) of the statutes is amended to read:

46.03 **(7m)** FOSTER CARE. ~~For the~~ In each federal fiscal ~~years commencing October 1, 1994, and October 1, 1995~~ year, ensure that there are no more than 2,200 children in foster care and treatment foster care placements for more than 24 months, consistent with the best interests of each child. Services provided in

connection with this requirement shall comply with the requirements under P.L. 96–272.

SECTION 2030. 46.03 (8) of the statutes is renumbered 103.005 (17) and amended to read:

103.005 **(17)** ~~Administer~~ The department shall administer those programs of public assistance~~, as provided in~~ that are specified in subch. III of ch. 49.

SECTION 2031. 46.03 (12) of the statutes is repealed.

SECTION 2031m. 46.03 (13) of the statutes is amended to read:

46.03 **(13)** CHARGES. In compliance with the compensation plan established under s. 230.12 (3), have authority to make and determine charges for meals, living quarters, laundry and other services furnished to employes of the several institutions and members of the employe's family maintained as such. All moneys received from each person on account of these services shall be used for operation of the institutions under s. 20.435 (2) (a) and (gk) ~~and (3) (a), (hm) and (j)~~. If a chaplain employed in any state institution administered by the department is not furnished a residence by the state, $1,800 or 20% of the chaplain's salary, whichever is greater, is designated as his or her housing allowance.

SECTION 2031p. 46.03 (17) (c) of the statutes, as affected by 1993 Wisconsin Act 385, is repealed.

SECTION 2032. 46.03 (18) (a) of the statutes is amended to read:

46.03 **(18)** (a) Except as provided in s. 46.10 (14) (b) and (c), the department of health and social services shall establish a uniform system of fees for services provided or purchased by the department of health and social services, or a county department under s. 46.215, 46.22, 51.42 or 51.437, except for services provided under subch. III of ch. 49; services relating to adoption~~, or;~~ services provided to

courts~~, for provision of child support and paternity establishment services to recipients of aid to families with dependent children or for~~; outreach, information and referral services~~,~~; or where, as determined by the department of health and social services, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees which it collects under this program to cover the cost of such services. The department of health and social services shall report to the joint committee on finance no later than March 1 of each year on the number of children placed for adoption by the department of health and social services during the previous year and the costs to the state for services relating to such adoptions.

SECTION 2033. 46.03 (20) (a) of the statutes is amended to read:

46.03 **(20)** (a) ~~The~~ Except for payments provided under subch. III of ch. 49, the department may make payments directly to recipients of public assistance or to such persons authorized to receive such payments in accordance with law and rules of the department on behalf of the counties. ~~The~~ Except for payments provided under subch. III of ch. 49, the department may charge the counties for the cost of operating public assistance systems which make such payments.

SECTION 2034. 46.03 (20) (d) of the statutes is amended to read:

46.03 **(20)** (d) The department shall disburse from state or federal funds or both the entire amount and charge the county for its share under s. ~~49.52~~ 46.495.

SECTION 2035. 46.03 (23) of the statutes is renumbered 49.32 (3) and amended to read:

49.32 **(3)** UNIFORM MANUAL. ~~Adopt~~ The department shall adopt policies and procedures and a uniform county policy and procedure manual to minimize

unnecessary variations between counties in the administration of the aid to families with dependent children program. The department shall also require each county to use the manual in the administration of the program.

SECTION 2035m. 46.03 (32) of the statutes is repealed.

SECTION 2036. 46.03 (35) of the statutes is renumbered 49.32 (4) and amended to read:

49.32 **(4)** EMPLOYMENT OF AID RECIPIENTS. ~~Assist~~ The department shall assist state agencies in efforts under s. 230.147 to employ recipients of aid under s. 49.19.

SECTION 2037. 46.03 (36) of the statutes is renumbered 49.32 (5) and amended to read:

49.32 **(5)** EMPLOYMENT AND TRAINING AND EDUCATION MANUAL. ~~In conjunction with the department of industry, labor and human relations, produce~~ The department shall produce a manual describing employment and training and education programs for which recipients of public assistance benefits under ~~ch. 49~~ this subchapter may qualify. The department shall distribute the manual, free of charge, to each county department under s. 46.215, 46.22 or 46.23.

SECTION 2038b. 46.03 (38) of the statutes is amended to read:

46.03 **(38)** WELFARE REFORM STUDIES. Request proposals from persons in this state for studies of the effectiveness of various program changes, referred to as welfare reform, to ~~the aid to families with dependent children program and~~ the medical assistance program, including the ~~requirement that certain recipients of aid to families with dependent children with children under age 6 participate in training programs, the requirement under s. 49.50 (7) (g) that certain teenage recipients of aid to families with dependent children remain in school, the modification of the earned income disregard under s. 49.19 (5) (am) and the~~ extension of medical

assistance benefits under ss. 49.46 (1) (co) and 49.47 (4) (am). The studies shall evaluate the effectiveness of the various efforts, including their cost–effectiveness, in helping individuals gain independence through the ~~securing of jobs, the~~ availability of health insurance coverage ~~and providing financial incentives~~ and in identifying barriers to independence.

SECTION 2039g. 46.031 (1) (a) of the statutes is renumbered 46.031 (1) (a) (intro.) and amended to read:

46.031 **(1)** (a) (intro.) Each county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 shall submit its final budget for services directly provided or purchased to the department by December 31 annually. The final budget shall be submitted on a uniform budget reporting form that the department shall develop and distribute for use and that shall include all of the following:

SECTION 2039r. 46.031 (1) (a) 1. to 3. of the statutes are created to read:

46.031 **(1)** (a) 1. Uniform definitions of target populations and of programs and services that a county provides or purchases using funds allocated and distributed under s. 46.40.

2. Planned expenditures for the programs and services specified in subd. 1. that are separately identified by at least the following sources of funding:

a. State–distributed funds.

b. Funds obtained from levy of county property tax.

c. Client and 3rd–party fees.

d. Other funds.

3. Estimates of the number of clients to be served under each program or service that the county plans to provide or purchase using funds allocated under s. 46.40.

SECTION 2040. 46.031 (2g) (b) of the statutes is amended to read:

46.031 **(2g)** (b) The department may not approve contracts for amounts in excess of available revenues. The county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department may appropriate funds not used to match state funds under ss. ~~49.52 (1)~~ 46.495 (1) (d) and 51.423. Actual expenditure of county funds shall be reported in compliance with procedures developed by the department, and shall comply with standards guaranteeing quality of care comparable to similar facilities.

SECTION 2041. 46.032 (title) of the statutes is renumbered 49.33 (title).

SECTION 2042. 46.032 of the statutes is amended to read:

46.032 Income maintenance administration. County departments under ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department detailing the reasonable cost of administering the income maintenance programs under ss. ~~49.046,~~ 49.19, 49.45 to 49.47 and 49.50 (7) and the food stamp program under 7 USC 2011 to 2029 when so appointed by the department. Contracts created under this section control the distribution of payments under s. 20.435 (4) (de) and (nL) in accordance with the reimbursement method established under s. 49.52 (1) (ad). The department may reduce its payment to any county under s. 20.435 (4) (de) and (nL) if federal reimbursement is withheld due to audits, quality control samples or program reviews.

SECTION 2043. 46.032 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.33 (2) and amended to read:

49.33 **(2)** (title) CONTRACTS. County departments under ss. 46.215, 46.22 and 46.23 shall annually enter into a contract with the department detailing the reasonable cost of administering the income maintenance programs under ss. 49.19, 49.26 (1) and 49.45 to 49.47 ~~and 49.50 (7)~~ and the food stamp program under 7 USC

2011 to 2029 when so appointed by the department. Contracts created under this section control the distribution of payments under s. ~~20.435 (4)~~ 20.445 (3) (de) and (nL) in accordance with the reimbursement method established under s. ~~49.52 (1) (ad)~~ 49.33 (8). The department may reduce its payment to any county under s. ~~20.435 (4)~~ 20.445 (3) (de) and (nL) if federal reimbursement is withheld due to audits, quality control samples or program reviews.

SECTION 2044. 46.033 (title) of the statutes is repealed.

SECTION 2045. 46.033 (1) (intro.) of the statutes is repealed.

SECTION 2046. 46.033 (1) (a) of the statutes is amended to read:

46.033 **(1)** (a) "Income maintenance program" means ~~relief of needy Indian persons under s. 49.046,~~ aid to families with dependent children under s. 49.19, medical assistance under ss. 49.45 to 49.47 or the food stamp program under 7 USC 2011 to 2029.

SECTION 2047. 46.033 (1) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.33 (1) (b) and amended to read:

49.33 **(1)** (b) "Income maintenance program" means aid to families with dependent children under s. 49.19, medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 or the food stamp program under 7 USC 2011 to 2029.

SECTION 2048. 46.033 (1) (b) of the statutes is renumbered 49.33 (1) (c).

SECTION 2049. 46.033 (2) of the statutes is renumbered 49.33 (3).

SECTION 2050. 46.036 (1) of the statutes is amended to read:

46.036 **(1)** All care and services purchased by the department or by a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 shall be authorized and contracted for under the standards established under this section. The department may require the county departments to submit the contracts to the department for

review and approval. For purchases of $10,000 or less the requirement for a written contract may be waived by the department. No contract is required for care provided by foster homes or treatment foster homes that are required to be licensed under s. 48.62. When the department directly contracts for services, it shall follow the procedures in this section in addition to meeting purchasing requirements established in s. 16.75.

SECTION 2051. 46.036 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

46.036 **(1)** All care and services purchased by the department or by a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, except as provided under subch. III of ch. 49 and s. 301.08 (2), shall be authorized and contracted for under the standards established under this section. The department may require the county departments to submit the contracts to the department for review and approval. For purchases of $10,000 or less the requirement for a written contract may be waived by the department. No contract is required for care provided by foster homes or treatment foster homes that are required to be licensed under s. 48.62. When the department directly contracts for services, it shall follow the procedures in this section in addition to meeting purchasing requirements established in s. 16.75.

SECTION 2051m. 46.039 of the statutes is repealed.

SECTION 2052. 46.041 (1) (a) of the statutes is amended to read:

46.041 **(1)** (a) Provide for the temporary residence and evaluation of children referred from courts assigned to exercise jurisdiction under ch. 48, the institutions and services under the jurisdiction of the department, ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics Authority, county departments under s. 46.215, 46.22 or 46.23, private child welfare agencies, schools

for the deaf and visually handicapped, and mental health facilities within the state at the discretion of the superintendent.

SECTION 2052p. 46.043 of the statutes is created to read:

46.043 Secured adolescent treatment unit. The department shall provide a secured adolescent treatment unit at the Mendota Mental Health Institute. The department may designate not more than 43 beds at the secured adolescent treatment unit as secured correctional facility, as defined in s. 48.02 (15m), beds. From the appropriation under s. 20.435 (3) (hm), the department may expend not more than $2,864,200 in fiscal year 1995–96 for services for children placed in that secured adolescent treatment unit.

SECTION 2052r. 46.043 of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

46.043 Secured adolescent treatment unit. The department shall provide a secured adolescent treatment unit at the Mendota Mental Health Institute. The department may designate not more than 43 beds at the secured adolescent treatment unit as secured correctional facility, as defined in s. 48.02 (15m), beds. From the appropriation under s. ~~20.435~~ 20.410 (3) (hm), the department of corrections may expend not more than ~~$2,864,200~~ $2,500,000 in fiscal year ~~1995–96~~ 1996–97 for services for children placed in that secured adolescent treatment unit. The department of health and social services may charge the department of corrections not more than the actual cost of providing services for children under the supervision of the department of corrections who are provided services at the secured adolescent treatment unit.

SECTION 2053m. 46.049 of the statutes, as affected by 1993 Wisconsin Act 385, is repealed.

SECTION 2054. 46.10 (2) of the statutes, as affected by 1993 Wisconsin Acts 479, section 8, and 481, section 9, is amended to read:

46.10 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 48.34 (4m), 48.357 (4) and (5) (e), 48.366, 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services and supplies provided by any institution in this state including ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of the person's care, maintenance, services and supplies, any person receiving care and services from a county department established under s. 51.42 or 51.437 or from a facility established under s. 49.175, and any person receiving treatment and services from a public or private agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully dependent upon the

property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

SECTION 2055. 46.10 (2) of the statutes, as affected by 1993 Wisconsin Acts 385, 479 and 481 and 1995 Wisconsin Act .... (this act), is amended to read:

46.10 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 48.34 (4h) or (4m), 48.357 (4) and (5) (e), 48.366, 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services and supplies provided by any institution in this state including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of the person's care, maintenance, services and supplies, any person receiving care and services from a county department established under s. 51.42 or 51.437 or from a facility established under s. ~~49.175~~ 49.73, and any person receiving treatment and services from a public or private agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a

foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

SECTION 2055e. 46.10 (14) (b) of the statutes is amended to read:

46.10 **(14)** (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical facility such as a group home, foster home, treatment foster home, child caring institution or juvenile correctional institution shall be determined by the court by using the percentage standard established by the department of industry, labor and human relations under s. ~~46.25~~ 49.143 (9) (a) and by applying the percentage standard in the manner established by the department of industry, labor and human relations under s. ~~46.25~~ 49.143 (9) (b).

SECTION 2055m. 46.16 (1) of the statutes is amended to read:

46.16 **(1)** GENERALLY. The department shall investigate and supervise all the charitable~~,~~ and curative ~~and reformatory~~ institutions, including county infirmaries, of every county and municipality, except tuberculosis sanatoriums; all shelter care facilities for children and all hospitals, asylums and institutions, organized for the

purpose set forth in s. 58.01, and familiarize itself with all the circumstances affecting their management and usefulness.

SECTION 2056. 46.175 of the statutes is amended to read:

46.175 County institutions: minimum standards. Notwithstanding any other provision of law, any county currently operating an institution established under s. ~~49.14, 49.16, 49.171,~~ 49.70, 49.71, 49.72, 51.08 or 51.09 may, by resolution of the county board, designate such institution or distinct part of such institution as a facility to be operated under s. 50.02, 50.03 or 50.33. Any county institution or part thereof, where so designated, shall be required to meet those licensure standards established by the department for the type of facility designated by the county. Any designation under this section may be made only if such designation will not result in any additional cost to the state.

SECTION 2057. 46.18 (13) of the statutes is amended to read:

46.18 **(13)** BUILDING RESERVE FUND. The county board shall maintain as a segregated cash reserve an annual charge of 2% of the original cost of new construction or purchase or of the appraised value of existing infirmary structures and equipment. If the infirmary or any of its equipment is replaced, any net cost of replacement in excess of the original cost is subject to an annual charge of 2%. No contributions to the cash reserve in excess of the amount required under this subsection may be included in the calculation under s. ~~49.173 (1)~~ 49.726 (1). The county board may from time to time appropriate from such reserve sums to be expended solely for the enlargement, modernization or replacement of such infirmary and its equipment.

SECTION 2058. 46.206 of the statutes is amended to read:

46.206 (title) ~~**Welfare**~~ **Social services; supervisory functions of state department. (1)** (a) The department shall supervise the administration of social services ~~and aid to families with dependent children, including related employment and training programs~~, except as provided under subch. III of ch. 49 and except for juvenile delinquency–related services. The department shall submit to the federal authorities state plans for the administration of social services ~~and aid under s. 49.19~~, except as provided under subch. III of ch. 49 and except for juvenile delinquency–related services, in such form and containing such information as the federal authorities require, and shall comply with all requirements prescribed to ensure their correctness.

(b) All records of the department and all county records relating to social services~~, aid to families with dependent children and aid under s. 49.18, 1971 stats., s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,~~ shall be open to inspection at all reasonable hours by authorized representatives of the federal government. Notwithstanding s. 48.396 (2), all county records relating to the administration of ~~such~~ the services and public assistance shall be open to inspection at all reasonable hours by authorized representatives of the department.

(bm) All records of the department relating to aid provided under s. ~~49.177, 49.19,~~ 49.46, 49.465, 49.468 ~~or,~~ 49.47 or 49.77 are open to inspection at reasonable hours by members of the legislature who require the information contained in the records in pursuit of a specific state legislative purpose. All records of any county relating to aid provided under s. ~~49.177, 49.19,~~ 49.46, 49.465, 49.468 ~~or,~~ 49.47 or 49.77 are open to inspection at reasonable hours by members of the board of supervisors of the county or the governing body of a city, village or town located in the county who require the information contained in the records in pursuit of a

specific county or municipal legislative purpose. The right to records access provided by this paragraph does not apply if access is prohibited by federal law or regulation or if this state is required to prohibit such access as a condition precedent to participation in a federal program in which this state participates.

(c) The department may at any time audit all county records relating to the administration of ~~such~~ the services and public assistance specified in this section and may at any time conduct administrative reviews of county departments under ss. 46.215 and 46.22. If the department conducts ~~such~~ an audit or administrative review in a county, ~~it~~ the department shall furnish a copy of the audit or administrative review report to the chairperson of the county board of supervisors and the county clerk in a county with a single–county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the director of the county department under s. 46.21 or 46.22.

(2) The county administration of all laws relating to social services ~~and aid to families with dependent children~~, except with respect to the programs under subch. III of ch. 49 and to juvenile delinquency–related programs, shall be vested in the officers and agencies designated in the statutes.

SECTION 2059b. 46.208 of the statutes is amended to read:

46.208 ~~General relief~~ Relief block grants; functions of state department. (1) All records of the county or tribal governing body relating to the administration of ~~general~~ relief~~, if the department reimburses the county under s. 49.035,~~ that is funded by a relief block grant under ch. 49 shall be open to inspection at all reasonable hours by authorized representatives of the department.

(2m) The department may at any time audit all records of the ~~general~~ relief agency relating to the administration of ~~general~~ relief~~, if the department reimburses~~

~~the county under s. 49.035~~ funded by a relief block grant under ch. 49 and may at any time conduct administrative reviews of a county department under s. 46.215, 46.22 or 46.23. The department shall furnish a copy of the county audit or administrative review report to the chairperson of the county board of supervisors and the county clerk in a county with a single–county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the county director of the county department under s. 46.215, 46.22 or 46.23.

SECTION 2060. 46.21 (1) (d) of the statutes is amended to read:

46.21 **(1)** (d) "Human services" means the total range of services to people, including mental illness treatment, developmental disabilities services, physical disabilities services, ~~general~~ relief funded by a relief block grant under ch. 49, income maintenance, youth probation and parole services, alcohol and drug abuse services, services to children, youth and families, family counseling, exceptional educational services for children from birth to the age of 3 and manpower services.

SECTION 2060m. 46.21 (2) (j) of the statutes is amended to read:

46.21 **(2)** (j) May exercise approval or disapproval power over contracts and purchases of the director that are for $50,000 or more, except that the county board of supervisors may not exercise approval or disapproval power over any personal service contract or over any contract or purchase of the director which relates to community living arrangements, adult family homes, foster homes or treatment foster homes and which was entered into pursuant to a contract under s. 46.031 (2g) or 301.031 (2g), regardless of whether the contract mentions the provider, except as provided in par. (m). This paragraph does not preclude the county board of supervisors from creating a central purchasing department for all county purchases.

SECTION 2061. 46.21 (2m) (c) of the statutes is amended to read:

46.21 **(2m)** (c) *Exchange of information.* Notwithstanding ss. 48.78 (2) (a), 49.45 (4), ~~49.53 (1m)~~ 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and 253.07 (3) (c), any subunit of the county department of human services acting under this subsection may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of human services or with any person providing services to the client under a purchase of services contract with the county department of human services, if necessary to enable an employe or service provider to perform his or her duties, or to enable the county department of human services to coordinate the delivery of services to the client.

SECTION 2061m. 46.21 (4m) (a) of the statutes is amended to read:

46.21 **(4m)** (a) The county hospitals and county sanatoriums of a county with a population of 500,000 or more shall be devoted to hospital service and the treatment of ~~any person who would otherwise be unable to secure that service and treatment, but other persons may be admitted to the county hospitals upon the~~ patients upon such terms and conditions as the county board of supervisors establishes. The hospitals and sanatoriums may be utilized for instruction of medical students, physicians and nurses and for scientific and clinical research that will promote the welfare of the patients and assist the application of science to the alleviation of human suffering.

SECTION 2062. 46.21 (7) of the statutes is amended to read:

46.21 **(7)** APPLICABILITY. Except as provided in s. 59.07 (153), this section does not apply, with respect to the county hospital under s. ~~49.16 (2)~~ 49.71 (2), if the county board of supervisors acts under s. 59.07 (153).

SECTION 2063. 46.215 (1) (intro.) of the statutes is amended to read:

46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population of 500,000 or more the administration of welfare services is vested in a county department of social services under the jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. ~~and in conformity with s. 49.50.~~ Any reference in any law to a county department of social services under this section applies to a county department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties of the county department of social services. The county department of social services shall have the following functions, duties and powers, and such other welfare functions as may be delegated to it:

SECTION 2064. 46.215 (1) (a) of the statutes is amended to read:

46.215 **(1)** (a) To make investigations relating to relief or welfare administration and admissions to state ~~and,~~ county and other institutions upon request of court, superintendent, district attorney, veterans' service commission or any other county official.

SECTION 2065. 46.215 (1) (d) of the statutes is amended to read:

46.215 **(1)** (d) To make investigations ~~which~~ that relate to ~~welfare~~ services under subchs. II, IV and V of ch. 49 upon request by the department of health and social services, to make investigations that relate to juvenile delinquency–related services at the request of the department of corrections and to make investigations that relate to programs under subch. III of ch. 49 upon request by the department of industry, labor and human relations.

SECTION 2066b. 46.215 (1) (fm) of the statutes is amended to read:

46.215 **(1)** (fm) To administer ~~general~~ relief funded by a relief block grant under ~~s. 49.02~~ ch. 49, if the county operates a program funded by a relief block grant under that chapter.

SECTION 2067. 46.215 (1) (j) of the statutes is amended to read:

46.215 **(1)** (j) To make payments in such manner as the department of ~~health and social services~~ industry, labor and human relations may determine for training of recipients, former recipients and potential recipients of aid in programs established under ss. 49.193 and ~~49.50 (7)~~ 49.26 (1).

SECTION 2068. 46.215 (1) (L) of the statutes is amended to read:

46.215 **(1)** (L) Within the limits of available state and federal funds and of county funds appropriated to match state funds, to provide social services for persons eligible for or receiving benefits under the supplementary security income program under federal Title XVI, the supplemental payments program under s. ~~49.177~~ 49.77 or aid to families with dependent children under s. 49.19.

SECTION 2069. 46.215 (1) (n) of the statutes is amended to read:

46.215 **(1)** (n) To collect and transmit information to the department of ~~health and social services~~ administration so that a federal energy assistance payment may be made to an eligible household; to collect and transmit information to the department of administration so that weatherization services may be made available to an eligible household; to receive applications from individuals seeking low–income energy assistance under s. ~~49.80 (4)~~ 16.385 (4) or weatherization services under s. 16.39; to provide information on the income eligibility for weatherization of a recipient of low–income energy assistance to an entity with which the department of administration contracts for provision of weatherization under s. 16.39; and to receive a request, determine a correct payment amount, if any, and provide payment, if any, for emergency assistance under s. ~~49.80 (8)~~ 16.385 (8).

SECTION 2070. 46.215 (2) (a) of the statutes is renumbered 46.215 (2) (a) 1. and amended to read:

46.215 **(2)** (a) 1. In order to ensure the availability of a full range of care and services, the county department of social services may contract, either directly or through the department of health and social services, with public or voluntary agencies or others to purchase, in full or in part, care and services, except as provided under subch. III of ch. 49 and s. 301.08 (2), which the county department of social services is authorized by any statute to furnish in any manner. ~~Such~~ This care and these services may be purchased from the department of health and social services if the department of health and social services has staff to furnish the care and services. If the county department of social services has adequate staff, it may sell the care and services directly to another county or state agency.

SECTION 2071. 46.215 (2) (a) 2. of the statutes is created to read:

46.215 **(2)** (a) 2. In order to ensure the availability of a full range of care and services, the county department of social services may contract, either directly or through the department of industry, labor and human relations, with public or voluntary agencies or others to purchase, in full or in part, care and services under subch. III of ch. 49 which the county department of social services is authorized to furnish. This care and these services may be purchased from the department of industry, labor and human relations if the department of industry, labor and human relations has staff to furnish the services. If the county department of social services has adequate staff, it may sell the care and services directly to another county or state agency.

SECTION 2071m. 46.215 (2) (a) 3. of the statutes is created to read:

46.215 **(2)** (a) 3. In order to ensure the availability of a full range of care and services, the county department of social services may contract, either directly or through the department of corrections, with public or voluntary agencies or others

to purchase, in full or in part, juvenile delinquency–related care and services which the county department of social services is authorized by any statute to furnish in any manner. Such services may be purchased from the department of corrections if the department of corrections has staff to furnish the services. If the county department of social services has adequate staff, it may sell the care and services directly to another county or state agency.

SECTION 2072. 46.215 (2) (b) of the statutes is amended to read:

46.215 **(2)** (b) A county department of social services may purchase development and training services from the department of health and social services, from the department of industry, labor and human relations, from the department of corrections or from other county agencies when ~~such~~ the services are available. A county department of social services may sell ~~such~~ the development and staff training services to another county or state agency if ~~it~~ the county department has adequate staff to provide ~~such~~ the services.

SECTION 2073. 46.215 (2) (c) of the statutes is amended to read:

46.215 **(2)** (c) A county department of social services shall ~~submit to the department of health and social services~~ develop, under the requirements of s. 46.036, plans and contracts for care and services to be purchased. The contracts shall be developed under s. 46.036. The department of health and social services ~~shall~~ may review the contracts and approve them if they are consistent with s. 46.036 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of health and social services to submit the contracts to the committee for review and approval. The department of health and social services may not make any payments to a county for programs included in a contract under review by the committee. The department of health and social

services shall reimburse each county for the ~~approved~~ contracts from the appropriations under s. 20.435 (3) (oo) and (7) (b) and (o) or under s. 20.435 (3) (cd), as appropriate, under s. 49.52.

SECTION 2074. 46.215 (2) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 46.215 (2) (c) 1. and amended to read:

46.215 **(2)** (c) 1. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for care and services to be purchased, except for care and services under subch. III of ch. 49 or s. 301.08 (2). The department of health and social services may review the contracts and approve them if they are consistent with s. 46.036 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of health and social services to submit the contracts to the committee for review and approval. The department of health and social services may not make any payments to a county for programs included in a contract under review by the committee. The department of health and social services shall reimburse each county for the contracts from the appropriations under s. 20.435 (3) (oo) and (7) (b) and (o) or under s. 20.435 (3) (cd), as appropriate, under s. ~~49.52~~ 46.495.

SECTION 2075. 46.215 (2) (c) 2. of the statutes is created to read:

46.215 **(2)** (c) 2. A county department of social services shall develop, under the requirements of s. 49.34, plans and contracts for care and services to be purchased under subch. III of ch. 49. The department of industry, labor and human relations may review the contracts and approve them if they are consistent with s. 49.34 and if state or federal funds are available for such purposes. The joint committee on finance may require the department of industry, labor and human relations to submit the contracts to the committee for review and approval. The department of

industry, labor and human relations may not make any payments to a county for programs included in a contract under review by the committee.

SECTION 2075m. 46.215 (2) (c) 3. of the statutes is created to read:

46.215 **(2)** (c) 3. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for juvenile delinquency–related care and services to be purchased. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and if state or federal funds are available for such purposes. The joint committee on finance may require the department of corrections to submit the contracts to the committee for review and approval. The department of corrections may not make any payments to a county for programs included in a contract under review by the committee. The department of corrections shall reimburse each county for the contracts from the appropriations under s. 20.410 (3) (cd) and (oo) as appropriate.

SECTION 2076. 46.215 (3) of the statutes is amended to read:

46.215 **(3)** PROGRAM BUDGETS. The county department of social services shall submit a final budget to the department of health and social services under s. 46.031 (1), to the department of corrections under s. 301.031 (1) and to the department of industry, labor and human relations under s. 49.325 (1), for authorized services.

SECTION 2077. 46.22 (1) (am) of the statutes is amended to read:

46.22 **(1)** (am) *Funding for multicounties.* State social services funding under s. 20.435 (7) (b) is not available to counties which establish a multicounty department of social services until the counties have drafted a contractual agreement, approved by the secretary, setting forth the plans for direct sponsorship and have drafted a budget under par. (b) ~~8~~ 1. d.

SECTION 2078. 46.22 (1) (b) (intro.) of the statutes is renumbered 46.22 (1) (b) 1. (intro.).

SECTION 2079. 46.22 (1) (b) 1. of the statutes is repealed.

SECTION 2080. 46.22 (1) (b) 2. of the statutes is renumbered 46.22 (1) (b) 1. a.

SECTION 2081. 46.22 (1) (b) 2. of the statutes is created to read:

46.22 **(1)** (b) 2. A county department of social services shall have the following functions, duties and powers in accordance with the rules promulgated by the department of industry, labor and human relations and subject to the supervision of the department of industry, labor and human relations:

a. To administer aid to families with dependent children under s. 49.19.

b. To maintain administrative and reporting relationships with all pertinent state departments.

c. To make investigations as provided under subch. III of ch. 49 upon request by the department of industry, labor and human relations.

d. To certify eligibility for and issue food coupons to needy households in conformity with 7 USC 2011 to 2029.

e. To make payments in such manner as the department of industry, labor and human relations may determine for training of recipients, former recipients and potential recipients of aid in programs established under ss. 49.193 and 49.26 (1).

f. To submit a final budget in accordance with s. 49.325 (1) for services authorized in this subdivision.

g. To make certification or referral of eligibles for state or federal works or other assistance programs under subch. III of ch. 49, eligibility for which is based on need.

SECTION 2082. 46.22 (1) (b) 3. of the statutes is renumbered 46.22 (1) (b) 1. b. and amended to read:

46.22 **(1)** (b) 1. b. To make investigations which relate to welfare services, except as provided under subch. III of ch. 49, upon request by the department of health and social services.

SECTION 2083. 46.22 (1) (b) 3. of the statutes is created to read:

46.22 **(1)** (b) 3. A county department of social services shall have the following functions, duties and powers in accordance with the rules promulgated and standards established by the department of health and social services and subject to the supervision of the department of industry, labor and human relations:

a. To maintain administrative and reporting relationships with all pertinent state departments.

b. To make investigations which relate to programs under s. 49.046 upon request by the department of health and social services.

d. To submit a final budget to the department of industry, labor and human relations in accordance with s. 49.325 for services authorized in this subdivision.

SECTION 2084. 46.22 (1) (b) 4. of the statutes is repealed.

SECTION 2085. 46.22 (1) (b) 4m. of the statutes is created to read:

46.22 **(1)** (b) 4m. A county department of social services shall have the following functions, duties and powers in accordance with the rules promulgated by the department of administration and subject to the supervision of the department of administration:

a. To collect and transmit information to the department of administration so that a federal energy assistance payment may be made to an eligible household.

b. To collect and transmit information to the department of administration so that weatherization services may be made available to an eligible household.

c. To receive applications from individuals seeking low–income energy assistance under s. 16.385 (4) or weatherization services under s. 16.39.

d. To provide information on the income eligibility for weatherization of a recipient of low–income energy assistance to an entity with which the department of administration contracts for provision of weatherization under s. 16.39.

e. To receive a request, determine a correct payment amount, if any, and provide payment, if any, for emergency assistance under s. 16.385 (8).

SECTION 2086. 46.22 (1) (b) 5. of the statutes is repealed.

SECTION 2086m. 46.22 (1) (b) 5m. of the statutes is created to read:

46.22 **(1)** (b) 5m. A county department of social services shall have the following functions, duties and powers in accordance with the rules promulgated by the department of corrections and subject to the supervision of the department of corrections:

a. To administer juvenile delinquency–related services under s. 301.26.

b. To maintain administrative and reporting relationships with all pertinent state departments.

c. To make investigations relating to juvenile delinquency–related services upon request by the department of corrections.

d. To submit a final budget in accordance with s. 301.031 (1) for services authorized in this subdivision.

SECTION 2087. 46.22 (1) (b) 6. of the statutes is repealed.

SECTION 2088. 46.22 (1) (b) 7. of the statutes is renumbered 46.22 (1) (b) 1. c. and amended to read:

46.22 **(1)** (b) 1. c. Within the limits of available state and federal funds and of county funds appropriated to match state funds, to provide social services for: ~~a.~~

~~Persons~~ persons eligible for or receiving supplemental security aids under Title XVI of the social security act~~. b. Persons,~~ eligible for or receiving state supplemental payments under s. ~~49.177. c. Persons~~ 49.77 or eligible for or receiving aid to families with dependent children under s. 49.19.

SECTION 2089. 46.22 (1) (b) 8. of the statutes is renumbered 46.22 (1) (b) 1. d.

SECTION 2090. 46.22 (1) (b) 9. of the statutes is renumbered 46.22 (1) (b) 1. e.

SECTION 2091. 46.22 (1) (b) 10. of the statutes is repealed.

SECTION 2092. 46.22 (1) (b) 12. of the statutes is renumbered 46.22 (1) (b) 1. f.

SECTION 2093. 46.22 (1) (b) 13. of the statutes is renumbered 46.22 (1) (b) 1. g. and amended to read:

46.22 **(1)** (b) 1. g. To make certification or referral of eligibles for state or federal ~~works or other~~ assistance programs under subch. V of ch. 49, eligibility for which is based on need.

SECTION 2094b. 46.22 (1) (b) 14. of the statutes is amended to read:

46.22 **(1)** (b) 14. To administer ~~general~~ relief funded by a relief block grant under ~~s. 49.02~~ ch. 49, if the county operates a program funded by a relief block grant under that chapter.

SECTION 2095. 46.22 (1) (b) 14. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 46.22 (1) (b) 1. h.

SECTION 2096. 46.22 (1) (b) 15. of the statutes is renumbered 46.22 (1) (b) 1. i.

SECTION 2097. 46.22 (1) (c) 1. (intro.) of the statutes is amended to read:

46.22 **(1)** (c) 1. (intro.) Make investigations in cooperation with the court, institution superintendent, district attorney and other agencies and officials operating in the welfare field regarding admissions to and release (or conditional release) from the following ~~county and state~~ institutions:

SECTION 2098. 46.22 (1) (c) 1. b. of the statutes is amended to read:

46.22 **(1)** (c) 1. b. State institutions. Mendota mental health institute, Winnebago mental health institute, ~~university of Wisconsin hospital and clinics,~~ centers for the developmentally disabled and secured correctional facilities, as defined in s. 48.02 (15m).

SECTION 2099. 46.22 (1) (c) 1. c. of the statutes is created to read:

46.22 **(1)** (c) 1. c. Other institution. University of Wisconsin Hospitals and Clinics.

SECTION 2099g. 46.22 (1) (c) 2. of the statutes is amended to read:

46.22 **(1)** (c) 2. Subdivision 1. does not authorize the county department of social services to make investigations regarding admission to or release from the Waupun correctional institution, the Columbia correctional institution, the Racine correctional institution, the correctional institution authorized under s. 301.046 (1), the correctional institution authorized under s. 301.048 (4) (b), the correctional institution authorized under s. 301.16 (1n), the Oshkosh correctional institution, the Green Bay correctional institution, the Dodge correctional institution, the Taycheedah correctional institution, county houses of correction, jails, detention homes or reforestation camps.

SECTION 2100m. 46.22 (1) (c) 8. d. of the statutes is amended to read:

46.22 **(1)** (c) 8. d. Upon the request of the department of ~~health and social services~~ corrections and under its direction, the county department of social services shall assume the oversight of any juvenile under parole from or otherwise subject to the supervision of any state institution.

SECTION 2101. 46.22 (1) (d) of the statutes is amended to read:

46.22 **(1)** (d) *Merit system; records*. The county department of social services is subject to s. ~~49.50 (2) to (5)~~ 49.33 (4) to (7). The county department of social services and all county officers and employes performing any duties in connection with the administration of ~~aid to the blind, old–age assistance,~~ aid to families with dependent children ~~and aid to totally and permanently disabled persons~~ shall observe all rules promulgated by the department of ~~health and social services~~ industry, labor and human relations under s. ~~49.50 (2)~~ 49.33 (4) and shall keep records and furnish reports as the department of ~~health and social services~~ industry, labor and human relations requires in relation to their performance of such duties.

SECTION 2102. 46.22 (1) (e) 1. of the statutes is amended to read:

46.22 **(1)** (e) 1. In order to ensure the availability of a full range of care and services, a county department of social services may contract, either directly or through the department of health and social services, the department of industry, labor and human relations or the department of corrections, with public or voluntary agencies or others to purchase, in full or in part, care and services which the county department of social services is authorized by any statute to furnish in any manner. The services may be purchased from the department of health and social services, the department of industry, labor and human relations or the department of corrections if the department of health and social services, the department of industry, labor and human relations or the department of corrections has staff to furnish the services. The county department of social services, if it has adequate staff, may sell the care and services directly to another county or state agency.

SECTION 2103. 46.22 (1) (e) 2. of the statutes is amended to read:

46.22 **(1)** (e) 2. A county department of social services may purchase development and training services from the department of health and social services,

the department of industry, labor and human relations or the department of corrections or from other county agencies if the services are available or sell the development and staff training services to another county or state agency if the county department of social services has adequate staff to provide the services.

SECTION 2104. 46.22 (1) (e) 3. of the statutes is amended to read:

46.22 **(1)** (e) 3. A county department of social services shall ~~submit to the department of health and social services~~ develop, under the requirements of s. 46.036, plans and contracts for care and services to be purchased. ~~The contracts shall be developed under s. 46.036.~~ The department of health and social services ~~shall~~ may review the contracts and approve them if they are consistent with s. 46.036 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of health and social services to submit the contracts to the committee for review and approval. The department of health and social services may not make any payments to a county for programs included in the contract that is under review by the committee. The department of health and social services shall reimburse each county for the ~~approved~~ contracts from the appropriations under s. 20.435 (3) (oo) and (7) (b) and (o) or under s. 20.435 (3) (cd), according to s. 49.52.

SECTION 2105. 46.22 (1) (e) 3. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 46.22 (1) (e) 3. a. and amended to read:

46.22 **(1)** (e) 3. a. A county department of social services shall develop, under the requirements of s. 46.036, plans and contracts for care and services, except under subch. III of ch. 49 and s. 301.08 (2), to be purchased. The department of health and social services may review the contracts and approve them if they are consistent with s. 46.036 and to the extent that state or federal funds are available for such purposes.

The joint committee on finance may require the department of health and social services to submit the contracts to the committee for review and approval. The department of health and social services may not make any payments to a county for programs included in the contract that is under review by the committee. The department of health and social services shall reimburse each county for the contracts from the appropriations under s. 20.435 (3) (oo) and (7) (b) and (o) or under s. 20.435 (3) (cd), according to s. ~~49.52~~ 46.495.

SECTION 2106. 46.22 (1) (e) 3. b. of the statutes is created to read:

46.22 **(1)** (e) 3. b. A county department of social services shall develop, under the requirements of s. 49.34, plans and contracts for care and services under subch. III of ch. 49 to be purchased. The department of industry, labor and human relations may review the contracts and approve them if they are consistent with s. 49.34 and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of industry, labor and human relations to submit the contracts to the committee for review and approval. The department of industry, labor and human relations may not make any payments to a county for programs included in the contract that is under review by the committee.

SECTION 2106m. 46.22 (1) (e) 3. c. of the statutes is created to read:

46.22 **(1)** (e) 3. c. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for juvenile delinquency–related care and services to be purchased. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of corrections to submit the contracts to the committee for review and approval. The department

of corrections may not make any payments to a county for programs included in the contract that is under review by the committee. The department of corrections shall reimburse each county for the contracts from the appropriations under s. 20.410 (3) (cd) and (oo) as appropriate.

SECTION 2107. 46.22 (2) (b) of the statutes is amended to read:

46.22 **(2)** (b) Appoint the county social services director under sub. (3) subject to s. ~~49.50 (2) to (5)~~ 49.33 (4) to (7) and the rules promulgated thereunder and subject to the approval of the county board of supervisors in a county with a single–county department of social services or the county boards of supervisors in counties with a multicounty department of social services.

SECTION 2108. 46.22 (2g) (d) of the statutes is amended to read:

46.22 **(2g)** (d) Prepare, with the assistance of the county social services director under sub. (3m) (b) 5., a proposed budget for submission to the county executive or county administrator ~~and,~~ a final budget for submission to the department of health and social services in accordance with s. 46.031 (1) for authorized services, except services under subch. III of ch. 49 or s. 301.08 (2), a final budget for submission to the department of industry, labor and human relations in accordance with s. 49.325 for authorized services under subch. III of ch. 49 and a final budget for submission to the department of corrections in accordance with s. 301.031 (1) for authorized juvenile delinquency–related services.

SECTION 2109. 46.22 (3m) (a) of the statutes is amended to read:

46.22 **(3m)** (a) In any county with a county executive or a county administrator which has established a single–county department of social services, the county executive or county administrator, subject to s. ~~49.50 (2) to (5)~~ 49.33 (4) to (7) and the rules promulgated thereunder, shall appoint and supervise the county social services

director. The appointment is subject to the confirmation of the county board of supervisors unless the county board of supervisors, by ordinance, elects to waive confirmation or unless the appointment is made under a civil service system competitive examination procedure established under s. 59.07 (20) or ch. 63.

SECTION 2110. 46.22 (3m) (b) 12. of the statutes is amended to read:

46.22 **(3m)** (b) 12. Establish priorities in addition to those mandated by the department of health and social services, by the department of industry, labor and human relations or by the department of corrections.

SECTION 2111. 46.22 (3m) (b) 17. b. of the statutes is amended to read:

46.22 **(3m)** (b) 17. b. Such other reports as are required by the secretary of health and social services, the secretary of industry, labor and human relations, the secretary of corrections and the county board of supervisors.

SECTION 2112. 46.23 (2) (a) of the statutes is amended to read:

46.23 **(2)** (a) "Human services" means the total range of services to people including, but not limited to, health care, mental illness treatment, developmental disabilities services, ~~general~~ relief funded by a block grant under ch. 49, income maintenance, probation and parole services, alcohol and drug abuse services, services to children, youth and aging, family counseling, exceptional educational services and manpower services.

SECTION 2113. 46.23 (3) (a) of the statutes is amended to read:

46.23 **(3)** (a) *Creation.* Upon approval by the secretary of health and social services, by the secretary of corrections and by the secretary of industry, labor and human relations of a feasibility study and a program implementation plan, the county board of supervisors of any county with a population of less than 500,000, or the county boards of supervisors of 2 or more contiguous counties, each of which has

a population of less than 500,000, may establish by resolution a county department of human services on a single–county or multicounty basis to provide the services required under this section. The county department of human services shall consist of the county human services board, the county human services director and necessary personnel.

SECTION 2114. 46.23 (3) (am) 4. of the statutes is amended to read:

46.23 **(3)** (am) 4. No funds may be allocated to any multicounty department of human services until the counties have drawn up a detailed contractual agreement, approved by the secretary of health and social services, by the secretary of corrections and by the secretary of industry, labor and human relations, setting forth the plan for joint sponsorship.

SECTION 2115. 46.23 (3) (c) of the statutes is repealed.

SECTION 2116. 46.23 (3) (e) of the statutes is amended to read:

46.23 **(3)** (e) *Exchange of information.* Notwithstanding ss. 49.45 (4), ~~49.53 (1m)~~ 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and 253.07 (3) (c), any subunit of a county department of human services acting under this section may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of human services or with any person providing services to the client under a purchase of services contract with the county department of human services, if necessary to enable an employe or service provider to perform his or her duties, or to enable the county department of human services to coordinate the delivery of services to the client.

SECTION 2117. 46.23 (5) (a) of the statutes is renumbered 46.23 (5) (a) 1. and amended to read:

46.23 **(5)** (a) 1. Shall determine administrative and program policies, except as provided under subch. III of ch. 49 and except for juvenile delinquency–related policies, within limits established by the department of health and social services. Policy decisions, except as provided under subch. III of ch. 49 and except for juvenile delinquency–related policies, not reserved by statute for the department of health and social services may be delegated by the secretary to the county human services board.

SECTION 2118. 46.23 (5) (a) 2. of the statutes is created to read:

46.23 **(5)** (a) 2. Shall determine administrative and program policies under subch. III of ch. 49 within limits established by the department of industry, labor and human relations. Policy decisions under subch. III of ch. 49 not reserved by statute for the department of industry, labor and human relations may be delegated by the secretary of industry, labor and human relations to the county human services board.

SECTION 2118m. 46.23 (5) (a) 3. of the statutes is created to read:

46.23 **(5)** (a) 3. Shall determine juvenile delinquency–related administrative programs and policies within limits established by the department of corrections. Juvenile delinquency–related policy decisions not reserved by statute for the department of corrections may be delegated by the secretary of corrections to the county human services board.

SECTION 2119. 46.23 (5) (b) of the statutes is amended to read:

46.23 **(5)** (b) Shall establish priorities in addition to those mandated by the department of health and social services, the department of corrections or the department of industry, labor and human relations.

SECTION 2120. 46.23 (5) (c) of the statutes is renumbered 46.23 (5) (c) 1. and amended to read:

46.23 **(5)** (c) 1. Shall determine whether state mandated services, except for services under subch. III of ch. 49 and juvenile delinquency–related services, are provided or purchased or contracted for with local providers, and monitor the performance of such contracts. Purchase of services contracts shall be subject to the conditions specified in s. 46.036.

SECTION 2121. 46.23 (5) (c) 2. of the statutes is created to read:

46.23 **(5)** (c) 2. Shall determine whether state mandated services under subch. III of ch. 49 are provided or purchased or contracted for with local providers, and monitor the performance of such contracts. Purchase of services contracts shall be subject to the conditions specified in s. 49.34.

SECTION 2121m. 46.23 (5) (c) 3. of the statutes is created to read:

46.23 **(5)** (c) 3. Shall determine whether state mandated juvenile delinquency–related services are provided or purchased or contracted for with local providers, and monitor the performance of such contracts. Purchase of service contracts shall be subject to the conditions specified in s. 301.031.

SECTION 2122. 46.23 (5) (n) of the statutes is renumbered 46.23 (5) (n) 1. and amended to read:

46.23 **(5)** (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for authorized services, except for services under subch. III of ch. 49 and juvenile delinquency–related services. Notwithstanding the categorization of or limits specified for funds allocated under s. ~~49.52 (1) (d)~~ 46.495 or 51.423 (2), with the approval of the department of health and social services the county human services board may expend these funds consistent with any service provided under s. ~~49.52 (1) (d)~~ 46.495 or 51.42.

SECTION 2123. 46.23 (5) (n) 2. of the statutes is created to read:

46.23 **(5)** (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for authorized services under subch. III of ch. 49.

SECTION 2123m. 46.23 (5) (n) 3. of the statutes is created to read:

46.23 **(5)** (n) 3. Shall submit a final budget in accordance with s. 301.031 (1) for authorized juvenile delinquency–related services.

SECTION 2124. 46.23 (5m) (c) of the statutes is amended to read:

46.23 **(5m)** (c) Prepare, with the assistance of the county human services director under sub. (6m) (e), a proposed budget for submission to the county executive or county administrator ~~and~~, a final budget for submission to the department of health and social services in accordance with s. 46.031 (1) for authorized services, except services under subch. III of ch. 49 and juvenile delinquency–related services, a final budget for submission to the department of industry, labor and human relations in accordance with s. 49.325 for authorized services under subch. III of ch. 49 and a final budget for submission to the department of corrections in accordance with s. 301.031 for authorized juvenile delinquency–related services.

SECTION 2125. 46.23 (6) (a) (intro.) of the statutes is amended to read:

46.23 **(6)** (a) (intro.) A county human services director appointed under sub. (5) (f) shall have all of the administrative and executive powers and duties of managing, operating, maintaining and improving the programs of the county department of human services, subject to the rules promulgated by the department of health and social services ~~under this section~~ for programs, except services or programs under subch. III of ch. 49 and juvenile delinquency–related services or programs, subject to the rules promulgated by the department of industry, labor and human relations for services or programs under subch. III of ch. 49 and subject to the rules promulgated by the department of corrections for juvenile delinquency–related

services or programs. In consultation with the county human services board under sub. (5) and subject to its approval, the county human services director shall prepare:

SECTION 2126. 46.23 (6) (a) 3. of the statutes is amended to read:

46.23 **(6)** (a) 3. Such other reports as are required by the secretary of health and social services, by the secretary of corrections or by the secretary of industry, labor and human relations and the county board of supervisors in a county with a single–county department of human services or the county boards of supervisors in counties with a multicounty department of human services.

SECTION 2127. 46.23 (6m) (a) of the statutes is amended to read:

46.23 **(6m)** (a) Supervise and administer any program ~~established~~ for which supervision and administration is authorized under this section.

SECTION 2128b. 46.25 (title) and (1) to (7) of the statutes are renumbered 49.143 (title) and (1) to (7), and 49.143 (1) and (7), as renumbered, are amended to read:

49.143 **(1)** There is created a child and spousal support and establishment of paternity and medical liability support program in the department. The purpose of this program is to establish paternity when possible, to establish or modify support obligations, to enforce support obligations owed by parents to their children and maintenance obligations owed to spouses or former spouses with whom the children reside in this state or owed in other states if the support order was issued in this state or owed in other states if the parent, spouse or former spouse resides in this state, to locate persons who are alleged to have taken their child in violation of s. 948.31 or of similar laws in other states, and to locate and value property of any person having a support duty. To accomplish the objectives of this program and of other assistance programs under ~~ch. 49~~ this chapter, county and state agencies will

cooperate with one another to implement a child and spousal support and paternity establishment program in accordance with state and federal laws, regulations and rules and to assure proper distribution of benefits of all assistance programs authorized under ~~ch. 49~~ this chapter.

(7) The department may represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation. The department may delegate its authority to represent the state in any action to establish paternity or to establish or enforce a support or maintenance obligation under this section to an attorney responsible for support enforcement under s. 59.458 (1) pursuant to a contract entered into under s. 59.07 (97). The department shall ensure that any such contract is for an amount reasonable and necessary to assure quality service. The department may, by such a contract, authorize a county to contract with any attorney, collection agency or other person to collect unpaid child support or maintenance. If a county fails to fully implement the programs under s. 59.07 (97), the department may implement them and may contract with any appropriate person to obtain necessary services. The department shall establish a formula for disbursing funds appropriated under s. ~~20.435 (4)~~ 20.445 (3) (p) to carry out a contract under this subsection.

SECTION 2129. 46.25 (7m) of the statutes is amended to read:

46.25 **(7m)** The department may contract with or employ a collection agency~~,~~ ~~attorney~~ or other person to enforce a support obligation of a parent ~~residing outside this state, or~~ who is delinquent in making support payments and may contract with or employ an attorney to appear in an action in state or federal court to enforce such an obligation~~, or both~~. To pay for the department's administrative costs of implementing this subsection, the department may charge a fee to counties, retain

up to 50% of any incentive payment made to this state under 42 USC 658 for a collection under this subsection, and retain 30% of this state's share of a collection made under this subsection on behalf of a recipient of aid to families with dependent children.

SECTION 2129m. 46.25 (7m) to (11) of the statutes, as affected by 1995 Wisconsin Act .... (this act), are renumbered 49.143 (7m) to (11), and 49.143 (8), as renumbered, is amended to read:

49.143 **(8)** The department may charge other states and counties seeking collection of child and spousal support for any administrative costs it incurs in providing services related to interstate child support collections, the federal parent locator service under 42 USC 653, the interception of unemployment compensation under 42 USC 654 or the withholding of state and federal income tax refunds under s. ~~46.255~~ 49.855 and 42 USC 664.

SECTION 2130m. 46.25 (12) of the statutes is repealed.

SECTION 2134. 46.25 (14) of the statutes is repealed.

SECTION 2135. 46.253 (title) of the statutes is renumbered 49.36 (title).

SECTION 2136. 46.253 (1) of the statutes is renumbered 49.36 (1).

SECTION 2137. 46.253 (2) of the statutes is renumbered 49.36 (2) and amended to read:

49.36 **(2)** The department may contract with any county to administer a work experience and job training program for parents who are not custodial parents and who fail to pay child support or to meet their children's needs for support as a result of unemployment or underemployment. The program may provide the kinds of work experience and job training services available from the program under s. 49.193. The

department shall fund the program from the appropriation under s. ~~20.435 (4) (df)~~ 20.445 (3) (df).

SECTION 2138. 46.253 (3) of the statutes is renumbered 49.36 (3).

SECTION 2139. 46.253 (4) of the statutes is renumbered 49.36 (4).

SECTION 2140. 46.253 (5) of the statutes is renumbered 49.36 (5).

SECTION 2141. 46.253 (6) of the statutes is renumbered 49.36 (6).

SECTION 2142. 46.253 (7) of the statutes is renumbered 49.36 (7).

SECTION 2143. 46.254 (title) of the statutes is renumbered 49.85 (title).

SECTION 2145. 46.254 (1) of the statutes is amended to read:

46.254 **(1)** COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under s. 46.215, 46.22 or 46.23 or a governing body of a federally recognized American Indian tribe or band determines that the department of health and social services may recover an amount under s. ~~49.083,~~ 49.125, 49.195 (3) or 49.497, the county department or governing body shall notify the department of health and social services of the determination.

SECTION 2146. 46.254 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.85 (1) and amended to read:

49.85 **(1)** COUNTY DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under s. 46.215, 46.22 or 46.23 or a governing body of a federally recognized American Indian tribe or band determines that the department of health and social services may recover an amount under s. ~~49.125, 49.195 (3) or~~ 49.497 or that the department of industry, labor and human relations may recover an amount under s. 49.125 or 49.195 (3), the county department or governing body shall notify the affected department ~~of health and social services~~ of the determination.

SECTION 2148. 46.254 (2) of the statutes is amended to read:

46.254 **(2)** DEPARTMENT CERTIFICATION. At least annually, the department shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of health and social services, the department has determined that it may recover under ss. ~~49.083,~~ 49.125, 49.195 (3) and 49.497, except that the department may not certify an amount under this subsection unless the department has met the notice requirements under sub. (3) and unless the department's determination has either not been appealed or is no longer under appeal.

SECTION 2149. 46.254 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.85 (2) (a) and amended to read:

49.85 **(2)** (a) At least annually, the department of health and social services shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of health and social services, the department of health and social services has determined that it may recover under ~~ss. 49.125, 49.195 (3) and~~ s. 49.497, except that the department of health and social services may not certify an amount under this subsection unless ~~the department~~ it has met the notice requirements under sub. (3) and unless ~~the department's~~ its determination has either not been appealed or is no longer under appeal.

SECTION 2150. 46.254 (3) (intro.) of the statutes is renumbered 49.85 (3) (a) (intro.) and amended to read:

49.85 **(3)** (a) (intro.) At least 30 days before certification of an amount, the department of health and social services shall send a notice to the last–known address of the person from whom ~~the~~ that department intends to recover the amount. The notice shall do all of the following:

SECTION 2152. 46.254 (3) (a) of the statutes is amended to read:

46.254 **(3)** (a) Inform the person that the department intends to certify to the department of revenue an amount that the department of health and social services has determined to be due under s. ~~49.083,~~ 49.125, 49.195 (3) or 49.497, for setoff from any state tax refund that may be due the person.

SECTION 2153. 46.254 (3) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.85 (3) (a) 1. and amended to read:

49.85 **(3)** (a) 1. Inform the person that the department of health and social services intends to certify to the department of revenue an amount that the department of health and social services has determined to be due under s. ~~49.125,~~ ~~49.195 (3) or~~ 49.497, for setoff from any state tax refund that may be due the person.

SECTION 2154. 46.254 (3) (b) to (e) of the statutes are renumbered 49.85 (3) (a) 2. to 5. and amended to read:

49.85 **(3)** (a) 2. Inform the person that he or she may appeal the ~~department's~~ determination of the department of health and social services to certify the amount by requesting a hearing under sub. (4) within 30 days after the date of the letter and inform the person of the manner in which he or she may request a hearing.

3. Inform the person that, if the ~~department's~~ determination of the department of health and social services is appealed, ~~the~~ that department will not certify the amount to the department of revenue while the determination of the department of health and social services is under appeal.

4. Inform the person that, unless a contested case hearing is requested to appeal the ~~department's~~ determination of the department of health and social services, the person may be precluded from challenging any subsequent setoff of the certified amount by the department of revenue, except on the grounds that the

certified amount has been partially or fully paid or otherwise discharged, since the date of the notice.

5. Request that the person inform the department of health and social services if a bankruptcy stay is in effect with respect to the person or if the claim has been discharged in bankruptcy.

SECTION 2155. 46.254 (3) (f) of the statutes is renumbered 49.85 (3) (a) 6.

SECTION 2156. 46.254 (4) of the statutes is renumbered 49.85 (4) (a) and amended to read:

49.85 **(4)** (a) If a person has requested a hearing under this subsection, the department of health and social services shall hold a contested case hearing under s. 227.44, except that the department of health and social services may limit the scope of the hearing to exclude issues that were presented at a prior hearing or that could have been presented at a prior opportunity for hearing.

SECTION 2157. 46.254 (5) of the statutes is renumbered 49.85 (5) and amended to read:

49.85 **(5)** EFFECT OF CERTIFICATION. Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93. Certification of an amount under this section does not prohibit the department of health and social services or the department of industry, labor and human relations from attempting to recover the amount through other legal means. The department of health and social services or the department of industry, labor and human relations shall promptly notify the department of revenue upon recovery of any amount previously certified under this section.

SECTION 2157e. 46.255 of the statutes is renumbered 49.855, and 49.855 (1), (2), (4), (4m) (b) and (c), (5) and (7), as renumbered, are amended to read:

49.855 **(1)** If a person obligated to provide child support or maintenance is delinquent in making court–ordered payments, or owes an outstanding amount that has been ordered by the court for past support, medical expenses or birth expenses, the clerk of circuit court, upon application of the county designee under s. 59.07 (97) or the department of industry, labor and human relations, shall certify the delinquent payment or outstanding amount to the department of industry, labor and human relations.

(2) At least annually, the department of ~~health and social services~~ industry, labor and human relations shall provide to the department of revenue the certifications that it receives under sub. (1) and any certifications of delinquencies or outstanding amounts that it receives from another state because the obligor resides in this state.

(4) The department of revenue shall send that portion of any state or federal tax refunds or credits withheld for delinquent child support or maintenance or past support, medical expenses or birth expenses to the department of ~~health and social services~~ industry, labor and human relations for distribution to the appropriate clerk of circuit court. The department of ~~health and social services~~ industry, labor and human relations shall make a settlement at least annually with the department of revenue and with each clerk of circuit court who has certified a delinquent obligation or outstanding amount for past support, medical expenses or birth expenses. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits and returned to the clerk of circuit court and the administrative costs incurred by the department of revenue. The department of ~~health and social services~~

industry, labor and human relations may charge the county whose clerk of circuit court certified the obligation or outstanding amount the related administrative costs incurred by the department of ~~health and social services~~ industry, labor and human relations and the department of revenue.

(4m) (b) The department of revenue may provide a certification that it receives under sub. (2) or (2m) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. ~~49~~ 46 or 108. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. ~~49~~ 46 or 108, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. The family court commissioner may conduct the hearing. Pending further order by the court or family court commissioner, the clerk of circuit court may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is

a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance.

(c) Except as provided by order of the court after hearing under par. (b), the department of administration shall continue withholding until the amount certified is recovered in full. The department of administration shall transfer the amounts withheld under this paragraph to the department of health and social services, or to the department of industry, labor and human relations for distribution to the appropriate clerk of court, whichever is appropriate.

(5) Certification of an obligation to the department of ~~health and social services~~ industry, labor and human relations does not deprive any party of the right to collect the obligation or to prosecute the obligor. The clerk of court shall immediately notify the department of industry, labor and human relations of any collection of an obligation that has been certified by the clerk of court. The department of industry, labor and human relations shall correct the certified obligation according to the amount the county has collected and report the correction to the department of revenue.

(7) The department of industry, labor and human relations may provide a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.351 (2) (c), 45.356 (6), 45.396 (6), 45.74 (6), 144.25 (8) (L), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d) or (3g) (c), 234.905 (3) (d) or 949.08 (2) (g).

SECTION 2157r. 46.258 (title) of the statutes is renumbered 49.163 (title).

SECTION 2157x. 46.258 (1) of the statutes is amended to read:

46.258 **(1)** From the appropriation under s. 20.435 (4) ~~(ga)~~ (c), the department shall award grants to counties for programs to revise child support orders. Each county receiving a grant shall review child support orders awarded to persons whose children receive benefits under s. 49.19 and to persons whose children do not receive benefits under s. 49.19 and shall initiate actions to revise the orders based on that review. Each county receiving a grant shall review child support orders awarded to persons whose children receive benefits under s. 49.19 and child support orders awarded to persons whose children do not receive benefits under s. 49.19 in proportion to the number of those 2 categories of orders in the county's child support case load. Before a county may initiate an action to revise a child support order under this subsection for a person whose children do not receive benefits under s. 49.19, the custodial parent of the children must voluntarily consent to the revision.

SECTION 2158b. 46.258 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.163 (1) and amended to read:

49.163 **(1)** From the appropriation under s. ~~20.435 (4)~~ 20.445 (3) (c), the department shall award grants to counties for programs to revise child support orders. Each county receiving a grant shall review child support orders awarded to persons whose children receive benefits under s. 49.19 and to persons whose children do not receive benefits under s. 49.19 and shall initiate actions to revise the orders based on that review. Each county receiving a grant shall review child support orders awarded to persons whose children receive benefits under s. 49.19 and child support orders awarded to persons whose children do not receive benefits under s. 49.19 in proportion to the number of those 2 categories of orders in the county's child support case load. Before a county may initiate an action to revise a child support order under

this subsection for a person whose children do not receive benefits under s. 49.19, the custodial parent of the children must voluntarily consent to the revision.

SECTION 2159. 46.258 (2) (a) (intro.) of the statutes is amended to read:

46.258 **(2)** (a) (intro.) From the appropriation under s. 20.435 (4) ~~(g)~~ (c), the department shall provide state incentive payments, in a total amount of not less than $259,000 in each fiscal year, to counties that meet the child support collection and child support administrative efficiency criteria, according to a distribution formula determined by the department that does all of the following:

SECTION 2160b. 46.258 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.163 (2) (a) (intro.) and amended to read:

49.163 **(2)** (a) (intro.) From the appropriation under s. ~~20.435 (4)~~ 20.445 (3) (c), the department shall provide state incentive payments, in a total amount of not less than $259,000 in each fiscal year, to counties that meet the child support collection and child support administrative efficiency criteria, according to a distribution formula determined by the department that does all of the following:

SECTION 2160f. 46.258 (2) (a) 1. to 3. of the statutes are renumbered 49.163 (2) (a) 1. to 3., and 49.163 (2) (a) 3., as renumbered, is amended to read:

49.163 **(2)** (a) 3. Provides for state incentive payments to a county in an amount such that the total of state and federal incentive payments to the county is not more than 5% more than the costs of the county's child support program under s. ~~46.25~~ 49.143.

SECTION 2160h. 46.258 (2) (b) of the statutes is renumbered 49.163 (2) (b) and amended to read:

49.163 **(2)** (b) A county that receives a state incentive payment under par. (a) may use the funds only to pay the costs of its child support program under s. ~~46.25~~ 49.143.

SECTION 2160m. 46.26 (title) of the statutes is repealed.

SECTION 2160p. 46.26 (1) of the statutes is repealed.

SECTION 2161m. 46.26 (2) (title) and (a) of the statutes are repealed.

SECTION 2161p. 46.26 (2) (b) of the statutes is repealed.

SECTION 2162m. 46.26 (2) (c) of the statutes is repealed.

SECTION 2162p. 46.26 (2m) of the statutes is repealed.

SECTION 2162r. 46.26 (3) (title) and (a) of the statutes are repealed.

SECTION 2163m. 46.26 (3) (c) of the statutes is repealed.

SECTION 2164m. 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

46.26 **(3)** (d) Subject to pars. (dd), (de) and (dg), in addition to the funds allocated under par. (c), the department of health and social services shall allocate funds to counties under sub. (4) (b) 2. and shall consider each county's proportionate use of applicable services of the department of health and social services under ss. 48.34 and 48.366 or the department of corrections under ~~ss.~~ s. 48.366 ~~and 48.537~~ during previous calendar years.

SECTION 2164p. 46.26 (3) (d) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2165. 46.26 (3) (dd) of the statutes is repealed.

SECTION 2166. 46.26 (3) (de) of the statutes is repealed.

SECTION 2167. 46.26 (3) (dg) of the statutes is repealed.

SECTION 2168. 46.26 (3) (dm) of the statutes is amended to read:

46.26 **(3)** (dm) The department of health and social services may carry forward for a county from one calendar year to another funds allocated under this subsection that are not spent or encumbered. The amount that the department may carry forward for a county under this paragraph may not exceed ~~3%~~ 5% of the amount allocated to the county for the 12–month period ending December 31. The funds carried forward under this paragraph do not affect a county's base allocation.

SECTION 2168m. 46.26 (3) (dm) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2168p. 46.26 (3) (e) of the statutes is repealed.

SECTION 2169. 46.26 (3) (em) of the statutes is created to read:

46.26 **(3)** (em) The department of health and social services may carry forward any emergency funds allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm) by December 31 to the next 2 calendar years. The department may transfer moneys from or within s. 20.435 (3) (cd) to accomplish this purpose. The department may allocate these transferred moneys to counties that are eligible for emergency payments under sub. (7) (e). The allocation does not affect a county's base allocation.

SECTION 2169m. 46.26 (3) (em) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2170. 46.26 (3) (f) of the statutes is repealed.

SECTION 2171g. 46.26 (4) (title) of the statutes is repealed.

SECTION 2171m. 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

46.26 **(4)** (a) Except as provided in pars. (c) and (cm), the department of health and social services shall bill counties or deduct from the allocations under s. 20.435

(3) (cd) for the costs of care, services and supplies purchased or provided by the department of health and social services for each person receiving services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections for each person receiving services under s. 48.366. The department of health and social services may not bill a county for or deduct from a county's allocation the cost of care, services and supplies provided to a person subject to an order under s. 48.366 after the person reaches 19 years of age ~~or provided to a person subject to an order under s. 48.34 (4g)~~. Payment shall be due within 60 days of the billing date. If any payment has not been received within 60 days, the department of health and social services may withhold aid payments in the amount due from the appropriation under s. 20.435 (3) (cd) or (7) (b).

SECTION 2171p. 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), section 2171m, is repealed and recreated to read:

46.26 **(4)** (a) Except as provided in pars. (c) and (cm), the department of health and social services shall bill counties or deduct from the allocations under s. 20.435 (3) (cd) for the costs of care, services and supplies purchased or provided by the department of health and social services for each person receiving services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections for each person receiving services under s. 48.366. The department of health and social services may not bill a county for or deduct from a county's allocation the cost of care, services and supplies provided to a person subject to an order under s. 48.366 after the person reaches 18 years of age. Payment shall be due within 60 days of the billing date. If any payment has not been received within 60 days, the department of health and social services may withhold aid payments in the amount due from the appropriation under s. 20.435 (3) (cd) or (7) (b).

SECTION 2171r. 46.26 (4) (a) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), sections 2171m and 2171p, is repealed.

SECTION 2173m. 46.26 (4) (b) 1. of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

46.26 **(4)** (b) 1. Assessment of costs under par. (a) shall be made periodically on the basis of a per person per day cost estimate adjusted at least annually by the department. Except as provided in pars. (bm), (c)~~,~~ and (cm) ~~and (dr)~~, liability shall apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising jurisdiction under ch. 48 for each person receiving services from the department of health and social services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections under s. 48.366. Except as provided in pars. (bm), (c)~~,~~ and (cm) ~~and (dr)~~, in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) and (d) to the total applicable estimated costs of care, services and supplies provided by the department of health and social services under ss. 48.34, 48.366 and 51.35 (3) or the department of corrections under ~~ss. 48.34 (4g) and~~ s. 48.366.

SECTION 2173p. 46.26 (4) (b) 1. of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2174. 46.26 (4) (b) 2. of the statutes is repealed.

SECTION 2175m. 46.26 (4) (bm) of the statutes is repealed.

SECTION 2176m. 46.26 (4) (c) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

46.26 **(4)** (c) Notwithstanding pars. (a), (b) 1. and (bm), ~~but subject to par. (dr),~~ the department of health and social services shall pay, from the appropriation under s. 20.435 (3) (hm), the costs of care, services and supplies provided for each person receiving services under ss. 48.34, 48.366 and 51.35 (3) who was under the guardianship of the department pursuant to an order under ch. 48 at the time that the person was adjudicated delinquent.

SECTION 2176p. 46.26 (4) (c) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2177m. 46.26 (4) (cm) 1. of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

46.26 **(4)** (cm) 1. Notwithstanding pars. (a), (b) 1. and (bm), ~~but subject to par. (dr),~~ the department shall transfer funds from the appropriation under s. 20.435 (3) (cg) to the appropriation under s. 20.435 (3) (hm) for the purpose of reimbursing juvenile correctional institutions for costs incurred beginning on January 1, 1995, for the care of any child who is placed in a juvenile correctional facility based on a delinquent act that is a violation of s. 940.01, 940.02, 940.03, 940.05, 940.225 (1) or 943.32 (2).

SECTION 2177p. 46.26 (4) (cm) 1. of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2177r. 46.26 (4) (cm) 2. of the statutes is repealed.

SECTION 2177t. 46.26 (4) (cm) 3. of the statutes is repealed.

SECTION 2178m. 46.26 (4) (d) 1. of the statutes is repealed.

SECTION 2179m. 46.26 (4) (d) 1m. of the statutes is repealed.

SECTION 2180m. 46.26 (4) (d) 2. of the statutes is amended to read:

46.26 **(4)** (d) 2. Beginning July 1, ~~1993~~ 1995, and ending December 31, ~~1993~~ 1995, the per person daily cost assessment to counties shall be ~~$101.55~~ $120.73 for care in a juvenile correctional institution, ~~$101.55~~ $120.73 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by the department of corrections by rule for maintaining a prisoner in an adult correctional institution, ~~$131.65~~ $147.91 for care in a child caring institution, ~~$92.03~~ $102.53 for care in a group home for children, ~~$21.02~~ $22.84 for care in a foster home, ~~$58.37~~ $65.94 for care in a treatment foster home, $86.51 for departmental corrective sanctions services and ~~$11.57~~ $12.20 for departmental aftercare services.

SECTION 2180p. 46.26 (4) (d) 2. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2181m. 46.26 (4) (d) 3. of the statutes is amended to read:

46.26 **(4)** (d) 3. ~~In calendar year 1994~~ Beginning January 1, 1996, and ending June 30, 1996, the per person daily cost assessment to counties shall be ~~$111.73~~ $120.73 for care in a juvenile correctional institution, ~~$111.73~~ $120.73 for care for children transferred from a juvenile correctional institution under s. 51.35 (3), the dollar amount set by the department of corrections by rule for maintaining a prisoner in an adult correctional institution, ~~$141.05~~ $153.87 for care in a child caring institution, ~~$98.47~~ $106.69 for care in a group home for children, ~~$22.49~~ $23.80 for care in a foster home, ~~$62.46~~ $68.58 for care in a treatment foster home, ~~$66.75~~ $86.51 for departmental corrective sanctions services and ~~$12.96~~ $12.20 for departmental aftercare services.

SECTION 2181p. 46.26 (4) (d) 3. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2183m. 46.26 (4) (d) 4. of the statutes is repealed.

SECTION 2184m. 46.26 (4) (dm) of the statutes is repealed.

SECTION 2185m. 46.26 (4) (dr) of the statutes, as created by 1993 Wisconsin Act 377, is repealed.

SECTION 2186m. 46.26 (4) (e) of the statutes is repealed.

SECTION 2189m. 46.26 (4) (f) of the statutes is repealed.

SECTION 2190. 46.26 (4) (g) of the statutes is amended to read:

46.26 **(4)** (g) For juvenile field and institutional aftercare services under ch. 48 and for the juvenile offender review program ~~in the division of youth services in the department of health and social services~~, all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the general fund and shall be treated as a nonappropriated receipt.

SECTION 2190m. 46.26 (4) (g) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2190r. 46.26 (6) of the statutes is repealed.

SECTION 2191. 46.26 (7) (intro.) of the statutes is amended to read:

46.26 **(7)** ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of federal funds and of the appropriations under s. 20.435 (3) (cd) and (oo), the department shall allocate funds for community youth and family aids for the period beginning July 1, ~~1993~~ 1995, and ending June 30, ~~1995~~ 1996, as provided in this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

SECTION 2192g. 46.26 (7) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2192m. 46.26 (7) (a) of the statutes is amended to read:

46.26 **(7)** (a) For community youth and family aids under this section, amounts not to exceed ~~$36,190,500~~ $36,569,500 for the last 6 months of ~~1993, $72,381,000 for 1994~~ 1995 and ~~$36,190,500~~ $36,569,500 for the first 6 months of ~~1995~~ 1996.

SECTION 2192p. 46.26 (7) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2193. 46.26 (7) (b) 1. of the statutes is amended to read:

46.26 **(7)** (b) 1. For an adjustment to compensate selected counties, amounts not to exceed $4,991,100 for the last 6 months of ~~1993, $5,991,300 for 1994~~ 1995 and $1,000,200 for the first 6 months of ~~1995~~ 1996.

SECTION 2193m. 46.26 (7) (b) 1. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2194. 46.26 (7) (b) 2. of the statutes is amended to read:

46.26 **(7)** (b) 2. To determine eligibility for payments under this paragraph for fiscal year ~~1993–94~~ 1995–96, the department shall determine a percentage for each county by dividing the combined number of ~~1990~~ 1992 and ~~1991~~ 1993 assaultive and total Part I juvenile arrests in a county by the population of that county under 18 years of age. A county having a percentage exceeding 3.5% is eligible to receive these payments.

SECTION 2195. 46.26 (7) (b) 2. of the statutes, as affected by 1995 Wisconsin Act .... (this act), section 2194, is repealed and recreated to read:

46.26 **(7)** (b) 2. To determine eligibility for payments under this paragraph for fiscal year 1995–96, the department shall determine a percentage for each county by dividing the combined number of 1992 and 1993 assaultive and total Part I juvenile arrests in a county by the population of that county under 17 years of age. A county having a percentage exceeding 3.5% is eligible to receive these payments.

SECTION 2195m. 46.26 (7) (b) 2. of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 2194 and 2195, is repealed.

SECTION 2196. 46.26 (7) (b) 3. of the statutes is repealed.

SECTION 2196m. 46.26 (7) (b) 4. and 5. of the statutes are repealed.

SECTION 2197. 46.26 (7) (bn) of the statutes is amended to read:

46.26 **(7)** (bn) For counties not eligible for payments under par. (b), amounts not to exceed $100,000 for the last 6 months of ~~1993, $200,000 for 1994~~ 1995 and $100,000 for the first 6 months of ~~1995~~ 1996.

SECTION 2197m. 46.26 (7) (bn) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2198m. 46.26 (7) (e) of the statutes is amended to read:

46.26 **(7)** (e) For emergencies related to community youth and family aids under this section, amounts not to exceed $125,000 for the last 6 months of ~~1993, $250,000 for 1994~~ 1995 and $125,000 for the first 6 months of ~~1995~~ 1996. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

SECTION 2198p. 46.26 (7) (e) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2199. 46.26 (7) (f) of the statutes is amended to read:

46.26 **(7)** (f) For adjustments to have allocations to compensate for increases in per person daily cost assessments, amounts not to exceed ~~$216,400~~ $1,179,600 for the last 6 months of ~~1993, $1,552,200 for 1994 and $1,469,300~~ 1995 and $1,360,500 for the first 6 months of ~~1995~~ 1996. The department shall allocate funds under this paragraph in accordance with the requirements of sub. (3) (d).

SECTION 2200. 46.26 (7) (f) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2201. 46.26 (7) (g) of the statutes is repealed.

SECTION 2202m. 46.26 (7) (h) of the statutes is amended to read:

46.26 **(7)** (h) For counties that are participating in the corrective sanctions program under s. 48.533 (2), ~~$768,100 in 1994 and $768,100 in the first~~ $1,146,800 in the last 6 months of 1995 and $1,146,800 in the first 6 months of 1996 for the provision of corrective sanctions services for children from that county. In distributing funds to counties under this paragraph, the department shall determine a county's distribution by dividing the amount allocated under this paragraph by ~~105~~ the number of slots authorized for the program under s. 48.533 (2) and multiplying the quotient by the ~~average daily population of children from that county who are participating in the program~~ number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among counties as necessary to distribute funds based on the number of slots allocated to each county.

SECTION 2202p. 46.26 (7) (h) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2203g. 46.26 (8) (title) of the statutes is repealed.

SECTION 2203m. 46.26 (8) (a) of the statutes is amended to read:

46.26 **(8)** (a) From the amount of the allocations specified in sub. (7) (a), the department shall allocate $666,700 in the last 6 months of ~~1993, $1,333,400 in 1994~~ 1995 and $666,700 in the first 6 months of ~~1995~~ 1996 for alcohol and other drug abuse treatment programs.

SECTION 2203p. 46.26 (8) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2204. 46.26 (8) (b) of the statutes is amended to read:

46.26 **(8)** (b) From the amount of the allocations specified in sub. (7) (b) 1., the department shall allocate $333,300 in the last 6 months of ~~1993, $666,600 in 1994~~ 1995 and $333,300 in the first 6 months of ~~1995~~ 1996 for alcohol and other drug abuse treatment programs.

SECTION 2204m. 46.26 (8) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2205. 46.262 of the statutes is repealed.

SECTION 2205m. 46.263 (title) of the statutes is repealed and recreated to read:

46.263 (title) **Community intervention program.**

SECTION 2205p. 46.263 (title) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2206g. 46.263 (1) of the statutes is amended to read:

46.263 **(1)** From the appropriation under s. 20.435 (3) (f), the department shall distribute ~~$2,500,000 in the first 6 months of 1995~~ $3,750,000 in each year to counties for early intervention services for first offenders and for intensive community–based intervention services for seriously chronic offenders.

SECTION 2206m. 46.263 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2207. 46.263 (2) of the statutes is amended to read:

46.263 **(2)** To determine eligibility for a payment under sub. (1), the department shall require a county to submit a plan for the expenditure of that payment that ensures that the county targets the programs to be funded under that payment

appropriately ~~and that ensures that the county maintains or increases its aggregate expenditures from sources other than that payment for juvenile delinquency–related services at or above the average level of those expenditures in the 2 years preceding the year in which the payment is made under sub. (1)~~.

SECTION 2207m. 46.263 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2208. 46.263 (3) of the statutes is amended to read:

46.263 **(3)** The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the ~~number of children who are taken into custody statewide for alleged violations that are punishable as a Class A or a Class B felony if committed by an adult~~ violent Part I juvenile arrests reported statewide under the uniform crime reporting system of the office of justice assistance in the department of administration, during the most recent 2–year period for which that information is available. The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the number of children statewide who are placed in a juvenile correctional institution, during the most recent 2–year period for which that information is available. The department shall distribute 34% of the amounts distributed under sub. (1) based on each county's proportion of the ~~number of~~ total Part I juvenile ~~offenses~~ arrests reported statewide under the uniform crime reporting system of the ~~Wisconsin department~~ office of justice assistance, during the most recent 2–year period for which that information is available.

SECTION 2208m. 46.263 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2208p. 46.265 (title) and (1) of the statutes are repealed.

SECTION 2209m. 46.265 (2) of the statutes is amended to read:

46.265 **(2)** From the appropriation under s. 20.435 (3) ~~(cx)~~ (p), the department shall allocate $300,000 in each fiscal year to the organization that it has contracted with under sub. (1) for alcohol and other drug abuse education and treatment services for participants in that organization's youth diversion program.

SECTION 2209p. 46.265 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2209r. 46.265 (3) of the statutes is repealed.

SECTION 2210. 46.27 (2) (d) of the statutes is amended to read:

46.27 **(2)** (d) In consultation with representatives of counties, hospitals and nursing homes and with recipients of long–term community support services, develop guidelines for implementing the program and criteria for reviewing community options plans from counties participating in the program. The guidelines and criteria shall address cost–effectiveness, scope, feasibility and impact on the quality and appropriateness of health services and social services and shall provide counties with maximum flexibility to develop programs that address local needs.

SECTION 2211. 46.27 (2) (h) of the statutes is renumbered 46.27 (2) (h) (intro.) and amended to read:

46.27 **(2)** (h) (intro.) Promulgate all of the following as rules ~~to adopt~~:

1. Adoption of a long–term community support service fee schedule as part of the uniform fee schedule under s. 46.03 (18) that is substantially similar to the fee calculation schedule existing on January 1, 1985, that was developed as a part of the guidelines required under par. (d).

SECTION 2212. 46.27 (2) (h) 2. of the statutes is created to read:

46.27 **(2)** (h) 2. Conditions of hardship under which the department may grant an exception to the requirement of sub. (6r) (c).

SECTION 2213. 46.27 (2) (i) of the statutes is created to read:

46.27 **(2)** (i) Review and approve or disapprove waiver requests under sub. (3) (f), review and approve or disapprove requests for exceptions under sub. (6r) (c) and provide technical assistance to a county that reaches or exceeds the annual allocation limit specified in sub. (3) (f) in order to explore alternative methods of providing long–term community support services for persons who are in group living arrangements in that county.

SECTION 2214. 46.27 (2) (j) of the statutes is created to read:

46.27 **(2)** (j) By January 1, 1997, develop a model contract for use by counties for purchase of long–term community support services for persons who reside in community–based residential facilities. The governor and the joint committee on finance shall approve the model contract before it is implemented.

SECTION 2215. 46.27 (3) (e) 1. of the statutes is amended to read:

46.27 **(3)** (e) 1. For a county with an annual allocation for provision of long–term community support services under sub. (7) (b) ~~1m.~~ that exceeds $185,000, the department shall, unless the department finds that an emergency or unusual circumstance exists, designate a portion of the county's allocation for increased service in each calendar year that the county fails to meet the requirement, to one or more of the groups specified under sub. (4) (a) 1. a. to e.

SECTION 2216. 46.27 (3) (e) 2. of the statutes is amended to read:

46.27 **(3)** (e) 2. For a county with an annual allocation for provision of long–term community support services under sub. (7) (b) ~~1m.~~ that is $185,000 or less, the department may designate a portion of the county's allocation for increased service

in each calendar year that the county fails to meet the requirement, to one or more of the groups specified under sub. (4) (a) 1. a. to e.

SECTION 2217. 46.27 (3) (f) of the statutes is created to read:

46.27 **(3)** (f) Beginning on January 1, 1996, from the annual allocation to the county for the provision of long–term community support services under subs. (7) (b) and (11), annually establish a maximum total amount, not to exceed 25% of the annual allocation, that may be encumbered in a calendar year for services for eligible individuals in community–based residential facilities. If the total amount that is encumbered for services for individuals in community–based residential facilities who are receiving services under sub. (7) (b) on January 1, 1996, exceeds 25% of the county's annual allocation, a county may request a waiver of the requirement under this paragraph from the department. The department need not promulgate as rules under ch. 227 the standards for granting a waiver request under this paragraph.

SECTION 2218. 46.27 (4) (c) 4. of the statutes is amended to read:

46.27 **(4)** (c) 4. A description of the method to be used to coordinate the use of funds received under this program with the use of other funds allocated to the county under ss. 46.495 (1) (d), 46.80 (5)~~,~~ and 46.85 (3m) (b) 1. and 2. ~~and 49.52 (1) (d)~~ and to county departments under s. 51.423.

SECTION 2219. 46.27 (5) (b) of the statutes is amended to read:

46.27 **(5)** (b) Within the limits of state and federal funds allocated under sub. (7), arrange service contracts under s. 46.036 and ensure the provision of necessary long–term community support services for each person who meets the criteria specified in sub. (6) (b). No county department or aging unit may use funds allocated under sub. (7) (b) to provide services in any community–based residential facility unless the county department or aging unit uses as a service contract the approved

model contract developed under sub. (2) (j) or a contract that includes all of the provisions of the approved model contract.

SECTION 2220. 46.27 (5) (i) of the statutes is amended to read:

46.27 **(5)** (i) In the instances in which an individual who is provided long–term community support services under par. (b) for which the individual receives direct funding, serve directly as a fiscal agent or contract with a fiscal intermediary to serve as a fiscal agent for that individual for the purposes of performing the responsibilities and protecting the interests of the individual under the unemployment compensation law. The county department or aging unit may elect to act as a fiscal agent or contract with a fiscal intermediary to serve as a fiscal agent for an individual who is provided long–term support services under s. 46.275, 46.277, 46.278, ~~49.52,~~ 46.495, 51.42 or 51.437. The fiscal agent under this paragraph is responsible for remitting any federal unemployment compensation taxes or state unemployment compensation contributions owed by the individual, including any interest and penalties which are owed by the individual; for serving as the representative of the individual in any investigation, meeting, hearing or appeal involving ch. 108 or the federal unemployment tax act (26 USC 3301 to 3311) in which the individual is a party; and for receiving, reviewing, completing and returning all forms, reports and other documents required under ch. 108 or the federal unemployment tax act on behalf of the individual. An individual may make an informed, knowing and voluntary election to waive the right to a fiscal agent. The waiver may be as to all or any portion of the fiscal agent's responsibilities. The waiver may be rescinded in whole or in part at any time.

SECTION 2220j. 46.27 (6) (a) 1. of the statutes is amended to read:

46.27 **(6)** (a) 1. Within the limits of state and federal funds allocated under sub. (7) and within the limits of fees collected, an assessment shall be conducted for any person identified in sub. (5) (e) or who is seeking admission to or is about to be admitted to a nursing home. A fee may be charged, unless prohibited, for the assessment.

SECTION 2220k. 46.27 (6) (b) (intro.) of the statutes is amended to read:

46.27 **(6)** (b) (intro.) Within the limits of state and federal funds allocated under sub. (7) and within the limits of fees collected unless prohibited, a community services case plan shall be developed for any person with chronic disabilities:

SECTION 2220L. 46.27 (6) (c) of the statutes is created to read:

46.27 **(6)** (c) The amount of any fee charged for conduct of an assessment under par. (a) or for development of a case plan under par. (b) shall be in accordance with a sliding scale formula established by the department by rule under sub. (12) (c). A fee may not be charged if prohibited under 42 USC 1396 to 1396v or under regulations under 42 USC 1396 to 1396v.

SECTION 2221. 46.27 (6r) (a) of the statutes is amended to read:

46.27 **(6r)** (a) A person who is initially eligible for services under sub. (7) (b), for whom home and community–based services are available under sub. (11) or s. 46.275, 46.277 or 46.278 that require less total expenditure of state funds than do comparable services under sub. (7) (b) and who is eligible for and offered the home and community–based services under sub. (11) or s. 46.275, 46.277 or 46.278, but who declines the offer, except that a county may use funds received under sub. (7) (b) to pay for long–term community support services for the person for a period of up to 90 days during which an application for services under sub. (11) or s. 46.275, 46.277 or 46.278 for the person is processed.

SECTION 2222. 46.27 (6r) (c) of the statutes is created to read:

46.27 **(6r)** (c) A person who resides or intends to reside in a community–based residential facility and who is initially applying for long–term community support services, if the projected cost of services for the person, plus the cost of services for existing participants, would cause the county to exceed the limitation under sub. (3) (f), unless the department grants an exception to the requirement under this paragraph, under the conditions specified by rule, to avoid hardship to the person.

SECTION 2223c. 46.27 (6r) (e) of the statutes is created to read:

46.27 **(6r)** (e) A person who has not resided in this state for at least 180 consecutive days before applying for or receiving long–term community support services that are funded under sub. (7) (b).

SECTION 2223m. 46.27 (6u) (c) 2. of the statutes is amended to read:

46.27 **(6u)** (c) 2. For a person who is determined to be financially eligible under subd. 1. calculate, by use of the uniform fee system under s. 46.03 (18), the amount of cost sharing required for receipt of long–term community support services provided under sub. (5) (b). The county department or aging unit shall require payment by the person of ~~at least 50%~~ 100% of the amount calculated under this subdivision.

SECTION 2223t. 46.27 (7) (am) of the statutes is amended to read:

46.27 **(7)** (am) From the appropriation under s. 20.435 (7) (bd), the department shall allocate funds to each county or private nonprofit agency with which the department contracts to pay assessment and case plan costs under sub. (6) not otherwise paid by fee or under s. 46.032 or 49.45. The department shall reimburse counties for the cost of assessing persons eligible for medical assistance under s. 49.46, 49.468 or 49.47 as part of the administrative services of medical assistance,

payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this paragraph to pay the cost of long–term community support services.

SECTION 2224. 46.27 (7) (am) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

46.27 **(7)** (am) From the appropriation under s. 20.435 (7) (bd), the department shall allocate funds to each county or private nonprofit agency with which the department contracts to pay assessment and case plan costs under sub. (6) not otherwise paid by fee or under s. ~~46.032~~ 49.33 (2) or 49.45. The department shall reimburse counties for the cost of assessing persons eligible for medical assistance under s. 49.46, 49.468 or 49.47 as part of the administrative services of medical assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this paragraph to pay the cost of long–term community support services.

SECTION 2226m. 46.27 (7) (b) 1m. of the statutes is amended to read:

46.27 **(7)** (b) 1m. From the ~~appropriation~~ appropriations under s. 20.435 (7) (bd) and (im), the department shall allocate funds to each county to pay the cost of providing long–term community support services under sub. (5) (b) not otherwise paid under s. 49.45 to persons eligible for medical assistance under s. 49.46 or 49.47 or to persons whom the county department or aging unit administering the program finds likely to become medically indigent within 6 months by spending excess income or assets for medical or remedial care. The average per person reimbursement under this paragraph may not exceed the state share of the average per person payment rate the department expects under s. 49.45 (6m). The county department or aging unit administering the program may spend funds received under this paragraph only in accordance with the case plan and service contract created for each person receiving long–term community support services.

SECTION 2226n. 46.27 (7) (b) 1r. of the statutes is created to read:

46.27 **(7)** (b) 1r. Reimbursement under this paragraph for long–term community support services provided to a person in a month may not exceed the average monthly cost of nursing home care, as determined by the department, except that this limitation does not apply to any of the following:

a. A person under the age of 22.

b. A ventilator–dependent person.

c. A person not specified under subd. 1r. a. or b., if the department determines that the cost of providing the person with nursing home care would exceed the cost of providing the person with care in the community. In making this determination, the department shall consider the actual nursing home costs of that person and the extent to which publicly funded costs or, if the person is ineligible for medical assistance under s. 49.46, 49.468 or 49.47, private costs for nursing home care would actually exceed the cost of providing the person with care in the community.

d. Any individual, if the department determines that nursing home care is not available for that individual.

e. Any individual, if the department determines that public funding is not available for the institutional care of that individual.

SECTION 2227. 46.27 (7) (b) 2. of the statutes is renumbered 46.27 (7) (cg) and amended to read:

46.27 **(7)** (cg) No county may use funds received under ~~this paragraph~~ par. (b) to pay for long–term community support services provided any person who resides in a nursing home, unless the department waives this restriction on use of funds and the services are provided in accordance with a discharge plan.

SECTION 2228. 46.27 (7) (c) 2. of the statutes is amended to read:

46.27 **(7)** (c) 2. Receipt of funds under this section is subject to s. ~~49.52 (2)~~ 46.495 (2).

SECTION 2229. 46.27 (7) (cm) of the statutes is created to read:

46.27 **(7)** (cm) 1. Beginning on January 1, 1996, no county, private nonprofit agency or aging unit may use funds received under par. (b) to provide services in any community–based residential facility, as defined in s. 50.01 (1g), that has more than 8 beds, unless one of the following applies:

a. The department approves the provision of services in a community–based residential facility that has no more than 16 beds and that meets standards established under subd. 2.

b. The department approves the provision of services in a community–based residential facility that entirely consists of independent apartments, each of which has an individual lockable entrance and exit and individual separate kitchen, bathroom, sleeping and living areas, to individuals who are provided services under sub. (5) (b) and are physically disabled or are at least 65 years of age.

2. By January 1, 1996, the department shall establish standards for approvals made under subd. 1. a., including whether the proposed use of funds for residents at the community–based residential facility in question adequately provides for all of the following:

a. Sufficient responsiveness to individual resident needs.

b. Maintenance of approved levels of quality of care.

c. Cost effectiveness, in comparison with other feasible funding uses.

d. Sufficient consideration of care for facility residents with dementia or related conditions.

3. The department need not promulgate as rules under ch. 227 the standards required to be established under subd. 2.

4. This paragraph does not apply to individuals who are receiving services under this section that are funded under par. (b) and who are residing in community–based residential facilities with more than 8 beds on January 1, 1996.

SECTION 2229r. 46.27 (7g) of the statutes is created to read:

46.27 **(7g)** RECOVERY OF COSTS OF CARE. (a) In this subsection:

1. "Client" means a person who receives or received long–term community support services that are funded under sub. (7).

2. "Disabled" has the meaning given in s. 49.468 (1) (a) 1.

3. "Home" means property in which a person has an ownership interest consisting of the person's dwelling and the land used and operated in connection with the dwelling.

(b) 1. Except as provided in subd. 2., the department may obtain a lien on a client's home if the client resides in a nursing home, community–based residential facility, adult family home or assisted living facility and cannot reasonably be expected to be discharged from the nursing home, community–based residential facility, adult family home or assisted living facility and return home. The lien is for the amount of long–term support community services paid on behalf of the client under sub. (7).

2. The department may not obtain a lien under this paragraph if any of the following persons lawfully reside in the home:

a. The client's spouse.

b. The client's child who is under age 21 or is disabled.

c. The client's sibling who has an ownership interest in the home and who has lived in the home continuously beginning at least 12 months before the client was admitted to the nursing home, community–based residential facility, adult family home or assisted living facility.

3. Before obtaining a lien on a client's home under this paragraph, the department shall do all of the following:

a. Notify the client in writing of its determination that the client cannot reasonably be expected to be discharged from the nursing home, community–based residential facility, adult family home or assisted living facility, its intent to impose a lien on the client's home and the client's right to a hearing on whether the requirements for the imposition of a lien are satisfied.

b. Provide the client with a hearing if he or she requests one.

4. The department shall obtain a lien under this paragraph by recording a lien claim in the office of the register of deeds of the county in which the home is located.

5. The department may not enforce a lien under this paragraph while the client lives unless the client sells the home and does not have a living child who is under age 21 or disabled or a living spouse.

6. The department may not enforce a lien under this paragraph after the death of the client as long as any of the following survive the client:

a. A spouse.

b. A child who is under age 21 or disabled.

c. A child of any age who resides in the home, if that child resided in the home for at least 24 months before the client was admitted to the nursing home, community–based residential facility, adult family home or assisted living facility and provided care to the client that delayed the client's admission to the nursing

home, community–based residential facility, adult family home or assisted living facility.

d. A sibling who resides in the home, if the sibling resided in the home for at least 12 months before the client was admitted to the nursing home, community–based residential facility, adult family home or assisted living facility.

7. The department may enforce a lien imposed under this paragraph by foreclosure in the same manner as a mortgage on real property.

8. The department shall file a release of a lien imposed under this paragraph if the client is discharged from the nursing home, community–based residential facility, adult family home or assisted living facility and returns to live in the home.

(c) 1. Except as provided in subd. 4., the department shall file a claim against the estate of a client or against the estate of the surviving spouse of a client for the amount of long–term community support services funded under sub. (7) paid on behalf of the client after the client attained 55 years of age, unless already recovered by the department under this subsection.

2. The affidavit of a person designated by the secretary to administer this paragraph is evidence of the amount of the claim.

3. The court shall reduce the amount of a claim under subd. 1. by up to $3,000 if necessary to allow the client's heirs or the beneficiaries of the client's will to retain the following personal property:

a. The decedent's wearing apparel and jewelry held for personal use.

b. Household furniture, furnishings and appliances.

c. Other tangible personal property not used in trade, agriculture or other business, not to exceed $1,000 in value.

4. A claim under subd. 1. is not allowable if the decedent has a surviving child who is under age 21 or disabled or a surviving spouse.

5. If the department's claim is not allowable because of subd. 4. and the estate includes an interest in a home, the court exercising probate jurisdiction shall, in the final judgment, assign the interest in the home subject to a lien in favor of the department for the amount described in subd. 1. The personal representative shall record the final judgment as provided in s. 863.29.

6. The department may not enforce the lien under subd. 5. as long as any of the following survive the decedent:

a. A spouse.

b. A child who is under age 21 or disabled.

7. The department may enforce a lien under subd. 5. by foreclosure in the same manner as a mortgage on real property.

(d) The department may require the county department or aging unit selected to administer the program in each county to gather and provide the department with information needed to recover payment of long–term community support services under this subsection. The department shall pay to the county department or aging unit an amount equal to 5% of the recovery collected by the department relating to a beneficiary for whom the county department or aging unit made the last determination of eligibility for funding under sub. (7). A county department or aging unit may use funds received under this paragraph only to pay costs incurred under this paragraph and shall remit the remainder, if any, to the department for deposit in the appropriation account under s. 20.435 (7) (im). The department may withhold payments under this paragraph for failure to comply with the department's

requirements under this paragraph. The department shall treat payments made under this paragraph as costs of administration of the program.

(e) From the appropriation under s. 20.435 (7) (im), the department shall pay the amount of the payments under par. (d) and shall spend the remainder of the funds recovered under this subsection for long–term community support services funded under sub. (7) (b) 1m.

(f) 1. The department may recover amounts under this subsection for the provision of long–term community support services paid on and after January 1, 1996.

2. The department may file a claim under par. (c) only with respect to a client who dies after February 15, 1996.

(g) The department shall promulgate rules establishing standards for determining whether the application of this subsection would work an undue hardship in individual cases. If the department determines that the application of this subsection would work an undue hardship in a particular case, the department shall waive application of this subsection in that case.

SECTION 2231r. 46.27 (11) (c) 3m. of the statutes is created to read:

46.27 **(11)** (c) 3m. Reimbursement under this paragraph for long–term community support services provided to a person in a month may not exceed the average monthly cost of nursing home care, as determined by the department, except that this limitation does not apply to any of the following:

a. A person under the age of 22.

b. A ventilator–dependent person.

c. A person not specified under subd. 3m. a. or b., if the department determines that the cost of providing the person with nursing home care would exceed the cost

of providing the person with care in the community. In making this determination, the department shall consider the actual nursing home costs of that person and the extent to which costs under the medical assistance program for nursing home care would actually exceed the cost of providing the person with care in the community.

d. Any individual, if the department determines that nursing home care is not available for that individual.

e. Any individual, if the department determines that public funding is not available for the institutional care of that individual.

SECTION 2232. 46.27 (11) (c) 7. of the statutes is created to read:

46.27 **(11)** (c) 7. A county may use funds received under this subsection to provide supportive, personal or nursing services, as defined in rules promulgated under s. 49.45 (2) (a) 23., to a person who resides in a certified assisted living facility, as defined in s. 50.01 (1d). Funding of the services may not exceed 85% of the statewide medical assistance daily cost of nursing home care, as determined by the department.

SECTION 2233. 46.27 (11) (c) 8. of the statutes is created to read:

46.27 **(11)** (c) 8. No county, private nonprofit agency or aging unit may use funds received under this subsection to provide services in any community–based residential facility unless the county, agency or aging unit uses as a service contract the approved model contract developed under sub. (2) (j) or a contract that includes all of the provisions of the approved model contract.

SECTION 2234m. 46.27 (11g) of the statutes is created to read:

46.27 **(11g)** REPORT. Beginning January 1, 1997, and every January 1 thereafter, the department shall submit a report to the joint committee on finance and to the appropriate standing committees under s. 13.172 (3), summarizing the

data collected for the state and for individual counties under the program in the calendar year ending immediately before the preceding calendar year.

SECTION 2235g. 46.27 (12) (c) of the statutes is created to read:

46.27 **(12)** (c) A sliding scale formula for a fee chargeable for conduct of an assessment under sub. (6) (a) or for development of a case plan under sub. (6) (b) that is based on the person's ability to pay, unless prohibited from payment under 42 USC 1396 to 1396v or under regulations under 42 USC 1396 to 1396v.

SECTION 2236. 46.275 (1m) (a) of the statutes is amended to read:

46.275 **(1m)** (a) "Medical assistance" means aid provided under ~~ss. 49.43 to 49.47~~ subch. IV of ch. 49, except s. 49.468.

SECTION 2240. 46.275 (5) (b) 2. of the statutes is amended to read:

46.275 **(5)** (b) 2. Reduce federal, state or county matching expenditures for long–term community support services provided to any person as part of this program from funds allocated under s. 46.495 (1) (d), 46.80 (5), 46.85 (3m) (b) 1. and 2., ~~49.52 (1) (d)~~ or 51.423, as indicated in the county's budget or by actual expenditures.

SECTION 2244. 46.277 (1m) (a) of the statutes is amended to read:

46.277 **(1m)** (a) "Medical assistance" means aid provided under ~~ss. 49.43 to 49.47~~ subch. IV of ch. 49, except s. 49.468.

SECTION 2245. 46.277 (1m) (b) of the statutes is amended to read:

46.277 **(1m)** (b) "Program" means the community integration program for ~~facilities certified as medical assistance providers, for~~ which a waiver has been received under sub. (2).

SECTION 2247. 46.277 (2) (e) of the statutes is created to read:

46.277 **(2)** (e) Review and approve or disapprove waiver requests under sub. (3) (c), review and approve or disapprove requests for exceptions under sub. (5) (d) 3. and provide technical assistance to a county that reaches or exceeds the annual allocation limit specified in sub. (3) (c) in order to explore alternative methods of providing long–term community support services for persons who are in group living arrangements in that county.

SECTION 2248. 46.277 (3) (a) of the statutes is amended to read:

46.277 **(3)** (a) Sections 46.27 (3) (b) and 46.275 (3) (a) and (c) to (e) apply to county participation in this program, except that services provided in the program shall substitute for care provided a person in a skilled nursing facility or intermediate care facility who meets the level of care requirements for medical assistance reimbursement to that facility rather than for care provided at a state center for the developmentally disabled. The number of persons who receive services provided by the program under this paragraph may not exceed the number of nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted by the facility and approved by the department.

SECTION 2249. 46.277 (3) (b) 2. of the statutes is amended to read:

46.277 **(3)** (b) 2. Each county department participating in the program shall provide home or community–based care to persons eligible under this section, except that the number of persons who receive home or community–based care under this section may not exceed the number of nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted by the facility and approved by the department.

SECTION 2250. 46.277 (3) (c) of the statutes is created to read:

46.277 **(3)** (c) Beginning on January 1, 1996, from the annual allocation to the county for the provision of long–term community support services under sub. (5), annually establish a maximum total amount, not to exceed 25% of the annual allocation, that may be encumbered in a calendar year for services for eligible individuals in community–based residential facilities. If the total amount that is encumbered for services for individuals in community–based residential facilities who are receiving services under sub. (5) on January 1, 1996, exceeds 25% of the county's annual allocation, a county may request a waiver of the requirement under this paragraph from the department. The department need not promulgate as rules under ch. 227 the standards for granting a waiver request under this paragraph.

SECTION 2251. 46.277 (4) (a) of the statutes is amended to read:

46.277 **(4)** (a) Any medical assistance recipient who meets the level of care requirements for medical assistance reimbursement in a skilled nursing facility or intermediate care facility is eligible to participate in the program, except that the number of participants may not exceed the number of nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted by the facility and approved by the department. Such a recipient may apply, or any person may apply on behalf of such a recipient, for participation in the program. Section 46.275 (4) (b) applies to participation in the program.

SECTION 2253. 46.277 (4) (b) of the statutes is amended to read:

46.277 **(4)** (b) To the extent authorized under 42 USC 1396n, if a person discontinues participation in the program, a medical assistance recipient may participate in the program in place of the participant who discontinues if that recipient meets the level of care requirements for medical assistance reimbursement in a skilled nursing facility or intermediate care facility, except that the number of

participants may not exceed the number of nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted by the facility and approved by the department.

SECTION 2254. 46.277 (5) (d) 3. of the statutes is created to read:

46.277 **(5)** (d) 3. If subd. 2. a. or b. applies, no county may use funds received under this section to pay for services provided to a person who resides or intends to reside in a community–based residential facility and who is initially applying for the services, if the projected cost of services for the person, plus the cost of services for existing participants, would cause the county to exceed the limitation under sub. (3) (c). The department may grant an exception to the requirement under this subdivision, under the conditions specified by rule, to avoid hardship to the person.

SECTION 2255. 46.277 (5) (e) of the statutes is created to read:

46.277 **(5)** (e) A county may use funds received under this subsection to provide supportive, personal or nursing services, as defined in rules promulgated under s. 49.45 (2) (a) 23., to a person who resides in a certified assisted living facility, as defined in s. 50.01 (1d). Funding of the services may not exceed 85% of the statewide medical assistance daily cost of nursing home care, as determined by the department.

SECTION 2257. 46.277 (5g) (title) of the statutes is amended to read:

46.277 **(5g)** (title) ~~LIMITATION~~ LIMITATIONS ON SERVICE.

SECTION 2258. 46.277 (5g) of the statutes is renumbered 46.277 (5g) (a).

SECTION 2259. 46.277 (5g) (b) of the statutes is created to read:

46.277 **(5g)** (b) This section does not apply to the delicensure of a bed of an institution for mental diseases of an individual who is aged 21 to 64, who has a

primary diagnosis of mental illness and who otherwise meets the requirements of s. 46.266 (1) (a), (b) or (c).

SECTION 2261. 46.277 (5r) of the statutes is created to read:

46.277 **(5r)** RULE MAKING. The department shall promulgate rules that specify conditions of hardship under which the department may grant an exception to the requirement of sub. (5) (d) 3.

SECTION 2263. 46.278 (1m) (b) of the statutes is amended to read:

46.278 **(1m)** (b) "Medical assistance" means aid provided under ~~ss. 49.43 to 49.47~~ subch. IV of ch. 49, except s. 49.468.

SECTION 2266. 46.278 (6) (e) of the statutes is created to read:

46.278 **(6)** (e) The department may provide enhanced reimbursement for services under the program for an individual who was relocated to the community by a county department from an intermediate care facility for the mentally retarded that closes under s. 50.03 (14). The enhanced reimbursement rate under this paragraph shall be determined under a formula that is developed by the department.

SECTION 2269. 46.29 (1) (intro.) of the statutes is amended to read:

46.29 **(1)** (intro.) From the appropriation under s. 20.435 (6) (d), the department shall allocate up to ~~$12,000~~ $10,000 in each fiscal year for operation of the council on physical disabilities. The council on physical disabilities shall do all of the following:

SECTION 2270. 46.293 (title) of the statutes is created to read:

46.293 (title) **Specialized programs for the blind and visually impaired.**

SECTION 2271. 46.295 (title) of the statutes is created to read:

46.295 (title) **Interpreters for the hearing-impaired**.

SECTION 2272. 46.30 (3) (a) 1. of the statutes is amended to read:

46.30 **(3)** (a) 1. Administer funds received ~~from the department~~ under sub. (4) and funds from other sources provided to support a community action program.

SECTION 2276c. 46.30 (4) (a) of the statutes is amended to read:

46.30 **(4)** (a) The department shall ~~allocate~~ distribute the federal community services block grant funds received under 42 USC 9903 and deposited in the appropriations under s. 20.435 ~~(4) (mc) and (md) and the state supplement under s. 20.435 (4) (cr) as provided in this subsection~~ (6) (mc) and (7) (md).

SECTION 2276d. 46.30 (4) (cm) of the statutes is renumbered 49.32 (11) and amended to read:

49.32 **(11)** (title) COMMUNITY ACTION AGENCIES. The department shall ~~allocate~~ distribute all of the funds under s. ~~20.435 (4)~~ 20.445 (3) (cr) to community action agencies and organizations, including any of the 11 federally recognized tribal governing bodies in this state and limited–purpose agencies, in proportion to the share of funds actually allocated to these entities under 42 USC 1315 and from other federal and private foundation sources that provide funds for job creation and development for individuals with low incomes.

SECTION 2276e. 46.30 (4) (d) of the statutes is amended to read:

46.30 **(4)** (d) Before January 1 of each year the department shall contract with each agency and organization being funded, specifying the amount of money the organization will receive under this section and the activities to be carried out by the organization.

SECTION 2277b. 46.31 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.37, and 49.37 (1) (intro.) and (3), as renumbered, are amended to read:

49.37 **(1)** (intro.) From the appropriation under s. ~~20.435 (4)~~ 20.445 (3) (dk), the department shall allocate funds to new hope project, inc., for a demonstration project that will be conducted in 2 areas in the city of Milwaukee, if all of the following conditions are satisfied:

(3) The contract under sub. (1) (g) shall require an interim evaluation to be submitted to the department no later than January 1, 1993. New hope project, inc., may not use funds appropriated under s. ~~20.435 (4)~~ 20.445 (3) (dk) to fund the evaluation under sub. (1) (g).

SECTION 2277d. 46.31 (4) of the statutes is amended to read:

46.31 **(4)** This section does not apply after June 30, ~~1995~~ 1997.

SECTION 2278. 46.32 of the statutes is repealed.

SECTION 2280. 46.40 (1) of the statutes is renumbered 46.40 (1) (a) and amended to read:

46.40 **(1)** (a) Within the limits of available federal funds and of the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds for community social, mental health, developmental disabilities and alcohol and other drug abuse services and for services under ss. 46.51, 46.87, 46.98 (2m), (3) and (4g), 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, to county aging units and to private nonprofit organizations as authorized under s. 46.98 (2) (a), as provided in subs. (2) to ~~(12)~~ (8).

SECTION 2281m. 46.40 (2) of the statutes is amended to read:

46.40 **(2)** BASIC COUNTY ALLOCATION. For social services under s. 49.52 (1) (d) and services under s. 51.423 (2), the department shall distribute not more than ~~$121,552,100 for the last 6 months of 1993, not more than $246,743,400 for 1994 and~~

~~not more than $127,281,500 for the first 6 months of 1995~~ $292,368,400 for fiscal year 1995–96 and $292,109,500 for fiscal year 1996–97.

SECTION 2281s. 46.40 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

46.40 **(2)** BASIC COUNTY ALLOCATION. For social services under s. ~~49.52 (1) (d)~~ 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not more than $292,368,400 for fiscal year 1995–96 and $292,109,500 for fiscal year 1996–97.

SECTION 2282. 46.40 (2m) of the statutes is created to read:

46.40 **(2m)** FEDERAL BLOCK GRANT ALLOCATIONS. (a) *Prevention and treatment of substance abuse.* For prevention and treatment of substance abuse under 42 USC 300x–21 to 300x–35, the department shall distribute not more than $11,374,700 in fiscal year 1995–96 and not more than $11,572,700 in fiscal year 1996–97.

(b) *Community mental health services.* For community mental health services under 42 USC 300x to 300x–9, the department shall distribute not more than $2,513,400 in fiscal year 1995–96 and not more than $2,513,400 in fiscal year 1996–97.

SECTION 2283. 46.40 (3) (a) of the statutes is repealed.

SECTION 2284. 46.40 (3) (b) 1. of the statutes is repealed.

SECTION 2285. 46.40 (3) (b) 2. of the statutes is repealed.

SECTION 2286. 46.40 (3) (b) 3. of the statutes, as created by 1993 Wisconsin Act 446, is renumbered 46.40 (1) (b) and amended to read:

46.40 **(1)** (b) Notwithstanding s. 46.49, if the department receives any federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated under ~~sub.~~

~~(1)~~ par. (a) for the provision of foster care, the department shall distribute those federal moneys for services and projects to assist children and families.

SECTION 2287. 46.40 (3m) of the statutes is repealed.

SECTION 2288. 46.40 (4) of the statutes is repealed.

SECTION 2289b. 46.40 (4m) of the statutes is created to read:

46.40 **(4m)** LOW-INCOME CHILD CARE ALLOCATION. For low–income and at–risk child care, the department shall distribute under s. 46.98 (2) not more than $21,404,100 in fiscal year 1995–96 and not more than $21,504,800 in fiscal year 1996–97.

SECTION 2290. 46.40 (5) of the statutes is repealed.

SECTION 2291. 46.40 (6) of the statutes is repealed.

SECTION 2292m. 46.40 (7) of the statutes is amended to read:

46.40 **(7)** (title) FAMILY SUPPORT ~~PROGRAMS~~ ALLOCATION. For family support programs for the families of disabled children under s. 46.985, the department shall distribute not more than ~~$1,506,600 for the last 6 months of 1993, not more than $4,339,800 for 1994 and not more than $2,169,900 for the first 6 months of 1995~~ $4,339,800 in each fiscal year.

SECTION 2293m. 46.40 (8) of the statutes is amended to read:

46.40 **(8)** (title) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT ALLOCATION. For services to persons with Alzheimer's disease and their caregivers under s. 46.87, the department shall distribute not more than ~~$938,500 for the last 6 months of 1993, not more than $1,877,000 for 1994 and not more than $938,500 for the first 6 months of 1995~~ $1,877,000 for each fiscal year.

SECTION 2294. 46.40 (9) of the statutes is repealed.

SECTION 2295. 46.40 (10) of the statutes is repealed.

SECTION 2296. 46.40 (12) of the statutes is repealed.

SECTION 2296m. 46.40 (14m) of the statutes is created to read:

46.40 **(14m)** COUNTY COMMUNITY AIDS BUDGETS. Before December 1 of each year, each county department under ss. 46.215, 46.22, 46.23, 51.42 and 51.437 and each tribal governing body shall submit to the department a proposed budget for the expenditure of funds allocated under this section. The proposed budget shall be submitted on a form developed by the department and approved by the department of administration.

SECTION 2297. 46.45 (intro.) of the statutes is amended to read:

46.45 Carry-over of community aids funds. (intro.) Funds allocated by the department under ss. 46.495 (1) (d), 46.87 (3) (c) 4. and (4), 46.98 (2) (a), ~~49.52 (1) (d)~~ and 51.423 (2) but not spent or encumbered by counties, governing bodies of federally recognized American Indian tribes or private nonprofit organizations by December 31 of each year and funds recovered under ss. ~~49.52 (2) (b)~~ 46.495 (2) (b) and 51.423 (15) and deposited in the appropriation under s. 20.435 (7) (b) lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year under s. 20.435 (7) (b) or as follows:

SECTION 2298. 46.45 (1) of the statutes is amended to read:

46.45 **(1)** The department shall carry forward funds allocated for child care under s. 46.98 (2) (a) as provided under s. 20.435 ~~(6)~~ (3) (jg) and (n).

SECTION 2299. 46.45 (3) (a) of the statutes is amended to read:

46.45 **(3)** (a) Except as provided in par. (b), at the request of a county, tribal governing body or private nonprofit organization, the department shall carry forward up to 3% of the total amount allocated to the county, tribal governing body or nonprofit organization for a calendar year~~, except for funds allocated for child care~~

~~under s. 46.98 (2) (a), for use by the county, tribal governing body or nonprofit organization in the following calendar year. The department may not carry forward more than 25% of the amount distributed to a county, tribal governing body or nonprofit organization for any allocation under s. 46.40 (3) (a), (3m) and (5) to (12). The department may permit a county department or nonprofit organization to carry forward amounts allocated under s. 46.40 (4) (a) for child care services under s. 46.98 (3), as provided in s. 46.40 (4) (b).~~ All funds carried forward for a tribal governing body or nonprofit organization, all federal child welfare funds under 42 USC 620 to 626, ~~federal alcohol, drug abuse and mental health block grant funds under 42 USC 300x to 300x–9 and all child care funds under s. 46.98 (2) (a)~~ and all funds allocated under s. 46.40 (2m) carried forward for a county shall be used for the purpose for which the funds were originally allocated. Except as provided under par. (am), other funds carried forward may be used for any purpose under s. 20.435 (7) (b). ~~If a county match was required by s. 49.52 (1) (d) or 51.423 (2) when funds carried forward were originally distributed, the county match requirement applies to the funds in the following calendar year.~~

SECTION 2300. 46.47 (1) of the statutes is renumbered 46.47 and amended to read:

46.47 Community aids performance standards. The department, ~~with the assistance of representatives from counties and human services advocates,~~ after consultation with the department of administration and with county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, shall develop performance standards for ~~mental health and juvenile justice~~ services funded by community aids funds allocated under s. 46.40. These performance standards shall require a performance evaluation of any private sector human service provider receiving

community aids funds allocated under s. 46.40. The department shall implement the performance standards no later than July 1, 1996.

SECTION 2301. 46.47 (2) of the statutes is repealed.

SECTION 2301m. 46.48 (5) of the statutes is amended to read:

46.48 **(5)** ALCOHOL AND OTHER DRUG ABUSE RESIDENTIAL TREATMENT. For funding of at least 8 beds at a community–based residential facility in which English and Spanish are spoken, to provide treatment for alcohol and other drug abuse to residents of a 1st class city, the department may distribute not more than $248,200 for each fiscal year as a grant to the New Beginning residential treatment program in the city of Milwaukee. ~~This paragraph does not apply after June 30, 1995.~~

SECTION 2301n. 46.48 (6) (a) of the statutes is renumbered 46.48 (6).

SECTION 2301p. 46.48 (6) (b) of the statutes is repealed.

SECTION 2302m. 46.48 (13) of the statutes is amended to read:

46.48 **(13)** SUPPORTED EMPLOYMENT OPPORTUNITIES. The department shall distribute ~~not more than $30,000 in the last 6 months of 1993, not more than~~ at least $60,000 ~~for 1994 and not more than $30,000 for the first 6 months of 1995~~ in each fiscal year for programs to provide supported employment opportunities for severely disabled persons.

SECTION 2303m. 46.48 (14) of the statutes is amended to read:

46.48 **(14)** EPILEPSY SERVICES GRANTS. The department shall distribute not more than ~~$75,000 for the last 6 months of 1993, not more than~~ $150,000 ~~for 1994 and not more than $75,000 for the first 6 months of 1995~~ in each fiscal year for grants under s. 46.57 for services to persons with epilepsy.

SECTION 2304. 46.48 (16) (b) of the statutes is created to read:

46.48 **(16)** (b) In addition to the amounts distributed under par. (a), if the department receives any federal moneys under 45 CFR 1356.60 to match the expenditure of funds under par. (a), the department shall distributed those moneys for the purposes specified in par. (a).

SECTION 2306. 46.485 (1) of the statutes is amended to read:

46.485 **(1)** In this section~~, "severely:~~

(d) "Severely emotionally disturbed child" has the meaning given in s. 49.45 (25) (a).

SECTION 2307. 46.485 (1) (a) to (c) of the statutes are created to read:

46.485 **(1)** (a) "Inpatient facility" has the meaning given in s. 51.01 (10).

(b) "Limited service health organization" has the meaning given in s. 609.01 (3).

(c) "Serious emotional disturbance" has the meaning given in 42 USC 290ff–4 (d) (4).

SECTION 2308. 46.485 (2) of the statutes is repealed.

SECTION 2309. 46.485 (2g) of the statutes is created to read:

46.485 **(2g)** From the appropriation under s. 20.435 (1) (b), the department may in each fiscal year transfer funds to the appropriation under s. 20.435 (7) (kb) for distribution under this section and from the appropriation under s. 20.435 (7) (md) the department shall distribute $240,000 in each fiscal year to applying counties in this state that meet all of the following requirements, as determined by the department:

(a) Any of the following applies to the county:

1. The county receives a grant under 42 USC 290ff to 290ff–4 for community mental health services for children with serious emotional disturbances.

2. The county receives any grant for services to severely emotionally disturbed children.

3. The county is in compliance with the requirements of s. 46.56, except that the county need not receive funding under s. 46.56 (15).

(b) The county submits to the department a plan that specifies the proposed use of funds to implement the program under this section, including, at the time of termination of funding under this section, enrollment of children served under the program in a limited service health organization that covers both inpatient and outpatient expenses.

SECTION 2310. 46.485 (2g) (intro.) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

46.485 **(2g)** (intro.) From the appropriation under s. 20.435 (1) (b), the department may in each fiscal year transfer funds to the appropriation under s. 20.435 ~~(7)~~ (3) (kb) for distribution under this section and from the appropriation under s. 20.435 (7) (md) the department shall distribute $240,000 in each fiscal year to applying counties in this state that meet all of the following requirements, as determined by the department:

SECTION 2311. 46.485 (2m) of the statutes is repealed.

SECTION 2312. 46.485 (3) of the statutes is repealed.

SECTION 2313. 46.485 (3g), (3m) and (3r) of the statutes are created to read:

46.485 **(3g)** The amount that the department may transfer under sub. (2g) for a county may not exceed the estimated state share of payments under s. 49.45, 49.46 or 49.47 for mental health care and treatment that is provided in inpatient facilities for children with a severe emotional disturbance who reside in the county.

(3m) Funds that are distributed under sub. (2g) may be used for all of the following:

(a) Mental health care and treatment, other than care and treatment under s. 51.35 (3), in an inpatient facility for children with severe emotional disturbances.

(b) Community mental health services for children with severe emotional disturbances.

(3r) Funds that a county does not encumber before 24 months after June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse to the appropriation under sub. 20.435 (1) (b).

SECTION 2314. 46.485 (4) of the statutes is amended to read:

46.485 **(4)** The county receiving funds under sub. ~~(2)~~ (2g) is not liable for payment for any care and treatment of the type authorized to be paid under sub. ~~(2) (a) 1.~~ (3m) that is above the amount transferred under sub. ~~(2) (a) (intro.)~~ (2g) (intro.).

SECTION 2315. 46.49 (1) of the statutes, as affected by 1993 Wisconsin Act 446, is amended to read:

46.49 **(1)** Subject to ss. 46.40 ~~(3) (b) 3.~~ (1) (b) and 46.48 (15) (b), if the department receives unanticipated federal ~~alcohol, drug abuse and~~ community mental health services block grant funds under 42 USC 300x to 300x–9, federal prevention and treatment of substance abuse block grant funds under 42 USC 300x–21 to 300x–35, federal child care grant funds under 42 USC 603 (n), foster care and adoption assistance payments under 42 USC 670 to 679a or child care and development block grant funds under 42 USC 9858 and it proposes to allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded, the department shall submit a plan for the proposed allocation to the secretary of administration. If the secretary of administration approves the plan, he or she shall submit it to the joint committee on

finance. If the cochairpersons of the committee do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of his or her submittal, the department may implement the plan, notwithstanding any allocation limits under s. 46.40. If within 14 working days after the date of the submittal by the secretary of administration the cochairpersons of the committee notify him or her that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement the plan, notwithstanding s. 46.40, only with the approval of the committee.

SECTION 2316. 46.51 (1) of the statutes is amended to read:

46.51 **(1)** From the amounts distributed under s. 46.40 ~~(3) (a)~~ (1) for services for children and families, the department shall distribute funds to eligible counties for services related to child abuse and neglect, including child abuse and neglect prevention, investigation and treatment.

SECTION 2316m. 46.52 of the statutes is created to read:

46.52 Integrated community services. From the appropriation under s. 20.435 (7) (md), the department shall distribute $350,000 in each fiscal year to counties to assist in relocating individuals with mental illness from institutional or residential care to less restrictive and more cost–effective community settings and services.

SECTION 2316n. 46.53 of the statutes is created to read:

46.53 Mental health treatment provider training. From the appropriation under s. 20.435 (7) (md), the department shall distribute $182,000 in each fiscal year to counties to provide training for mental health treatment professionals on new mental health treatment approaches in working with special

populations, including seriously mentally ill individuals and children with serious emotional disturbances, and on the use of new mental health treatment medications.

SECTION 2316p. 46.54 of the statutes is created to read:

46.54 Consumer and family self-help and peer-support programs. From the appropriation under s. 20.435 (7) (md), the department shall distribute $180,000 in each fiscal year to counties to increase support for mental health family support projects, employment projects operated by consumers of mental health services, mental health crisis intervention and drop–in projects and public mental health information activities.

SECTION 2317. 46.56 (14) (a) (intro.) of the statutes is amended to read:

46.56 **(14)** (a) (intro.) In order to support the development of a comprehensive system of coordinated care for children with severe disabilities and their families, the department shall establish a statewide advisory committee with representatives of county departments, the department of public instruction, educational agencies, professionals experienced in the provision of services to children with severe disabilities, families with children with severe disabilities, advocates for such families and their children, the subunit of the department of industry, labor and human relations that administers vocational rehabilitation, the technical college system, health care providers, courts assigned to exercise jurisdiction under ch. 48, child welfare officials, and other appropriate persons as selected by the department. The department may use an existing committee for this purpose if it has representatives from the listed groups and is willing to perform the required functions. This committee shall do all of the following:

SECTION 2318. 46.56 (15) (a) of the statutes is amended to read:

46.56 **(15)** (a) From the appropriation under s. 20.435 ~~(7)~~ (3) (co), the department shall make available funds to implement programs. The funds may be used to pay for the intake, assessment, case planning and service coordination provided under sub. (8) and for expanding the capacity of the county to provide community–based care and treatment for children with severe disabilities.

SECTION 2319. 46.62 (title) of the statutes is renumbered 49.26 (2) (title).

SECTION 2320. 46.62 (1) of the statutes is renumbered 49.26 (2) (a) and amended to read:

49.26 **(2)** (a) In this ~~section~~ subsection, "county department" means a county department under s. 46.215, 46.22 or 46.23.

SECTION 2322b. 46.62 (2) of the statutes is renumbered 49.26 (2) (b) and amended to read:

49.26 **(2)** (b) From the appropriation under s. ~~20.435 (4) (dg)~~ 20.445 (3) (dg), the department shall allocate funds to county departments for the provision of case management services to individuals who are ~~required to attend school~~ subject to the school attendance requirement under the learnfare program under ~~s. 49.50 (7) (g)~~ sub. (1) and their families to improve the school attendance and achievement of those individuals. At least 75% of the funds that the department allocates under this ~~subsection~~ paragraph to provide case management services to individuals who are 13 to 19 years of age shall be allocated to a county department of a county with a population of 500,000 or more. A county department is eligible to receive funds under this ~~section~~ subsection to provide case management services to individuals who are 13 to 19 years of age in a year if 35 or more individuals, 13 to 19 years of age, residing in the county were sanctioned under ~~s. 49.50 (7) (h)~~ sub. (1) (h) or were subject to the

monthly attendance requirement under s. HSS 201.195 (4) (b) 2., Wis. adm. code, in any month during the previous year.

SECTION 2323. 46.62 (3) of the statutes is renumbered 49.26 (1) (c) and amended to read:

49.26 **(1)** (c) A county department may provide services under this ~~section~~ subsection directly or may contract with a nonprofit agency or a school district to provide the services.

SECTION 2324. 46.62 (4) of the statutes is renumbered 49.26 (1) (d) and amended to read:

49.26 **(1)** (d) A county department that provides services under this ~~section~~ subsection directly shall develop a plan, in coordination with the school districts located in whole or in part in the county, describing the assistance that the county department and school districts will provide to individuals receiving services under this ~~section~~ subsection, the number of individuals that will be served and the estimated cost of the services. The county department shall submit the plan to the department of ~~health and social services~~ industry, labor and human relations and the department of public instruction by August 15, annually.

SECTION 2326m. 46.71 (3) of the statutes is repealed.

SECTION 2326n. 46.715 (3) of the statutes is repealed.

SECTION 2327. 46.74 of the statutes is repealed.

SECTION 2328. 46.75 (2) (a) of the statutes is amended to read:

46.75 **(2)** (a) From the appropriation under s. 20.435 ~~(4) (dn)~~ (7) (dn), the department shall award grants to agencies to operate food distribution programs that qualify for participation in the emergency food assistance program under P.L. 98–8, as amended.

SECTION 2329. 46.765 (2) (intro.) of the statutes is amended to read:

46.765 **(2)** PURPOSE; AMOUNT. (intro.) From the appropriation under s. 20.435 ~~(4) (ds)~~ (7) (dr), the department shall provide start–up grants, awarded by the board on hunger, to one or more agencies, but not to exceed $20,000 per grant per year, for any of the following purposes:

SECTION 2330. 46.77 of the statutes is amended to read:

46.77 Food distribution administration. From the appropriation under s. 20.435 ~~(4) (dn)~~ (7) (dn), the department shall allocate funds to eligible recipient agencies, as defined in the emergency food assistance act, P.L. 98–8, section 201A, as amended, for the storage, transportation and distribution of commodities provided under the hunger prevention act of 1988, P.L. 100–435, as amended.

SECTION 2330m. 46.80 (2m) (c) of the statutes is renumbered 49.365 and amended to read:

49.365 (title) **Older American community service employment program.** ~~May~~ The department may operate the older American community service employment program under 42 USC 3056.

SECTION 2331. 46.81 (1) (a) of the statutes is repealed and recreated to read:

46.81 **(1)** (a) "Aging unit" means an aging unit director and necessary personnel, directed by a county commission on aging and organized as one of the following:

1. An agency of county government with the primary purpose of administering programs of services for older individuals of the county.

2. A unit, within a county department under s. 46.215, 46.22 or 46.23, with the primary purpose of administering programs of services for older individuals of the county.

3. A private, nonprofit corporation that is organized under ch. 181.

SECTION 2332. 46.82 (3) (a) 4. of the statutes is amended to read:

46.82 **(3)** (a) 4. ~~Consistent with~~ As specified under s. 46.81, provide older individuals with services of benefit specialists or appropriate referrals for assistance.

SECTION 2333. 46.855 of the statutes is repealed.

SECTION 2333g. 46.86 (1) (a) of the statutes is renumbered 46.86 (1) and amended to read:

46.86 **(1)** From the appropriation under s. 20.435 (7) (cp) and (md), the department may award funds and from the appropriation under s. 20.435 (7) (md) the department may award not more than $125,500 in each fiscal year as grants to counties and private nonprofit entities ~~as funds~~ for treatment for pregnant women and mothers with alcohol and other drug abuse treatment needs; mothers who have alcohol and other drug abuse treatment needs and dependent children up to the age of 5 years; and the dependent children up to the age of 5 years of those mothers. The grants shall be awarded in accordance with the department's request–for–proposal procedures. The grants shall be used to establish community–based programs, residential family–centered treatment programs or home–based treatment programs. The program under a grant must include alcohol and other drug abuse treatment services, parent education, support services for the children of the women who are enrolled in the program, vocational assistance and housing assistance. Any program funded under this ~~paragraph~~ subsection must also provide follow–up aftercare services to each woman and her children for at least 2 years after the date on which a woman has left the program.

SECTION 2333h. 46.86 (1) (b) of the statutes is repealed.

SECTION 2333i. 46.86 (2m) (b) of the statutes is amended to read:

46.86 **(2m)** (b) From the appropriation under s. 20.435 (7) (md), the department shall distribute not more than ~~$79,100~~ $79,500 in each fiscal year for residential long–term treatment for alcohol and other drug abuse, including treatment with respect to family relationships, antisocial behavior and employability, in a treatment facility, as defined in s. 51.01 (19), in a 1st class city.

SECTION 2333k. 46.86 (3m) (a) of the statutes is renumbered 46.86 (3m) and amended to read:

46.86 **(3m)** From the appropriation under s. 20.435 (7) (md), the department shall distribute $900,000 in each fiscal year to fund a multidisciplinary prevention and treatment team in Milwaukee county for cocaine–abusing women and their children. The multidisciplinary prevention and treatment team must coordinate its activities with other prevention and treatment programs in Milwaukee county for cocaine–abusing women and their children. Residents from other counties may be served by the multidisciplinary prevention and treatment team. The department may carry forward funds distributed under this ~~paragraph~~ subsection, but not encumbered by December 31, for distribution for the purpose under this ~~paragraph~~ subsection in the following calendar year.

SECTION 2333L. 46.86 (3m) (b) of the statutes is repealed.

SECTION 2334. 46.90 (4) (b) 2. b. of the statutes is amended to read:

46.90 **(4)** (b) 2. b. Any employe of an employer not described in subd. 2. a. who is discharged or otherwise discriminated against may file a complaint with the department of industry, labor and human relations under s. ~~101.222~~ 106.06 (5).

SECTION 2335. 46.90 (9) of the statutes is repealed.

SECTION 2335m. 46.93 (2) (intro.) of the statutes is amended to read:

46.93 **(2)** PURPOSE; ALLOCATION. (intro.) From the appropriation under s. 20.434 (1) (b), the board shall award not more than ~~$593,800 in each fiscal year~~ $566,300 in fiscal year 1995–96 and not more than $439,300 in fiscal year 1996–97 for grants to organizations to provide adolescent pregnancy prevention programs or pregnancy services that include health care, education, counseling and vocational training. Types of services and programs that are eligible for grants include all of the following:

SECTION 2335p. 46.93 (2m) of the statutes is created to read:

46.93 **(2m)** MATCHING FUNDS REQUIRED. (a) Each organization that receives a grant under this section shall provide matching funds equal to 20% of the grant amount awarded. The match may be in the form of money or in–kind services or both, but any moneys used by an organization toward a match may not include moneys received from the state government.

(b) Each grant application shall include proof of the organization's ability to comply with par. (a). Any proposed match under par. (a) that includes in–kind services is subject to the approval of the board.

SECTION 2336. 46.94 of the statutes is renumbered 16.385 (9).

SECTION 2337. 46.95 (2) (a) of the statutes is amended to read:

46.95 **(2)** (a) The secretary shall make grants from the appropriations under s. 20.435 ~~(7) (cb)~~ (1) (cd) and (hh) to organizations for the provision of any of the services specified in sub. (1) (d). Grants may be made to organizations which have provided those domestic abuse services in the past or to organizations which propose to provide those services in the future. No grant may be made to fund services for child abuse or abuse of elderly persons.

SECTION 2338. 46.95 (2) (c) (intro.) of the statutes is amended to read:

46.95 **(2)** (c) (intro.) No grant may be made to an organization which provides or will provide shelter facilities unless the department of ~~industry, labor and human relations~~ development determines that the physical plant of the facility will not be dangerous to the health or safety of the residents when the facility is in operation. No grant may be given to an organization which provides or will provide shelter facilities or private home shelter care unless the organization ensures that the following services will be provided either by that organization or by another organization, person or agency:

SECTION 2339. 46.95 (2) (f) (intro.) of the statutes is amended to read:

46.95 **(2)** (f) (intro.) From the appropriations under s. 20.435 ~~(7) (cb)~~ (1) (cd) and (hh), the department shall do all of the following:

SECTION 2340. 46.95 (2) (f) 1. of the statutes is amended to read:

46.95 **(2)** (f) 1. Award $95,000 in grants ~~in~~ each fiscal year ~~1994–95~~ to organizations for domestic abuse services that are targeted to children. In awarding the grants, the department shall use a competitive request–for–proposals process and, to the extent possible, shall ensure that the grants are equally distributed on a statewide basis.

SECTION 2341. 46.95 (2) (f) 2. of the statutes is repealed.

SECTION 2342. 46.95 (2) (f) 3. of the statutes is repealed.

SECTION 2343. 46.95 (2) (f) 4. of the statutes is repealed.

SECTION 2344. 46.95 (2) (f) 5. (intro.) of the statutes is amended to read:

46.95 **(2)** (f) 5. (intro.) Expend ~~$10,300 in fiscal year 1993–94 and~~ $20,700 ~~in~~ each fiscal year ~~1994–95~~ to contract with a nonstate agency to do all of the following:

SECTION 2345. 46.95 (2) (f) 6. (intro.) of the statutes is amended to read:

46.95 **(2)** (f) 6. (intro.) Expend ~~$34,800 in fiscal year 1993–94 and~~ $69,700 ~~in~~ each fiscal year ~~1994–95~~ to provide ongoing training and technical assistance to do all of the following:

SECTION 2345j. 46.95 (4) of the statutes is created to read:

46.95 **(4)** DOMESTIC ABUSE PREVENTION AND AWARENESS. The department shall develop a domestic abuse statewide public awareness and prevention campaign program and, from the appropriation under s. 20.435 (1) (hk), distribute funds to support the program. The purposes of the program are to increase public awareness of domestic abuse and develop strategies to prevent domestic abuse.

SECTION 2346. 46.955 (title) of the statutes is repealed.

SECTION 2347. 46.955 (1) of the statutes is repealed.

SECTION 2348. 46.955 (2) of the statutes is repealed.

SECTION 2349. 46.96 (2) of the statutes is amended to read:

46.96 **(2)** The department shall make grants from the ~~appropriations~~ appropriation under s. 20.435 (5) ~~(bm) and~~ (na) or (7) (c) or (kc) to independent living centers for nonresidential services to severely disabled persons.

SECTION 2350. 46.96 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

46.96 **(2)** The department shall make grants from the appropriation under s. 20.435 ~~(5) (na) or~~ (7) (c) or (kc) to independent living centers for nonresidential services to severely disabled persons.

SECTION 2350m. 46.973 (3) of the statutes is amended to read:

46.973 **(3)** The department may accept, receive, administer and expend any money, material or other gifts or grants of any description for purposes related to those set forth in this section. Moneys and grants received under this section shall

be deposited with the ~~state treasurer~~ secretary of administration and shall be credited to the department under s. 20.435 (2) (i) and expended by the department or the state council on alcohol and other drug abuse for the purposes specified.

SECTION 2351. 46.976 (2) of the statutes is amended to read:

46.976 **(2)** DISTRIBUTION OF LOANS. From the appropriation under s. 20.435 (7) (ma), the department shall establish, and from the appropriation under s. 20.435 (6) (gd), the department shall continue, a revolving fund to make 2–year loans of up to $4,000 each to applying nonprofit organizations for the costs of establishing programs to provide housing for groups of no fewer than ~~4~~ 6 individuals who are recovering from alcohol or other drug abuse. The department may establish the terms of loans under this section, including interest rates, payment intervals and requirements for full repayment of principal and interest.

SECTION 2352. 46.977 (2) (a) of the statutes is amended to read:

46.977 **(2)** (a) Annually, prior to April 30, an organization may apply to the department for a grant under this section for the purpose of recruiting, training, monitoring and assisting guardians for persons determined to be incompetent under ch. 880. By June 30, the department shall determine which organizations will receive a grant during the following fiscal year based on the criteria under par. (c). No grant may be awarded unless the applicant provides matching funds equal to the amount of the award. The department shall make grants under this section from the appropriation under s. 20.435 (7) (cg).

SECTION 2353. 46.979 (2) (a) of the statutes is amended to read:

46.979 **(2)** (a) From the appropriation under s. 20.435 (7) (o), as allocated in s. 46.40 ~~(4) (a)~~ (2m) (c), distribute ~~$9,117,400~~ $9,998,500 in fiscal year ~~1993–94~~

1995–96 and ~~$9,250,100~~ $10,099,200 in fiscal year ~~1994–95~~ 1996–97 for child day care services under s. 46.98 (2m) and (3).

SECTION 2354. 46.979 (2) (b) of the statutes is renumbered 46.979 (2) (b) 1. and amended to read:

46.979 **(2)** (b) 1. From the appropriation under s. 20.435 (6) (mc), distribute ~~$173,900~~ $190,800 in fiscal year ~~1993–94~~ 1995–96 and ~~$180,900~~ $197,700 in fiscal year ~~1994–95~~ 1996–97 for the purposes of providing technical assistance for child care providers and of administering the child care programs funded under s. 20.435 (7) (b), (md) and (o) ~~and~~

2. From the appropriation under s. 20.435 (6) (mc) distribute ~~$633,700~~ $948,300 in fiscal year ~~1993–94~~ 1995–96 and ~~$699,000~~ $1,026,800 in fiscal year ~~1994–95~~ 1996–97 for the purpose of day care center licensing under s. 48.65.

SECTION 2355. 46.979 (2) (b) 1. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

46.979 **(2)** (b) 1. From the appropriation under s. 20.435 (3) (kx), distribute $190,800 in fiscal year 1995–96 and $197,700 in fiscal year 1996–97 for the purposes of providing technical assistance for child care providers and of administering the child care programs funded under s. 20.435 (3) (ky) and (7) (b) and (o).

SECTION 2356. 46.979 (2) (c) (intro.) of the statutes is amended to read:

46.979 **(2)** (c) (intro.) From the appropriation under s. 20.435 ~~(7) (md)~~ (3) (ky), distribute as follows the federal child care and development block grant funds that are received under 42 USC 9858 and that are not distributed under par. (a) or (b):

SECTION 2357. 46.979 (2) (c) 1. of the statutes is amended to read:

46.979 **(2)** (c) 1. For grants under s. 46.986 ~~(3) to (5)~~ (2) for the start–up and expansion of child day care services, ~~$850,000 in fiscal year 1993–94 and~~ ~~$600,000~~

~~in fiscal year 1994–95~~ and for child day care start–up and expansion planning, $430,000 in fiscal year 1995–96 and $226,400 in fiscal year 1996–97.

SECTION 2358. 46.979 (2) (c) 2. of the statutes is amended to read:

46.979 **(2)** (c) 2. For grants under s. 46.984 (2) for child day care resource and referral services, ~~$940,000~~ $960,000 in fiscal year ~~1993–94~~ 1995–96 and ~~$960,000~~ $960,000, in fiscal year ~~1994–95~~ 1996–97.

SECTION 2359. 46.979 (2) (c) 3. of the statutes is amended to read:

46.979 **(2)** (c) 3. For grants under s. 46.987 (3) to assist child care providers in meeting the quality of care standards established under s. 46.98 (4) (e) and for a system of rates or a program of grants, as provided under s. 46.98 (4) (e), to reimburse child care providers that meet those quality of care standards, ~~$1,200,000~~ $1,559,200 in fiscal year ~~1993–94~~ 1995–96 and ~~$1,200,000~~ $1,576,700 in fiscal year ~~1994–95~~ 1996–97. If an amount distributed under this subdivision will not be fully expended, the department may transfer the unexpended funds to the distribution under subd. 4.

SECTION 2360. 46.979 (2) (c) 4. of the statutes is amended to read:

46.979 **(2)** (c) 4. For grants under s. 46.987 (2) and contracts under s. 46.987 (4) to improve the quality of child day care services in this state, ~~$425,000~~ $450,000 in fiscal year ~~1993–94~~ 1995–96 and $450,000 in fiscal year ~~1994–95~~ 1996–97, plus any amounts that the department transfers to this distribution under subd. 3.

SECTION 2361. 46.98 (2) (a) of the statutes is amended to read:

46.98 **(2)** (a) The department shall distribute the funds allocated under s. 46.40 ~~(4) (a)~~ (1) and (2m) (c) for at–risk, low–income and respite child care services under subs. (2m) and (4g) to county departments under s. 46.215, 46.22 or 46.23. In addition, the department shall distribute the funds allocated under s. 46.40 ~~(4) (a)~~

(1), (2m) (c) and (4m) for low–income and respite child care services under sub. (3) to private nonprofit child care providers who provide child care for the children of migrant workers.

SECTION 2362. 46.98 (2m) (a) of the statutes is amended to read:

46.98 **(2m)** (a) Except as provided in ~~subs.~~ sub. (2) (c) ~~and (4m)~~, funds distributed under sub. (2) for at–risk child care may only be used for the purposes specified in this paragraph. The funds shall be used to provide care for all or part of a day for children under age 13 of persons who need child care to be able to work, who are not receiving aid to families with dependent children and who are at risk of becoming eligible for aid to families with dependent children if child care under this subsection is not provided.

SECTION 2363. 46.98 (2m) (d) 2. of the statutes is amended to read:

46.98 **(2m)** (d) 2. ~~Except as provided in sub. (4m), no~~ No funds distributed under sub. (2) for at–risk child care may be used for the start–up, improvement or expansion of child care services or facilities or for the recruitment, education or training of persons providing child care.

SECTION 2364. 46.98 (2r) (c) of the statutes is repealed.

SECTION 2365. 46.98 (2r) (cg) of the statutes is repealed.

SECTION 2366. 46.98 (2r) (cm) of the statutes is repealed.

SECTION 2367. 46.98 (3) (a) of the statutes is amended to read:

46.98 **(3)** (a) Except as provided in ~~subs.~~ sub. (2) (c) ~~and (4m)~~, funds distributed under sub. (2) for low–income child care may only be used for the purposes specified in this subsection. The funds shall be used to provide care for children under age 13 for all or part of a day during which a child's parent is gainfully employed.

SECTION 2368. 46.98 (3) (b) of the statutes is amended to read:

46.98 **(3)** (b) Counties may spend moneys distributed for low–income child care under sub. (2) for child care purposes other than those in par. (a) only as provided in ~~par. (bg) and subs.~~ sub. (2) (c) ~~and (4m)~~ or with the approval of the department. Child care purposes include start–up, improvement and expansion of child care services and facilities, and recruitment, education and training for persons providing child care.

SECTION 2369. 46.98 (3) (bg) of the statutes is repealed.

SECTION 2370. 46.98 (4g) (a) of the statutes is amended to read:

46.98 **(4g)** (a) Except as provided in ~~subs.~~ sub. (2) (c) ~~and (4m)~~, funds distributed under sub. (2) for respite child care may only be used for the purposes specified in this paragraph. The funds shall be used to provide care for all or part of a day for children under age 13 of parents who need child care services to prevent or remedy child abuse or neglect, to alleviate stress in the family or to preserve the family unit.

SECTION 2371. 46.98 (4m) of the statutes is repealed.

SECTION 2372. 46.98 (5) (e) of the statutes is repealed and recreated to read:

46.98 **(5)** (e) The department shall promptly recover all overpayments made under this section. The department shall promulgate rules establishing policies and procedures to administer this paragraph.

SECTION 2373. 46.984 (2) (a) of the statutes is amended to read:

46.984 **(2)** (a) From the allocation under s. 46.979 (2) (c) 2., the department shall make grants to ~~applying~~ local agencies to fund child care resource and referral services provided by those local agencies. The department shall provide an allocation formula to determine the amount of a grant awarded under this section. ~~The allocation formula shall factor in the level of child care resource and referral~~

~~services provided by the local agency, the number of children in the community served by the local agency and the percentage of the mothers in the community served by the local agency who work outside the home.~~

SECTION 2374. 46.984 (2) (b) of the statutes is repealed.

SECTION 2375. 46.984 (4) (a) of the statutes is amended to read:

46.984 **(4)** (a) Administer, or contract for the administration of, the grant program under this section, provide an application procedure for that program and disburse funds awarded under that program.

SECTION 2376. 46.984 (5) of the statutes is repealed.

SECTION 2377. 46.985 (2) (a) 4. of the statutes is amended to read:

46.985 **(2)** (a) 4. Procedures for coordinating the family support program and the use of its funds, throughout this state and in each service area, with other publicly funded programs including the community options program under s. 46.27; the community integration program under ss. 46.275, 46.277 and 46.278; the social services, mental health and developmental disabilities programs under ss. ~~49.52~~ 46.495, 51.42 and 51.437; the independent living center program under s. 46.96; and the medical assistance program under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49.

SECTION 2378. 46.986 (1) (a) of the statutes is repealed.

SECTION 2379. 46.986 (1) (c) of the statutes is repealed.

SECTION 2380. 46.986 (1) (f) of the statutes is repealed.

SECTION 2381. 46.986 (1) (h) of the statutes is repealed.

SECTION 2382. 46.986 (1) (i) of the statutes is repealed.

SECTION 2383. 46.986 (1) (L) of the statutes is repealed.

SECTION 2384. 46.986 (2) (a) of the statutes is repealed and recreated to read:

46.986 **(2)** (a) From the allocation under s. 46.979 (2) (c) 1., the department shall award grants for the start–up or expansion of child care services.

SECTION 2385. 46.986 (2) (b) of the statutes is amended to read:

46.986 **(2)** (b) The department shall attempt to award grants under this section ~~equally among~~ to head start agencies designated under 42 USC 9836, employers that provide or wish to provide child care services for their employes, family day care centers, group day care centers and day care programs for the children of student parents~~, but may, after considering proposals from child care providers in each of those categories, award grants under this section in unequal amounts among those categories~~.

SECTION 2386. 46.986 (2) (c) of the statutes is repealed.

SECTION 2387. 46.986 (2) (d) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2388. 46.986 (3) (a) of the statutes is repealed.

SECTION 2389. 46.986 (3) (b) of the statutes is repealed.

SECTION 2390. 46.986 (3) (c) of the statutes is renumbered 46.986 (2) (cm) and amended to read:

46.986 **(2)** (cm) A ~~child care provider or other person that~~ person who is awarded a grant under this subsection shall contribute matching funds equal to 25% of the amount awarded under this subsection. The match may be in the form of money or in–kind goods or services, or both.

SECTION 2391. 46.986 (3) (d) of the statutes is renumbered 46.986 (2) (d) and amended to read:

46.986 **(2)** (d) If a ~~child care provider or other person that~~ person who is awarded a grant under this subsection does not provide the new or expanded child

care services for which the grant was awarded by the end of the grant period, the department may require the ~~child care provider or other~~ person to return to the department the full amount of the grant award. If a ~~child care provider or other person that~~ person who is awarded a grant under this subsection provides the new or expanded child care services for which the grant was awarded, but terminates ~~its~~ the child care program within 3 years after the awarding of the grant, the ~~child care provider or other~~ person shall return to the department a prorated share of the amount awarded, based on the time remaining in that 3–year period at the time of program termination. Amounts returned to the department under this paragraph shall be deposited in the appropriation under s. 20.435 (7) (ie). The department may bring an action in any court of competent jurisdiction to enforce repayment of any moneys that are required under this paragraph to be repaid. The department may reduce or waive the repayment required under this paragraph if in the opinion of the department the grant recipient made a good faith effort to comply with the terms of the grant.

SECTION 2392. 46.986 (4) of the statutes is repealed.

SECTION 2393. 46.986 (5) of the statutes is repealed.

SECTION 2394. 46.986 (7) (a) of the statutes is amended to read:

46.986 **(7)** (a) The department shall ~~promulgate rules for the administration of the grant program under this section, including rules to establish criteria for evaluating and ranking grant applications~~ establish guidelines for eligibility for a grant under this section. The department need not promulgate those guidelines as rules under ch. 227.

SECTION 2395. 46.986 (7) (b) of the statutes is amended to read:

46.986 **(7)** (b) The department may administer the grant application process under this section or~~, if a county department under s. 46.215, 46.22 or 46.23 has established a child care advisory committee that has been approved by the department, the department may request the county department to administer the grant application process under this section for grant applicants from the county of the county department. If a county department administers the grant application process under this section, the county department shall review the grant applications submitted to the county department using the criteria established by the department under par. (a). The department may require a county department that reviews grant applications under this section to submit those applications and the county department's ranking of those applications to the department for final review~~ contract for the administration of that process.

SECTION 2396. 46.987 (1) (c) of the statutes is amended to read:

46.987 **(1)** (c) "Family child care system" ~~has the meaning given in s. 46.986 (1) (i)~~ means a centralized administrative unit that offers technical assistance and support to a group of child care providers with the goal of improving child care services.

SECTION 2397. 46.987 (2) (a) of the statutes is amended to read:

46.987 **(2)** (a) From the allocation under s. 46.979 (2) (c) 4. ~~and from the appropriation under s. 20.435 (7) (ie)~~, the department may award grants to child care providers that meet the quality of care standards established under s. 46.98 (4) (e) to improve the retention of skilled and experienced child care staff. In awarding grants under this subsection, the department shall consider the applying child care provider's total enrollment of children and average enrollment of children who receive or are eligible for publicly funded care from the child care provider.

SECTION 2398. 46.987 (3) (a) of the statutes is amended to read:

46.987 **(3)** (a) From the allocation under s. 46.979 (2) (c) 3. ~~and the appropriation under s. 20.435 (7) (ie)~~, the department may award grants to child care providers for assistance in meeting the quality of care standards established under s. 46.98 (4) (e).

SECTION 2399. 46.987 (4) (intro.) of the statutes is amended to read:

46.987 **(4)** TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the allocation under s. 46.979 (2) (c) 4. ~~and the appropriation under s. 20.435 (7) (ie)~~, the department may contract with one or more agencies for the provision of training and technical assistance to improve the quality of child care provided in this state. The training and technical assistance activities contracted for under this subsection may include any of the following activities:

SECTION 2400. 46.987 (6) (a) of the statutes is repealed.

SECTION 2401. 46.987 (6) (b) of the statutes is renumbered 46.987 (6) and amended to read:

46.987 **(6)** GRANT ADMINISTRATION. The department may administer the grant application processes under subs. (2) and (3) or~~, if a county department under s. 46.215, 46.22 or 46.23 has established a child care advisory committee that has been approved by the department, the department may request the county department to administer the grant application processes under subs. (2) and (3) for grant applicants from the county of the county department. If a county department administers the grant application processes under subs. (2) and (3), the county department shall review the grant applications submitted to the county department using the criteria established by the department under par. (a). A county department that reviews grant applications under subs. (2) and (3) shall submit those~~

~~applications and the county department's ranking of those applications to the department for final review~~ contract for the administration of that process.

SECTION 2402. 46.987 (6) (c) of the statutes is repealed.

SECTION 2403. 46.995 (2) (intro.) of the statutes is amended to read:

46.995 **(2)** ADOLESCENT SELF-SUFFICIENCY SERVICES. (intro.) From the appropriation under s. 20.435 ~~(7)~~ (3) (eg), the department may allocate $582,100 in each fiscal year to provide a grant annually to a public or private entity or to the elected governing body of a federally recognized American Indian tribe or band to provide services in counties or to a tribe or band for adolescent parents which shall emphasize high school graduation and vocational preparation, training and experience and may be structured so as to strengthen the adolescent parent's capacity to fulfill parental responsibilities by developing social skills and increasing parenting skills. The public or private entity seeking to receive a grant to provide these services shall develop a proposed service plan that is approved by the department. Except with respect to award of a grant to a tribe or band, the department shall rank individual counties and give priority by this ranking for the award of grants under this subsection, based on all of the following factors:

SECTION 2404. 46.995 (3) of the statutes is amended to read:

46.995 **(3)** ADOLESCENT PREGNANCY PREVENTION SERVICES. From the appropriation under s. 20.435 ~~(7)~~ (3) (eg), the department may allocate $340,000 in each fiscal year to provide a grant annually to a public or private entity or to the elected governing body of a federally recognized American Indian tribe or band to provide to high–risk adolescents pregnancy and parenthood prevention services which shall be structured so as to increase development of decision–making and communications skills, promote graduation from high school and expand career and

other options and which may address needs of adolescents with respect to pregnancy prevention. Except with respect to award of a grant to a tribe or band, the department shall rank individual counties and give priority by this ranking for the award of grants under this subsection, based on the factors specified under sub. (2) (a) to (d).

SECTION 2405. 46.996 (intro.) of the statutes is amended to read:

46.996 Adolescent services. (intro.) From the appropriation under s. 20.435 (7) ~~(er)~~ (eg), the department shall allocate funds in the following amounts:

SECTION 2406. 46.996 (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

46.996 Adolescent services. (intro.) From the appropriation under s. 20.435 (3) (eg), the department shall allocate funds in the following amounts:

SECTION 2407. 46.997 (2) (intro.) of the statutes is amended to read:

46.997 **(2)** (intro.) From the appropriation under s. 20.435 (6) (a), the department shall allocate not more than $65,500 in each fiscal year to solicit applications from organizations and provide technical assistance to grantees and, from the appropriation under s. 20.435 ~~(7)~~ (3) (eg), the department shall allocate not more than $210,000 in each fiscal year to make grants to applying organizations for the provision, on a regional or tribal project basis, of information to communities in order to increase community knowledge about problems of adolescents and information to and activities for adolescents, particularly female adolescents, in order to enable the adolescents to develop skills with respect to all of the following:

SECTION 2408. 47.01 (1m) of the statutes is created to read:

47.01 **(1m)** "Department" means the department of industry, labor and human relations.

SECTION 2409. 47.02 (1m) of the statutes is created to read:

47.02 **(1m)** The department may cooperate with the federal government in carrying out federal acts concerning vocational rehabilitation.

SECTION 2410. 47.02 (4) (a) of the statutes is amended to read:

47.02 **(4)** (a) From the appropriation under s. ~~20.435~~ 20.445 (5) (bm), provide financial aid to any handicapped person who is receiving vocational rehabilitation training and who has no other source of aid.

SECTION 2411. 47.02 (4) (b) of the statutes is amended to read:

47.02 **(4)** (b) Accept gifts, grants and donations to be used for the purposes of this chapter. The department shall deposit all moneys received under this paragraph in the appropriation under s. ~~20.435~~ 20.445 (5) (i).

SECTION 2412. 47.02 (6) of the statutes is repealed.

SECTION 2413. 47.03 (1) of the statutes is renumbered 46.293.

SECTION 2414. 47.03 (2) of the statutes is amended to read:

47.03 **(2)** The department may accept gifts, grants and donations to be used for the purposes of this section. The department shall deposit all moneys received as gifts, grants and donations in the appropriation under s. ~~20.435~~ 20.445 (5) (i).

SECTION 2415. 47.03 (4) (b) of the statutes is amended to read:

47.03 **(4)** (b) The department may charge a portion of the expenses of its supervised business enterprise program to the net proceeds of each business operating under the program. The department shall establish the procedure for setting these charges by rule, with the participation of a committee of blind vendors established under 20 USC 107b–1. The department shall deposit the moneys from the charges made under this paragraph in the appropriations under ~~s.~~ ss. 20.435 (7) (kd) and 20.445 (5) (h) and ~~(hd)~~ (he).

SECTION 2416. 47.03 (7) of the statutes is amended to read:

47.03 **(7)** If the department decides that a business under sub. (4) would not be feasible and profitable in any state building, the department may contract with vending machine operators to install vending machines in the building, giving preference to blind operators of vending machines. The department may, under the procedures established as required under sub. (4) (b), charge the net proceeds of each business operating under this subsection. The department shall deposit the moneys from the charges made under this subsection in the appropriations under s. ~~20.435~~ 20.445 (5) (h) and (hd) and shall disburse the proceeds to provide services to blind persons under sub. (4) ~~and blind or visually impaired persons under sub. (1),~~ in accordance with 20 USC 107 to 107f.

SECTION 2417. 47.03 (10) of the statutes is renumbered 46.295, and 46.295 (1), (4) (b) and (6), as renumbered, are amended to read:

46.295 **(1)** The department may, on the request of any hearing–impaired person, city, village, town or county or private agency, provide funds from the ~~appropriations~~ appropriation under s. 20.435 ~~(5) (a) and (hh)~~ (6) (a) and (hs) to reimburse interpreters for hearing–impaired persons for the provision of interpreter services.

(**4**) (b) If an interpreter under ~~subd. 1.~~ par. (a) is unavailable, an interpreter for hearing–impaired persons whose qualifications have been determined appropriate by the department.

(**6**) The department shall promulgate rules to implement this ~~subsection~~ section.

SECTION 2418f. 47.03 (11) (a) of the statutes is renumbered 47.03 (11) (a) (intro.) and amended to read:

47.03 **(11)** (a) (intro.) The department shall provide services, including vocational training, craft instruction and a supervised business initiatives program for severely handicapped persons who are eligible for vocational rehabilitation services. Under this subsection, the department may own, lease, manage, supervise or operate businesses for the benefit of severely handicapped persons, including home–based employment and craft work, with the ultimate objective of enabling severely handicapped persons to operate their own businesses. The department shall ~~assist persons who receive these services~~ do all of the following:

4. Assist homecraft clients in marketing the finished products and develop additional markets for the finished products.

SECTION 2418g. 47.03 (11) (a) 1. of the statutes is created to read:

47.03 **(11)** (a) 1. Through a wholesale distributor, purchase or provide for the purchase of any supplies needed by any client participating in the homecraft program to produce craftwork for the homecraft program.

SECTION 2418h. 47.03 (11) (a) 2. of the statutes is created to read:

47.03 **(11)** (a) 2. Deliver or provide for the delivery of supplies purchased under subd. 1. to the homecraft client.

SECTION 2418i. 47.03 (11) (a) 3. of the statutes is created to read:

47.03 **(11)** (a) 3. Transport or provide for the transportation of finished homecrafted products to distribution centers.

SECTION 2419c. 47.03 (11) (e) of the statutes is created to read:

47.03 **(11)** (e) The department shall distribute at least $218,600 from the appropriations in s. 20.435 (5) (bm) and (na) in each fiscal year for homecraft services relating to the marketing and distribution of homecraft products and to the purchase of capital equipment for each client who participates in the homecraft program.

SECTION 2419d. 47.03 (11) (e) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

47.03 **(11)** (e) The department shall distribute at least $218,600 from the appropriations in s. ~~20.435~~ 20.445 (5) (bm) and (na) in each fiscal year for homecraft services relating to the marketing and distribution of homecraft products and to the purchase of capital equipment for each client who participates in the homecraft program.

SECTION 2420. 47.10 of the statutes is repealed.

SECTION 2421. 47.20 of the statutes is renumbered 46.297, and 46.297 (1), as renumbered, is amended to read:

46.297 **(1)** ASSISTANCE. From the appropriation under s. 20.435 ~~(5)~~ (7) (d), the department shall, subject to the availability of funds, provide assistance to hearing–impaired persons to secure telecommunication devices capable of serving their needs. Except in extraordinary circumstances, the department shall purchase or provide funds for the purchase of telecommunication devices.

SECTION 2422. 47.25 of the statutes is renumbered 46.298.

SECTION 2423. 48.02 (1) of the statutes is amended to read:

48.02 **(1)** "Adult" means a person who is 18 years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any state or federal criminal law, "adult" means a person who has attained 17 years of age.

SECTION 2424. 48.02 (2) of the statutes is amended to read:

48.02 **(2)** "Child" means a person who is less than 18 years of age, except that for purposes of prosecuting a person who is alleged to have violated a state or federal criminal law, "child" does not include a person who has attained 17 years of age.

SECTION 2424m. 48.02 (2c) of the statutes is created to read:

48.02 **(2c)** "Child caring institution" means a facility operated by a child welfare agency licensed under s. 48.60 for the care and maintenance of children residing in that facility.

SECTION 2425. 48.02 (3m) of the statutes is amended to read:

48.02 **(3m)** "Delinquent" means a child who is less than ~~18~~ 17 years of age and 12 years of age or older who has violated any state or federal criminal law, except as provided in ss. 48.17, 48.18 and 48.183, or who has committed a contempt of court, as defined in s. 785.01 (1), as specified in s. 48.355 (6g).

SECTION 2426g. 48.02 (15g) of the statutes is created to read:

48.02 **(15g)** "Secured child caring institution" means a child caring institution operated by a child welfare agency that is licensed under s. 48.66 (1) to hold in secure custody persons adjudged delinquent.

SECTION 2426m. 48.02 (15m) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.02 **(15m)** "Secured correctional facility" means a correctional institution operated or contracted for by the department ~~of health and social services or the department of corrections~~ for holding in secure custody persons adjudged delinquent. "Secured correctional facility" includes the facility at which the juvenile boot camp program under s. 48.532 is operated.

SECTION 2426p. 48.02 (15m) of the statutes, as affected by 1993 Wisconsin 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.02 **(15m)** "Secured correctional facility" means a correctional institution operated or contracted for by the department of corrections for holding in secure custody persons adjudged delinquent. "Secured correctional facility" includes the facility at which the juvenile boot camp program under s. 48.532 is operated.

SECTION 2426r. 48.023 (4) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.023 **(4)** The rights and responsibilities of legal custody except when legal custody has been vested in another person or when the child is under the supervision of the department of corrections under s. 48.34 (4h), (4m) or (4n) or the supervision of a county department under s. 48.34 (4n).

SECTION 2426t. 48.025 (1) of the statutes is amended to read:

48.025 **(1)** Any person claiming to be the father of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.60 may, in accordance with procedures under this section, file with the department of industry, labor and human relations a declaration of his interest in matters affecting such child.

SECTION 2426v. 48.025 (3) of the statutes is amended to read:

48.025 **(3)** A copy of a declaration filed with the department of industry, labor and human relations under sub. (1) shall be sent to the mother at her last–known address. Nonreceipt of such copy shall not affect the validity of the declaration. The mother may send a written response to the declaration to the department of industry, labor and human relations, and the written response shall be filed with the declaration. Failure to send a written response shall not constitute an admission of the statements contained in the declaration.

SECTION 2427. 48.06 (1) (b) of the statutes is amended to read:

48.06 **(1)** (b) Notwithstanding par. (a), the county board of supervisors may institute changes in the administration of services to the children's court center in order to qualify for the maximum amount of federal and state aid as provided in sub. (4) and s. ~~49.52~~ 46.495.

SECTION 2428. 48.06 (4) of the statutes is amended to read:

48.06 **(4)** STATE AID. State aid to any county for court services under this section shall be at the same net effective rate that each county is reimbursed for county administration under s. ~~49.52~~ 46.495, except as provided in s. ~~46.26~~ 301.26. Counties having a population of less than 500,000 may use funds received under ss. ~~46.26 and 49.52 (1) (d)~~ 46.495 (1) (d) and 301.26, including county or federal revenue sharing funds allocated to match funds received under s. ~~49.52 (1) (d)~~ 46.495 (1) (d), for the cost of providing court attached intake services in amounts not to exceed 50% of the cost of providing court attached intake services or $30,000 per county per calendar year, whichever is less.

SECTION 2428m. 48.069 (1) (intro.) of the statutes is amended to read:

48.069 **(1)** (intro.) The staff of the department of health and social services, the department of corrections, the court, a county department or a licensed child welfare agency designated by the court to carry out the objectives and provisions of this chapter shall:

SECTION 2428p. 48.069 (2) of the statutes is amended to read:

48.069 **(2)** Licensed child welfare agencies ~~and,~~ the department of health and social services and the department of corrections shall provide services under this section only upon the approval of the agency from whom services are requested.

SECTION 2429. 48.07 (1) of the statutes is repealed.

SECTION 2429m. 48.08 (2) of the statutes is amended to read:

48.08 **(2)** Except as provided in sub. (3), any person authorized to provide or providing intake or dispositional services for the court under ss. 48.067 and 48.069 ~~and any department of corrections staff member designated by agreement between the department of corrections and the department of health and social services~~ has

the power of police officers and deputy sheriffs only for the purpose of taking a child into physical custody when the child comes voluntarily or is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from the surroundings is necessary.

SECTION 2430. 48.08 (3) (a) (intro.) of the statutes is amended to read:

48.08 **(3)** (a) (intro.) In addition to the law enforcement authority specified in sub. (2), ~~department of health and social services personnel designated by that department, personnel of a nonprofit corporation operating a secured correctional facility for girls designated by agreement between that nonprofit corporation and the department of health and social services, and~~ department of corrections personnel designated by ~~agreement between the department of health and social services and~~ the department of corrections have the power of law enforcement authorities to take a child into physical custody under the following conditions:

SECTION 2431. 48.12 (1) of the statutes is amended to read:

48.12 **(1)** The court has exclusive jurisdiction, except as provided in ss. 48.17, 48.18 and 48.183, over any child who is less than 17 years of age and 12 years of age or older and who is alleged to be delinquent as defined in s. 48.02 (3m).

SECTION 2432. 48.12 (2) of the statutes is amended to read:

48.12 **(2)** If a court proceeding has been commenced under this section before a child is ~~18~~ 17 years of age, but the child becomes ~~18~~ 17 years of age before admitting the facts of the petition at the plea hearing or if the child denies the facts, before an adjudication, the court retains jurisdiction over the case to dismiss the action with prejudice, to waive its jurisdiction under s. 48.18, or to enter into a consent decree. If the court finds that the child has failed to fulfill the express terms and conditions

of the consent decree or the child objects to the continuation of the consent decree, the court may waive its jurisdiction.

SECTION 2433m. 48.18 (2m) of the statutes, as created by 1993 Wisconsin Act 377, is repealed.

SECTION 2433p. 48.18 (2r) of the statutes is created to read:

48.18 **(2r)** If it appears that the child may be suitable for participation in the serious juvenile offender program under s. 48.538 or the adult intensive sanctions program under s. 301.048, the judge shall order the department of corrections to submit a written report analyzing the child's suitability for participation in those programs and recommending whether the child should be placed in either of those programs.

SECTION 2434m. 48.18 (5) (c) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.18 **(5)** (c) The adequacy and suitability of facilities, services and procedures available for treatment of the child and protection of the public within the juvenile justice system, and, where applicable, the mental health system ~~and the suitability of the child for placement in the youthful offender program under s. 48.537 or the adult intensive sanctions program under s. 301.048~~.

SECTION 2434p. 48.18 (5) (c) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.18 **(5)** (c) The adequacy and suitability of facilities, services and procedures available for treatment of the child and protection of the public within the juvenile justice system, and, where applicable, the mental health system and the suitability of the child for placement in the serious juvenile offender program under s. 48.538 or the adult intensive sanctions program under s. 301.048.

SECTION 2435d. 48.19 (1) (d) 6. of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.19 **(1)** (d) 6. The child has violated the terms of court–ordered supervision or aftercare supervision administered by the department ~~of health and social services~~ or a county department~~,~~ or of corrective sanctions supervision administered by the department ~~of health and social services or youthful offender supervision administered by the department of corrections~~.

SECTION 2435g. 48.19 (1) (d) 6. of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.19 **(1)** (d) 6. The child has violated the terms of court–ordered supervision or aftercare supervision administered by the department of corrections or a county department or of corrective sanctions supervision or serious juvenile offender supervision administered by the department of corrections.

SECTION 2435m. 48.20 (2) (cm) of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.20 **(2)** (cm) If the child has violated the terms of aftercare supervision administered by the department of corrections or a county department, the person who took the child into custody may release the child to the department of corrections or county department, whichever has aftercare supervision over the child.

SECTION 2435p. 48.20 (7) (c) 1m. of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.20 **(7)** (c) 1m. In the case of a child who has violated the terms of aftercare supervision administered by the department of corrections or a county department, to the department of corrections or county department, whichever has aftercare supervision of the child.

SECTION 2435t. 48.20 (8) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.20 **(8)** If a child is held in custody, the intake worker shall notify the child's parent, guardian and legal custodian of the reasons for holding the child in custody and of the child's whereabouts unless there is reason to believe that notice would present imminent danger to the child. If a child who has violated the terms of aftercare supervision administered by the department or a county department is held in custody, the intake worker shall also notify the department or county department, whichever has supervision over the child, of the reasons for holding the child in custody, of the child's whereabouts and of the time and place of the detention hearing required under s. 48.21. The parent, guardian and legal custodian shall also be notified of the time and place of the detention hearing required under s. 48.21, the nature and possible consequences of that hearing, ~~the right to counsel under s. 48.23 regardless of ability to pay,~~ and the right to present and cross–examine witnesses at the hearing. If the parent, guardian or legal custodian is not immediately available, the intake worker or another person designated by the court shall provide notice as soon as possible. When the child is alleged to be in need of protection or services and is 12 years of age or older, or is alleged to have committed a delinquent act, the child shall receive the same notice about the detention hearing as the parent, guardian or legal custodian. The intake worker shall notify both the child and the child's parent, guardian or legal custodian.

SECTION 2435v. 48.20 (8) of the statutes, as affected by 1993 Wisconsin Act 385 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.20 **(8)** If a child is held in custody, the intake worker shall notify the child's parent, guardian and legal custodian of the reasons for holding the child in custody

and of the child's whereabouts unless there is reason to believe that notice would present imminent danger to the child. If a child who has violated the terms of aftercare supervision administered by the department of corrections or a county department is held in custody, the intake worker shall also notify the department of corrections or county department, whichever has supervision over the child, of the reasons for holding the child in custody, of the child's whereabouts and of the time and place of the detention hearing required under s. 48.21. The parent, guardian and legal custodian shall also be notified of the time and place of the detention hearing required under s. 48.21, the nature and possible consequences of that hearing, and the right to present and cross–examine witnesses at the hearing. If the parent, guardian or legal custodian is not immediately available, the intake worker or another person designated by the court shall provide notice as soon as possible. When the child is alleged to be in need of protection or services and is 12 years of age or older, or is alleged to have committed a delinquent act, the child shall receive the same notice about the detention hearing as the parent, guardian or legal custodian. The intake worker shall notify both the child and the child's parent, guardian or legal custodian.

SECTION 2436m. 48.205 (1) (c) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.205 **(1)** (c) Probable cause exists to believe that the child will run away or be taken away so as to be unavailable for proceedings of the court or its officers or proceedings of the division of hearings and appeals in the department of administration for revocation of aftercare~~,~~ or corrective sanctions ~~or youthful offender~~ supervision.

SECTION 2436p. 48.205 (1) (c) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.205 **(1)** (c) Probable cause exists to believe that the child will run away or be taken away so as to be unavailable for proceedings of the court or its officers or proceedings of the division of hearings and appeals in the department of administration for revocation of aftercare, corrective sanctions or serious juvenile offender supervision.

SECTION 2437m. 48.208 (1) of the statutes, as affected by 1993 Wisconsin Acts 377 and 385, is amended to read:

48.208 **(1)** Probable cause exists to believe that the child has committed a delinquent act and either presents a substantial risk of physical harm to another person or a substantial risk of running away as evidenced by a previous act or attempt so as to be unavailable for a court hearing or a revocation hearing for children on aftercare~~,~~ or corrective sanctions ~~or youthful offender~~ supervision. For children on aftercare~~,~~ or corrective sanctions ~~or youthful offender~~ supervision, the delinquent act referred to in this section may be the act for which the child was placed in a secured correctional facility.

SECTION 2437p. 48.208 (1) of the statutes, as affected by 1993 Wisconsin Acts 377 and 385 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.208 **(1)** Probable cause exists to believe that the child has committed a delinquent act and either presents a substantial risk of physical harm to another person or a substantial risk of running away as evidenced by a previous act or attempt so as to be unavailable for a court hearing or a revocation hearing for children on aftercare, corrective sanctions or serious juvenile offender supervision. For children on aftercare, corrective sanctions or serious juvenile offender

supervision, the delinquent act referred to in this section may be the act for which the child was placed in a secured correctional facility.

SECTION 2437r. 48.21 (3) (d) of the statutes is amended to read:

48.21 **(3)** (d) Prior to the commencement of the hearing, the parent, guardian or legal custodian shall be informed by the court of the allegations that have been made or may be made, the nature and possible consequences of this hearing as compared to possible future hearings, ~~the right to counsel under s. 48.23 regardless of ability to pay,~~ the right to confront and cross–examine witnesses and the right to present witnesses.

SECTION 2438. 48.22 (7) of the statutes is renumbered 48.22 (7) (a) and amended to read:

48.22 **(7)** (a) No person may establish a shelter care facility without first obtaining a license under s. 48.66 (1). To obtain a license under s. 48.66 (1) to operate a shelter care facility, a person must meet the minimum requirements for a license established by the department under s. 48.67 and pay the license fee under par. (b). A license issued under s. 48.66 (1) to operate a shelter care facility is valid for 2 years after the date of issuance, unless sooner revoked or suspended.

SECTION 2439. 48.22 (7) (b) of the statutes is created to read:

48.22 **(7)** (b) Before the department may issue a license under s. 48.66 (1) to operate a shelter care facility, the shelter care facility must pay to the department a biennial fee of $50, plus a biennial fee of $15 per child, based on the number of children that the shelter care facility is licensed to serve. A shelter care facility that wishes to renew a license issued under s. 48.66 (1) shall pay the fee under this paragraph by the renewal date of the license. A new shelter care facility shall pay

the fee under this paragraph by no later than 30 days before the opening of the shelter care facility.

SECTION 2440. 48.22 (7) (c) of the statutes is created to read:

48.22 **(7)** (c) A shelter care facility that wishes to renew a license issued under s. 48.66 (1) and that fails to pay the fee under par. (b) by the renewal date of the license or a new shelter care facility that fails to pay the fee under par. (b) by 30 days before the opening of the shelter care facility shall pay an additional fee of $5 per day for every day after the deadline that the facility fails to pay the fee.

SECTION 2442m. 48.23 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491, is amended to read:

48.23 **(1)** (a) Any child alleged to be delinquent under s. 48.12 or held in a secure detention facility shall be represented by counsel at all stages of the proceedings, but a child 15 years of age or older may waive counsel if the court is satisfied that the waiver is knowingly and voluntarily made and the court accepts the waiver. If the waiver is accepted, the court may not place the child in a secured correctional facility~~,~~ ~~transfer legal custody of the child to the department of corrections for participation in the youthful offender program~~ or transfer jurisdiction over the child to adult court.

SECTION 2442p. 48.23 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.23 **(1)** (a) Any child alleged to be delinquent under s. 48.12 or held in a secure detention facility shall be represented by counsel at all stages of the proceedings, but a child 15 years of age or older may waive counsel if the court is satisfied that the waiver is knowingly and voluntarily made and the court accepts the waiver. If the waiver is accepted, the court may not place the child in a secured correctional facility,

transfer supervision of the child to the department of corrections for participation in the serious juvenile offender program or transfer jurisdiction over the child to adult court.

SECTION 2442r. 48.23 (2) (a) of the statutes is renumbered 48.23 (2) and amended to read:

48.23 **(2)** RIGHT OF PARENTS TO COUNSEL. Whenever a child is ~~alleged to be in need of protection or services under s. 48.13, or is~~ the subject of a proceeding involving a contested adoption or the involuntary termination of parental rights, any parent under 18 years of age who appears before the court shall be represented by counsel; but no such parent may waive counsel. A minor parent petitioning for the voluntary termination of parental rights shall be represented by a guardian ad litem. If a proceeding involves a contested adoption or the involuntary termination of parental rights, any parent 18 years old or older who appears before the court shall be represented by counsel; but the parent may waive counsel provided the court is satisfied such waiver is knowingly and voluntarily made.

SECTION 2442t. 48.23 (2) (b) of the statutes is repealed.

SECTION 2442v. 48.23 (3) of the statutes is amended to read:

48.23 **(3)** POWER OF THE COURT TO APPOINT COUNSEL. ~~At~~ Except in proceedings under s. 48.13, at any time, upon request or on its own motion, the court may appoint counsel for the child or any party, unless the child or the party has or wishes to retain counsel of his or her own choosing. The court may not appoint counsel for any party other than the child in a proceeding under s. 48.13.

SECTION 2444m. 48.235 (8) of the statutes is amended to read:

48.235 **(8)** COMPENSATION. On order of the court, the guardian ad litem appointed under this chapter shall be allowed reasonable compensation to be paid

by the county of venue, except that compensation shall be paid by the proposed adoptive parents in uncontested termination proceedings and uncontested adoption cases under ss. 48.835 and 48.837 and by the agency in uncontested termination proceedings and uncontested adoptions under s. 48.833. If the proposed adoptive parents are unable to pay, the court may direct that the county of venue pay the compensation, in whole or in part, and may direct that the proposed adoptive parents reimburse the county, in whole or in part, for the payment. If the court orders a county to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b). At any time before the final order for adoption, the court may order that payments be placed in an escrow account in an amount estimated to be sufficient to pay the compensation of the guardian ad litem.

SECTION 2445. 48.243 (1) (b) of the statutes is amended to read:

48.243 **(1)** (b) The nature and possible consequences of the proceedings including the provisions of ss. 48.17~~,~~ and 48.18 ~~and 48.366~~ if applicable;

SECTION 2445g. 48.243 (1) (e) of the statutes is amended to read:

48.243 **(1)** (e) The right of the child to counsel under s. 48.23;

SECTION 2446. 48.255 (1) (intro.) of the statutes is amended to read:

48.255 **(1)** (intro.) A petition initiating proceedings under this chapter, other than a petition initiating proceedings under s. 48.12 or 48.13 (12), shall be entitled, "In the interest of (child's name), a person under the age of 18"~~, and~~. A petition initiating proceedings under s. 48.12 or 48.13 (12) shall be entitled, "In the interest of (child's name), a person under the age of 17". A petition initiating proceedings under this chapter shall set forth with specificity:

SECTION 2448b. 48.27 (4) (b) of the statutes is amended to read:

48.27 **(4)** (b) Advise the child ~~and any other party, if applicable,~~ of his or her right to legal counsel regardless of ability to pay.

SECTION 2448d. 48.275 (2) (a) of the statutes is amended to read:

48.275 **(2)** (a) If this state or a county provides legal counsel to a child subject to a proceeding under s. 48.12 or 48.13, the court shall order the child's parent ~~to provide a statement of income, assets and living expenses to the county department and shall order that parent~~ to reimburse the state or county in accordance with par. (b) or (c). The court may not order reimbursement if a parent is the complaining or petitioning party or if the court finds that the interests of the parent and the interests of the child in the proceeding are substantially and directly adverse and that reimbursement would be unfair to the parent. The court may not order reimbursement until the completion of the proceeding or until the state or county is no longer providing the child with legal counsel in the proceeding.

SECTION 2448f. 48.275 (2) (b) of the statutes is amended to read:

48.275 **(2)** (b) If this state provides the child with legal counsel and the court orders reimbursement under par. (a), the ~~county department shall~~ child's parent may request the state public defender to determine whether the parent is indigent as provided under s. 977.07 and ~~shall~~ to determine the amount of reimbursement. If the parent is found not to be indigent, the amount of reimbursement shall be the maximum amount established by the public defender board. If the parent is found to be indigent in part, the amount of reimbursement shall be the amount of partial payment determined in accordance with the rules of the public defender board under s. 977.02 (3).

SECTION 2448h. 48.275 (2) (d) of the statutes is amended to read:

48.275 **(2)** (d) Reimbursement payments shall be made to the clerk of courts of the county where the proceedings took place. Each payment shall be transmitted to the county treasurer, who shall deposit ~~50%~~ 25% of the amount paid for state–provided counsel in the county treasury and transmit the remainder to the state treasurer ~~for deposit~~. Payments transmitted to the state treasurer shall be deposited in the general fund and credited to the appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit 100% of the amount paid for county–provided counsel in the county treasury.

SECTION 2448j. 48.275 (2) (d) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

48.275 **(2)** (d) Reimbursement payments shall be made to the clerk of courts of the county where the proceedings took place. Each payment shall be transmitted to the county treasurer, who shall deposit 25% of the amount paid for state–provided counsel in the county treasury and transmit the remainder to the ~~state treasurer~~ secretary of administration. Payments transmitted to the ~~state treasurer~~ secretary of administration shall be deposited in the general fund and credited to the appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit 100% of the amount paid for county–provided counsel in the county treasury.

SECTION 2448m. 48.30 (6) of the statutes is amended to read:

48.30 **(6)** If a petition is not contested, the court shall set a date for the dispositional hearing which allows reasonable time for the parties to prepare but is no more than 10 days from the plea hearing for the child who is held in secure custody and no more than 30 days from the plea hearing for a child who is not held in secure custody. If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide

a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of industry, labor and human relations under s. ~~46.25~~ 49.143 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent the court may proceed immediately with the dispositional hearing. If a citation is not contested, the court may proceed immediately to enter a dispositional order.

SECTION 2448p. 48.31 (7) of the statutes is amended to read:

48.31 **(7)** At the close of the fact–finding hearing, the court shall set a date for the dispositional hearing which allows a reasonable time for the parties to prepare but is no more than 10 days from the fact–finding hearing for a child in secure custody and no more than 30 days from the fact–finding hearing for a child not held in secure custody. If it appears to the court that disposition of the case may include placement of the child outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled date of the dispositional hearing or as otherwise ordered by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of industry, labor and human relations under s. ~~46.25~~ 49.143 (9) and listing the factors that a court may consider under s. 46.10 (14) (c).

If all parties consent, the court may immediately proceed with a dispositional hearing.

SECTION 2448r. 48.33 (1) (intro.) of the statutes is amended to read:

48.33 **(1)** REPORT REQUIRED. (intro.) Before the disposition of a child adjudged to be delinquent or in need of protection or services the court shall designate an agency, as defined in s. 48.38 (1) (a), to submit a report which shall contain all of the following:

SECTION 2450. 48.33 (3m) of the statutes, as created by 1993 Wisconsin Act 377, is repealed.

SECTION 2450m. 48.33 (3r) of the statutes is created to read:

48.33 **(3r)** SERIOUS JUVENILE OFFENDER REPORT. If a child 14 years of age or over has been adjudicated delinquent for committing a violation specified in s. 48.34 (4h) (a), the report shall be submitted in writing by the department of corrections and, in addition to the information specified in sub. (1) and in sub. (3) or (4), if applicable, shall include an analysis of the child's suitability for placement in the serious juvenile offender program under s. 48.34 (4h) or in a secured correctional facility under s. 48.34 (4m), a placement specified in s. 48.34 (3) or placement in the child's home with supervision and community–based programming and a recommendation as to the type of placement for which the child is best suited.

SECTION 2451m. 48.34 (2) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.34 **(2)** Place the child under supervision of an agency, the department of corrections, if the department of corrections approves, or a suitable adult, including a friend of the child, under conditions prescribed by the judge including reasonable

rules for the child's conduct, designed for the physical, mental and moral well–being and behavior of the child.

SECTION 2451p. 48.34 (2m) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.34 **(2m)** Place the child in his or her home under the supervision of an agency~~, as defined under s. 48.38 (1) (a)~~ or the department of health and social services, if that department approves, and order the agency or department to provide specified services to the child and the child's family, which may include but are not limited to individual or group counseling, homemaker or parent aide services, respite care, housing assistance, day care or parent skills training.

SECTION 2451r. 48.34 (2m) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.34 **(2m)** Place the child in the child's home under the supervision of an agency, the department of health and social services, if the child is in need of protection or services and that department approves, or the department of corrections, if the child is delinquent and that department approves, and order the agency or department to provide specified services to the child and the child's family, which may include but are not limited to individual, family or group counseling, homemaker or parent aide services, respite care, housing assistance, day care or parent skills training.

SECTION 2453m. 48.34 (3g) of the statutes is amended to read:

48.34 **(3g)** ~~If the judge places the child in the community under sub. (2m), (2r), (3) or (10), the judge may order the child to be monitored~~ Monitoring by an electronic monitoring system for a child subject to an order under sub. (2m), (2r), (3), (4n) or (10) who is placed in the community.

SECTION 2453p. 48.34 (3g) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.34 **(3g)** Monitoring by an electronic monitoring system for a child subject to an order under sub. (2m), (2r), (3), (4h), (4n) or (10) who is placed in the community.

SECTION 2454m. 48.34 (4g) of the statutes, as created by 1993 Wisconsin Act 377, is repealed.

SECTION 2457m. 48.34 (4h) of the statutes is created to read:

48.34 **(4h)** Place the child in the serious juvenile offender program under s. 48.538, but only if all of the following apply:

(a) The child is 14 years of age or over and has been adjudicated delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.01, 940.02, 940.03, 940.05, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or 948.36.

(b) The judge finds that the only other disposition that would be appropriate for the child would be placement of the child in a secured correctional facility under sub. (4m).

SECTION 2458. 48.34 (4m) (intro.) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.34 **(4m)** (intro.) Place the child in a secured correctional facility under the supervision of the department <u>of corrections</u>, but only if <u>all of the following apply</u>:

SECTION 2459. 48.34 (4m) (a) of the statutes is amended to read:

48.34 **(4m)** (a) The child has been found to be delinquent for the commission of an act which if committed by an adult would be punishable by a sentence of 6 months or more<u>~~; and~~.</u>

SECTION 2461. 48.34 (4n) (intro.) of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.34 **(4n)** (intro.) Subject to s. 48.532 (3) and to any arrangement between the department and a county department regarding the provision of aftercare supervision for children, designate one of the following to provide aftercare supervision for the child following the child's release from a secured correctional facility:

SECTION 2461m. 48.34 (4n) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.34 **(4n)** (intro.) Subject to s. 48.532 (3) and to any arrangement between the department of corrections and a county department regarding the provision of aftercare supervision for children, designate one of the following to provide aftercare supervision for the child following the child's release from a secured correctional facility:

SECTION 2461r. 48.34 (4n) (a) of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.34 **(4n)** (a) The department of corrections.

SECTION 2464. 48.34 (10) (a) of the statutes is amended to read:

48.34 **(10)** (a) The judge may order that a child, on attaining 17 ~~or more~~ years of age, be allowed to live independently, either alone or with friends, under such supervision as the judge deems appropriate.

SECTION 2464m. 48.345 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491, is amended to read:

48.345 **(1)** (a) Place the child in a secured correctional facility ~~or transfer the custody of the child to the department of corrections~~.

SECTION 2464p. 48.345 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.345 **(1)** (a) Place the child in the serious juvenile offender program or in a secured correctional facility.

SECTION 2465. 48.35 (1) (c) of the statutes is amended to read:

48.35 **(1)** (c) Disposition by the court assigned to exercise jurisdiction under this chapter of any allegation under s. 48.12 shall bar any future proceeding on the same matter in criminal court when the child reaches the age of ~~18~~ 17. This paragraph does not affect proceedings in criminal court which have been transferred under s. 48.18.

SECTION 2465m. 48.355 (4) (a) of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491, is amended to read:

48.355 **(4)** (a) Except as provided under par. (b) or s. 48.368, all orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Except if s. 48.368 applies, extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. No extension under s. 48.365 of an original dispositional order may be granted for a child ~~whose legal custody has been transferred to the department of corrections under s. 48.34 (4g) or~~ who is under the supervision of the department ~~of health and social services~~ under s. 48.34 (4m) or (4n) or under the supervision of a county department under s. 48.34 (4n) if the child is 18 years of age or older when the original dispositional order terminates. Any order made before the child reaches the age of majority shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

SECTION 2465p. 48.355 (4) (a) of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.355 **(4)** (a) Except as provided under par. (b) or s. 48.368, all orders under this section shall terminate at the end of one year unless the judge specifies a shorter period of time. Except if s. 48.368 applies, extensions or revisions shall terminate at the end of one year unless the judge specifies a shorter period of time. No extension under s. 48.365 of an original dispositional order may be granted for a child who is under the supervision of the department of corrections under s. 48.34 (4h), (4m) or (4n) or under the supervision of a county department under s. 48.34 (4n) if the child is 17 years of age or older when the original dispositional order terminates. Any order made before the child reaches the age of majority shall be effective for a time up to one year after its entry unless the judge specifies a shorter period of time.

SECTION 2466d. 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.355 **(4)** (b) An order under s. 48.34 ~~(4g) or~~ (4m) for which a child has been adjudicated delinquent is subject to par. (a), except that the judge may make ~~an order under s. 48.34 (4m)~~ the order apply for up to 2 years or until the child's 19th birthdate, whichever is earlier~~, and the judge shall make an order under s. 48.34 (4g) apply for 5 years, if the child is adjudicated delinquent for committing an act that would be punishable as a Class B, C or D felony if committed by an adult, or until the child reaches 25 years of age, if the child is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult~~.

SECTION 2466g. 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), section 2466d, is repealed and recreated to read:

48.355 **(4)** (b) An order under s. 48.34 (4m) for which a child has been adjudicated delinquent is subject to par. (a), except that the judge may make the order apply for up to 2 years or until the child's 18th birthdate, whichever is earlier.

SECTION 2466m. 48.355 (4) (b) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), sections 2466d and 2466g, is amended to read:

48.355 **(4)** (b) An order under s. 48.34 (4h) or (4m) for which a child has been adjudicated delinquent is subject to par. (a), except that the judge may make ~~the order~~ an order under s. 48.34 apply for up to 2 years or until the child's 18th birthdate, whichever is earlier, and the judge shall make an order under s. 48.34 (4h) apply for 5 years, if the child is adjudicated delinquent for committing an act that would be punishable as a Class B felony if committed by an adult, or until the child reaches 25 years of age, if the child is adjudicated delinquent for committing an act that would be punishable as a Class A felony if committed by an adult.

SECTION 2466p. 48.357 (4) of the statutes, as affected by 1993 Wisconsin Act 385, is renumbered 48.357 (4) (a) and amended to read:

48.357 **(4)** (a) When the child is placed with the department of corrections, the department of corrections may, after an examination under s. ~~48.50~~ 48.555, place the child in a secured correctional facility or in a secured child caring institution or on aftercare or corrective sanctions supervision, either immediately or after a period of placement in a secured correctional facility. The department shall send written notice of the change to the parent, guardian, legal custodian, county department

designated under s. 48.34 (4n), if any, and committing court. A child is who placed in a secured child caring institution remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department and is considered to be in custody, as defined in s. 946.42 (1) (a).

SECTION 2466r. 48.357 (4) (b) of the statutes is created to read:

48.357 **(4)** (b) The child welfare agency that is operating a secured child caring institution in which a child has been placed under par. (a) may place the child in a less restrictive placement or in a secured correctional facility and may transfer the child between secured child caring institutions, without a hearing under sub. (1). The child welfare agency shall establish a rate for each type of placement in the manner provided in s. 46.037, except that a child welfare agency is not entitled to receive payment for time that a child is placed in a secured correctional facility.

SECTION 2466t. 48.357 (4d) of the statutes is created to read:

48.357 **(4d)** If a child who is placed in a child caring institution as a result of a delinquency adjudication violates a rule of the child caring institution or is otherwise in need of crisis intervention, the child welfare agency operating the child caring institution shall notify the department of corrections and may, without a hearing under sub. (1), place the child in a secured correctional facility or in a secure detention facility for not more than 30 days. The department shall send written notice of the change to the parent, guardian, legal custodian and committing court. If a child is placed in a secured correctional facility or secure detention facility under this subsection, the child welfare agency operating the child caring institution in which the child was placed shall reimburse the department of corrections at the rate specified in s. 301.26 (4) (d) 3m. or 4., whichever is applicable, or county operating the secure detention facility at the rate established by that county for the cost of the

child's care while placed in the secured correctional facility or secure detention facility under this subsection.

SECTION 2467. 48.357 (4g) (a) of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.357 **(4g)** (a) Not later than 120 days after the date on which the child is placed in a secured correctional facility, or not less than 30 days before the date on which the department of corrections determines that the child is eligible for release to aftercare supervision, whichever is earlier, the aftercare provider designated under s. 48.34 (4n) shall prepare an aftercare plan for the child. If the aftercare provider designated under s. 48.34 (4n) is a county department, that county department shall submit the aftercare plan to the department of corrections within the time limits specified in this paragraph, unless the department of corrections waives those time limits under par. (b).

SECTION 2467d. 48.357 (4g) (b) of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.357 **(4g)** (b) The department of corrections may waive the time period within which an aftercare plan must be prepared and submitted under par. (a) if ~~the~~ that department anticipates that the child will remain in the secured correctional facility for a period exceeding 8 months, if the child is subject to extended jurisdiction under s. 48.366 or if the child is under corrective sanctions supervision under s. 48.533. If the department of corrections has waived the time period within which an aftercare plan must be prepared and submitted and if there will be a reasonable time period after release from the secured correctional facility or from corrective sanctions supervision during which the child may remain subject to court jurisdiction, ~~the~~ that department shall notify the county department providing aftercare supervision of

the anticipated release date not less than 60 days before the date on which the child will be eligible for release. If the department of corrections waives the time limits specified under par. (a), the aftercare plan shall be prepared by ~~the~~ that department or prepared and submitted by the county department providing aftercare supervision on or before the date on which the child becomes eligible for release.

SECTION 2467m. 48.357 (4m) of the statutes is amended to read:

48.357 **(4m)** The department of corrections shall try to release a child to aftercare or corrective sanctions supervision under sub. (4) within 30 days after the date ~~the~~ that department determines the child is eligible for the release.

SECTION 2467p. 48.357 (5) (a) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.357 **(5)** (a) The department of corrections or a county department, whichever has been designated as a child's aftercare provider under s. 48.34 (4n), may revoke the aftercare status of that child. The department of corrections may revoke a child's placement in the community under corrective sanctions supervision. Revocation of aftercare or corrective sanctions supervision shall not require prior notice under sub. (1).

SECTION 2467r. 48.357 (5) (g) of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.357 **(5)** (g) The department of corrections shall promulgate rules setting standards to be used by a hearing examiner to determine whether to revoke a child's aftercare or corrective sanctions status. The standards shall specify that the burden is on the department of corrections or county department seeking revocation to show by a preponderance of the evidence that the child violated a condition of aftercare or corrective sanctions supervision.

SECTION 2467t. 48.357 (5m) of the statutes is amended to read:

48.357 **(5m)** If a proposed change in placement changes a child's placement from a placement in the child's home to a placement outside the child's home, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court or the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of industry, labor and human relations under s. ~~46.25~~ 49.143 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If the child is placed outside the child's home, the court shall determine the liability of the parent in the manner provided in s. 46.10 (14).

SECTION 2468. 48.36 (1) of the statutes is amended to read:

48.36 **(1)** (a) If legal custody is transferred from the parent or guardian or the court otherwise designates an alternative placement for the child by a disposition made under s. 48.34 or 48.345 or by a change in placement under s. 48.357, the duty of the parent or guardian or, in the case of a transfer of guardianship and custody under s. 48.839 (4), the duty of the former guardian to provide support shall continue even though the legal custodian or the placement designee may provide the support. A copy of the order transferring custody or designating alternative placement for the child shall be submitted to the agency or person receiving custody or placement and the agency or person may apply to the court for an order to compel the parent or guardian to provide the support. Support payments for residential services, when purchased or otherwise funded or provided by the department of health and social

services, the department of corrections, or a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, shall be determined under s. 46.10 (14).

(b) In determining the amount of support under par. (a), the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported to the department of industry, labor and human relations, or the county child and spousal support agency, under s. ~~46.25~~ 49.143 (2m). If the court has insufficient information with which to determine the amount of support, the court shall order the child's parent to furnish a statement of income, assets, debts and living expenses, if the parent has not already done so, to the court within 10 days after the court's order transferring custody or designating an alternative placement is entered or at such other time as ordered by the court.

SECTION 2468m. 48.363 (1) of the statutes is amended to read:

48.363 **(1)** A child, the child's parent, guardian or legal custodian, any person or agency bound by a dispositional order or the district attorney or corporation counsel in the county in which the dispositional order was entered may request a revision in the order that does not involve a change in placement, including a revision with respect to the amount of child support to be paid by a parent, or the court may on its own motion propose such a revision. The request or court proposal shall set forth in detail the nature of the proposed revision and what new information is available that affects the advisability of the court's disposition. The request or court proposal shall be submitted to the court. The court shall hold a hearing on the matter if the request or court proposal indicates that new information is available which affects the advisability of the court's dispositional order and prior to any revision of the dispositional order, unless written waivers of objections to the revision are signed by all parties entitled to receive notice and the court approves. If a hearing is held,

the court shall notify the parent, child, guardian and legal custodian, all parties bound by the dispositional order 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 the proposed revision is for a change in the amount of child support to be paid by a parent, the court shall order the child's parent to provide a statement of income, assets, debts and living expenses to the court and the person or agency primarily responsible for implementing the dispositional order by a date specified by the court. The clerk of court shall provide, without charge, to any parent ordered to provide a statement of income, assets, debts and living expenses a document setting forth the percentage standard established by the department of industry, labor and human relations under s. ~~46.25~~ 49.143 (9) and listing the factors that a court may consider under s. 46.10 (14) (c). If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 2469m. 48.365 (7) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.365 **(7)** Nothing in this section may be construed to allow any changes in placement or revocation of aftercare~~,~~ or corrective sanctions ~~or youthful offender supervision~~. Revocation and other changes in placement may take place only under s. 48.357 ~~or, for a child who is a participant in the youthful offender program, s. 48.537~~.

SECTION 2469p. 48.365 (7) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.365 **(7)** Nothing in this section may be construed to allow any changes in placement or revocation of aftercare, corrective sanctions or serious juvenile offender

supervision. Revocation and other changes in placement may take place only under s. 48.357 or, for a child who is a participant in the serious juvenile offender program, s. 48.538.

SECTION 2470. 48.366 (1) (a) (intro.) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.366 **(1)** (a) (intro.) ~~If~~ Subject to par. (c), if the person committed any crime specified under s. 940.01, 940.02, 940.05, 940.21 or 940.225 (1) (a) to (c), 948.03 or 948.04, is adjudged delinquent on that basis and is placed in a secured correctional facility under s. 48.34 (4m), the court shall enter an order extending its jurisdiction as follows:

SECTION 2471. 48.366 (1) (b) of the statutes is amended to read:

48.366 **(1)** (b) ~~If~~ Subject to par. (c), if the person committed a crime specified in s. 940.20 (1) or 946.43 while placed in a secured correctional facility and is adjudged delinquent on that basis following transfer of jurisdiction under s. 970.032, the court shall enter an order extending its jurisdiction until the person reaches 21 years of age or until termination of the order under sub. (6), whichever occurs earlier.

SECTION 2472. 48.366 (1) (c) of the statutes is created to read:

48.366 **(1)** (c) A court may not enter an order extending its jurisdiction as provided in par. (a) or (b) with respect to any violation committed after June 30, 1996.

SECTION 2472d. 48.366 (5) (a) 2. of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.366 **(5)** (a) 2. The department of corrections or county department ordered under s. 48.34 (4n) to provide aftercare supervision of the person.

SECTION 2472g. 48.366 (5) (b) (intro.) of the statutes is amended to read:

48.366 **(5)** (b) (intro.) The department of corrections or county department may, at any time, file a petition proposing either release of a person subject to an order to aftercare supervision or revocation of the person's aftercare supervision. The petition shall set forth in detail:

SECTION 2472j. 48.366 (5) (d) 1. of the statutes is amended to read:

48.366 **(5)** (d) 1. At the time the department of corrections or county department files a petition under par. (a), it shall provide written notice of the petition to the person who is the subject of the petition. The notice to the person who is the subject of the petition shall state that the person has a right to request a hearing on the petition and, if the petition is for revocation of a person's aftercare supervision, that the person has the right to counsel. The department of corrections or county department shall also provide written notice of the petition to the office of the district attorney that filed the petition on the basis of which the child was adjudged delinquent and the victim, if any, of the delinquent act.

SECTION 2472m. 48.366 (5) (d) 2. of the statutes is amended to read:

48.366 **(5)** (d) 2. At the time a person subject to an order files a petition under par. (a), the person shall provide written notice of the petition to the department of corrections or county department, as applicable.

SECTION 2472p. 48.366 (5) (f) of the statutes is amended to read:

48.366 **(5)** (f) If the court grants a petition to release a person to aftercare supervision and the person's county of residence is one in which the county department provides aftercare supervision, the department of corrections may contract with the county department under s. ~~46.036~~ 301.08 (2) for aftercare supervision of the person.

SECTION 2472r. 48.366 (6) (a) 2. of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.366 **(6)** (a) 2. The department of corrections or county department ordered under s. 48.34 (4n) to provide aftercare supervision of the person.

SECTION 2472t. 48.366 (6) (b) of the statutes is amended to read:

48.366 **(6)** (b) The petition shall state the factual basis for the petitioner's belief that discharge will not pose a threat of bodily harm to other persons. The department of corrections or county department may file a petition at any time. The person subject to the order may file a petition not more often than once a year.

SECTION 2472v. 48.366 (6) (c) 1. of the statutes is amended to read:

48.366 **(6)** (c) 1. At the time the department of corrections or county department files a petition under par. (a), it shall provide written notice of the petition to the person who is the subject of the petition. The notice to the person who is the subject of the petition shall state that the person has the right to counsel. The department of corrections or county department shall also provide written notice of the petition to the office of the district attorney that filed the petition on the basis of which the person was adjudged delinquent and to the victim, if any, of the delinquent act.

SECTION 2472x. 48.366 (6) (c) 2. of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.366 **(6)** (c) 2. At the time a person subject to an order files a petition under par. (a), he or she shall provide written notice of the petition to the department of corrections or county department, whichever has been ordered under s. 48.34 (4n) to provide aftercare supervision of the person.

SECTION 2472z. 48.366 (7) of the statutes is amended to read:

48.366 **(7)** NOTICE OF HEARING. Upon receipt of a request for a hearing under sub. (5) or upon receipt of a petition under sub. (6), the court shall set a date for a hearing on the matter. In any of those cases, the court shall notify the department of corrections and each person specified in sub. (5) (d) 1. or (6) (c) 1. of the hearing at least 7 days before the hearing, except that if any such person lives outside of this state, the notice shall be mailed at least 14 days before the hearing.

SECTION 2473. 48.366 (8) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.366 **(8)** TRANSFER TO OR BETWEEN FACILITIES. The department may transfer a person subject to an order between secured correctional facilities. After the person attains the age of ~~18~~ 17 years, the department may, after consulting with the department of corrections, place the person in a state prison named in s. 302.01. The department of corrections may transfer a person placed in a state prison under this subsection to or between state prisons named in s. 302.01 without petitioning for revision of the order under sub. (5) (a).

SECTION 2473m. 48.366 (8) of the statutes, as affected by 1993 Wisconsin Act 385 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.366 **(8)** TRANSFER TO OR BETWEEN FACILITIES. The department of corrections may transfer a person subject to an order between secured correctional facilities. After the person attains the age of 17 years, the department of corrections may place the person in a state prison named in s. 302.01. If the department of corrections places a person subject to an order under this section in a state prison, that department shall provide services for that person from the appropriate appropriation under s. 20.410 (1). The department of corrections may transfer a

person placed in a state prison under this subsection to or between state prisons named in s. 302.01 without petitioning for revision of the order under sub. (5) (a).

SECTION 2474. 48.38 (1) (a) of the statutes is amended to read:

48.38 **(1)** (a) "Agency" means the department of health and social services, the department of corrections, a county department or a licensed child welfare agency.

SECTION 2475m. 48.38 (3) (a) of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491, is amended to read:

48.38 **(3)** (a) If the child is alleged to be delinquent and is being held in a secure detention facility, juvenile portion of a county jail or shelter care facility, and the agency intends to recommend that the child be placed in a secured correctional facility ~~or the department of corrections intends to recommend that custody of the child be transferred to the department of corrections for participation in the youthful offender program~~, the agency is not required to submit the permanency plan unless the court does not accept the recommendation of the agency ~~or the department of corrections~~. If the court places the child in any facility outside of the child's home other than a secured correctional facility, the agency shall file the permanency plan with the court within 60 days after the date of disposition.

SECTION 2476. 48.38 (3) (a) of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.38 **(3)** (a) If the child is alleged to be delinquent and is being held in a secure detention facility, juvenile portion of a county jail or shelter care facility, and the agency intends to recommend that the child be placed in a secured correctional facility or in the serious juvenile offender program, the agency is not required to submit the permanency plan unless the court does not accept the recommendation

of the agency. If the court places the child in any facility outside of the child's home other than a secured correctional facility, the agency shall file the permanency plan with the court within 60 days after the date of disposition.

SECTION 2478. 48.39 of the statutes is amended to read:

48.39 Disposition by court bars criminal proceeding. Disposition by the court of any violation of state law coming within its jurisdiction under s. 48.12 bars any future criminal proceeding on the same matter in circuit court when the child reaches the age of ~~18~~ 17. This section does not affect criminal proceedings in circuit court which were transferred under s. 48.18.

SECTION 2479. 48.396 (1) of the statutes is amended to read:

48.396 **(1)** Peace officers' records of children shall be kept separate from records of ~~persons 18 or older~~ adults. Peace officers' records of children shall not be open to inspection or their contents disclosed except under sub. (1m) or (5) or s. 48.293 or by order of the court. This subsection does not apply to the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child involved, to the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies or to children 16 or older who are transferred to the criminal courts.

SECTION 2480. 48.396 (2) (b) of the statutes is amended to read:

48.396 **(2)** (b) Upon request of the department of health and social services, the department of corrections or a federal agency to review court records for the purpose of monitoring and conducting periodic evaluations of activities as required by and implemented under 45 CFR 1355, 1356 and 1357, the court shall open those records

for inspection by authorized representatives of the requesting department or federal agency.

SECTION 2480m. 48.396 (2) (e) of the statutes is amended to read:

48.396 **(2)** (e) Upon request of the department of ~~health and social services~~ corrections to review court records for the purpose of providing, under s. 980.015 (3) (a), the department of justice or a district attorney with a person's offense history, the court shall open for inspection by authorized representatives of the department of ~~health and social services~~ corrections the records of the court relating to any child who has been adjudicated delinquent for a sexually violent offense, as defined in s. 980.01 (6).

SECTION 2495. 48.432 (2) (a) of the statutes is amended to read:

48.432 **(2)** (a) The department, or agency contracted with under sub. (9), shall maintain all information obtained under s. 48.427 (6) (b) in a centralized birth record file.

SECTION 2496. 48.432 (2) (b) of the statutes is amended to read:

48.432 **(2)** (b) Any birth parent whose rights to a child have been terminated in this state at any time, or who consented to the adoption of a child before February 1, 1982, may file with the department, or agency contracted with under sub. (9), any relevant medical or genetic information about the child or the child's birth parents, and the department or agency shall maintain the information in the centralized birth record file.

SECTION 2497. 48.432 (3) (a) (intro.) of the statutes is amended to read:

48.432 **(3)** (a) (intro.) The department, or agency contracted with under sub. (9), shall release the medical information under sub. (2) to any of the following persons upon request:

SECTION 2498. 48.432 (3) (b) of the statutes is amended to read:

48.432 **(3)** (b) Before releasing the information under par. (a), the department, or agency contracted with under sub. (9), shall delete the name and address of the birth parent and the identity of any provider of health care to the individual or adoptee or to the birth parent.

SECTION 2499. 48.432 (3) (c) of the statutes is amended to read:

48.432 **(3)** (c) The person making a request under this subsection shall pay a fee for the cost of locating, verifying, purging, summarizing, copying and mailing the medical or genetic information according to a fee schedule established by the department, or agency contracted with under sub. (9), based on ability to pay. The fee may not be more than $150 and may be waived by the department or agency.

SECTION 2500. 48.432 (4) (a) of the statutes is amended to read:

48.432 **(4)** (a) Whenever any person specified under sub. (3) wishes to obtain medical and genetic information about an individual whose birth parent's rights have been terminated in this state at any time, or whose birth parent consented to his or her adoption before February 1, 1982, or medical and genetic information about the birth parents of such an individual or adoptee, and the information is not on file with the department, or agency contracted with under sub. (9), the person may request that the department or agency conduct a search for the birth parents to obtain the information. The request shall be accompanied by a statement from a physician certifying either that the individual or adoptee has or may have acquired a genetically transferable disease or that the individual's or adoptee's medical condition requires access to the information.

SECTION 2501. 48.432 (4) (b) of the statutes is amended to read:

48.432 **(4)** (b) Upon receipt of a request under par. (a), the department, or agency contracted with under sub. (9), shall undertake a diligent search for the individual's or adoptee's parents. ~~Upon request by the department, an agency shall cooperate in the search and shall make its records available to the department. The department may not require an agency to conduct the search, but may designate an agency to do so with the agency's consent~~.

SECTION 2502. 48.432 (4) (d) of the statutes is amended to read:

48.432 **(4)** (d) The department, or agency ~~designated by the department~~ contracted with under ~~par. (b)~~ sub. (9), shall charge the requester a reasonable fee for the cost of the search. When the department or agency determines that the fee will exceed $100 for either birth parent, it shall notify the requester. No fee in excess of $100 per birth parent may be charged unless the requester, after receiving notification under this paragraph, has given consent to proceed with the search.

SECTION 2503. 48.432 (4) (f) of the statutes is amended to read:

48.432 **(4)** (f) The department, or agency contracted with under sub. (9), shall release to the requester any medical or genetic information provided by a birth parent under this subsection without disclosing the birth parent's identity or location.

SECTION 2504. 48.432 (4) (g) of the statutes is amended to read:

48.432 **(4)** (g) If a birth parent is located but refuses to provide the information requested, the department, or agency contracted with under sub. (9), shall notify the requester, without disclosing the birth parent's identity or location, and the requester may petition the circuit court to order the birth parent to disclose the information. The court shall grant the motion for good cause shown.

SECTION 2505. 48.432 (8m) (intro.) of the statutes is amended to read:

48.432 **(8m)** (intro.) The department, or agency contracted with under sub. (9), shall give priority to all of the following:

SECTION 2506. 48.432 (9) of the statutes is amended to read:

48.432 **(9)** The department shall promulgate rules to implement this section and may contract with an agency to administer this section.

SECTION 2507. 48.433 (2) of the statutes is amended to read:

48.433 **(2)** Any birth parent whose rights have been terminated in this state at any time, or who has consented to the adoption of his or her child in this state before February 1, 1982, may file with the department, or agency contracted with under sub. (11), an affidavit authorizing the department or agency to provide the child with his or her original birth certificate and with any other available information about the birth parent's identity and location. An affidavit filed under this subsection may be revoked at any time by notifying the department or agency in writing.

SECTION 2508. 48.433 (3) (intro.) of the statutes is amended to read:

48.433 **(3)** (intro.) Any person 21 years of age or over whose birth parent's rights have been terminated in this state or who has been adopted in this state with the consent of his or her birth parent or parents before February 1, 1982, may request the department, or agency contracted with under sub. (11), to provide the person with the following:

SECTION 2509. 48.433 (4) of the statutes is amended to read:

48.433 **(4)** Before acting on the request, the department, or agency contracted with under sub. (11), shall require the requester to provide adequate identification.

SECTION 2510. 48.433 (5) (intro.) of the statutes is amended to read:

48.433 **(5)** (intro.) The department, or agency contracted with under sub. (11), shall disclose the requested information in either of the following circumstances:

SECTION 2511. 48.433 (5) (a) of the statutes is amended to read:

48.433 **(5)** (a) The department, or agency contracted with under sub. (11), has on file unrevoked affidavits filed under sub. (2) from both birth parents.

SECTION 2512. 48.433 (6) (a) of the statutes is amended to read:

48.433 **(6)** (a) If the department, or agency contracted with under sub. (11), does not have on file an affidavit from each known birth parent, it shall, within 3 months after the date of the original request, undertake a diligent search for each birth parent who has not filed an affidavit. The search shall be completed within 6 months after the date of the request, unless the search falls within one of the exceptions established by the department by rule. If any information has been provided under sub. (5), the department or agency is not required to conduct a search.

SECTION 2513. 48.433 (6) (b) of the statutes is repealed.

SECTION 2514. 48.433 (6) (d) of the statutes is amended to read:

48.433 **(6)** (d) The department, or agency ~~designated by the department~~ contracted with under ~~par. (b)~~ sub. (11), shall charge the requester a reasonable fee for the cost of the search. When the department or agency determines that the fee will exceed $100 for either birth parent, it shall notify the requester. No fee in excess of $100 per birth parent may be charged unless the requester, after receiving notification under this paragraph, has given consent to proceed with the search.

SECTION 2515. 48.433 (7) (b) of the statutes is amended to read:

48.433 **(7)** (b) Within 3 working days after contacting a birth parent, the department, or agency contracted with under sub. (11), shall send the birth parent

a written copy of the information specified under par. (a) and a blank copy of the affidavit.

SECTION 2516. 48.433 (7) (c) of the statutes is amended to read:

48.433 **(7)** (c) If the birth parent files the affidavit, the department, or agency contracted with under sub. (11), shall disclose the requested information if permitted under sub. (5).

SECTION 2517. 48.433 (7) (e) of the statutes is amended to read:

48.433 **(7)** (e) If, after a search under this subsection, a known birth parent cannot be located, the department, or agency contracted with under sub. (11), may disclose the requested information if the other birth parent has filed an unrevoked affidavit under sub. (2).

SECTION 2518. 48.433 (8) (a) (intro.) of the statutes is amended to read:

48.433 **(8)** (a) (intro.) If a birth parent is known to be dead and has not filed an unrevoked affidavit under sub. (2), the department, or agency contracted with under sub. (11), shall so inform the requester. The department or agency may not provide the requester with his or her original birth certificate or with the identity of that parent, but shall provide the requester with any available information it has on file regarding the identity and location of the other birth parent if both of the following conditions exist:

SECTION 2519. 48.433 (8) (b) of the statutes is amended to read:

48.433 **(8)** (b) If a birth parent is known to be dead, the department, or agency contracted with under sub. (11), in addition to the information provided under par. (a), shall provide the requester with any nonidentifying social history information about the deceased parent on file with the department or agency.

SECTION 2520. 48.433 (8m) of the statutes is amended to read:

48.433 **(8m)** If the department, or agency contracted with under sub. (11), may not disclose the information requested under this section, it shall provide the requester with any nonidentifying social history information about either of the birth parents that it has on file.

SECTION 2521. 48.433 (11) of the statutes is amended to read:

48.433 **(11)** The department shall promulgate rules to implement this section and may contract with an agency to administer this section.

SECTION 2522. Subchapter IX (title) of chapter 48 [precedes 48.44] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER IX

JURISDICTION OVER PERSON ~~18~~ 17

OR OLDER

SECTION 2523. 48.44 (title) and (1) of the statutes are amended to read:

48.44 (title) **Jurisdiction over persons ~~18~~ 17 or older. (1)** The court has jurisdiction over persons ~~18~~ 17 or older as provided under ss. 48.355 (4) and 48.45 and as otherwise specifically provided in this chapter.

SECTION 2524. 48.45 (1) (a) of the statutes is amended to read:

48.45 **(1)** (a) If in the hearing of a case of a child alleged to be in a condition described in s. 48.12 or 48.13 it appears that any person ~~18~~ 17 or older has been guilty of contributing to, encouraging, or tending to cause by any act or omission, such condition of the child, the judge may make orders with respect to the conduct of such person in his or her relationship to the child, including orders determining the ability of the person to provide for the maintenance or care of the child and directing when, how and where funds for the maintenance or care shall be paid.

SECTION 2525. 48.45 (3) of the statutes is amended to read:

48.45 **(3)** If it appears at a court hearing that any person ~~18~~ 17 or older has violated s. 948.40, the judge shall refer the record to the district attorney for criminal proceedings as may be warranted in the district attorney's judgment. This subsection does not prevent prosecution of violations of s. 948.40 without the prior reference by the judge to the district attorney, as in other criminal cases.

SECTION 2526. 48.48 (intro.) of the statutes is amended to read:

48.48 (title) **Authority of department of health and social services.** (intro.) The department of health and social services shall have authority:

SECTION 2526m. 48.48 (1) of the statutes is amended to read:

48.48 **(1)** To promote the enforcement of the laws relating to ~~delinquent children,~~ nonmarital children and children in need of protection or services including developmentally disabled children and to take the initiative in all matters involving the interests of such children where adequate provision therefor is not made. This duty shall be discharged in cooperation with the courts, county departments, licensed child welfare agencies and with parents and other individuals interested in the welfare of children.

SECTION 2527m. 48.48 (3) of the statutes is amended to read:

48.48 **(3)** To accept ~~legal custody of children transferred to it by the court under s. 48.355 and~~ guardianship of children when appointed by the court, and to provide special treatment and care when directed by the court. A court may not direct the department to administer psychotropic medications to children who receive special treatment or care under this subsection.

SECTION 2528m. 48.48 (4) of the statutes, as affected by 1993 Wisconsin Act 385, is repealed.

SECTION 2528r. 48.48 (4m) (intro.) of the statutes is repealed.

SECTION 2529. 48.48 (4m) (a) of the statutes is amended to read:

48.48 **(4m)** (a) Is at least ~~18~~ 17 years of age;

SECTION 2529m. 48.48 (4m) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2530. 48.48 (4m) (b) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.48 **(4m)** (b) Was in the legal custody of the department or under its supervision under s. 48.34 (4m) or (4n) when the person reached ~~18~~ 17 years of age;

SECTION 2530m. 48.48 (4m) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2530p. 48.48 (4m) (c) of the statutes is repealed.

SECTION 2530r. 48.48 (4m) (d) of the statutes is repealed.

SECTION 2530t. 48.48 (5) of the statutes, as affected by 1993 Wisconsin Act 385, is repealed.

SECTION 2530v. 48.48 (6) of the statutes, as affected by 1993 Wisconsin Act 385, is repealed.

SECTION 2531. 48.48 (12) (a) of the statutes is amended to read:

48.48 **(12)** (a) To enter into an agreement to assist in the cost of care of a child after legal adoption when the department has determined that such assistance is necessary to assure the child's adoption. Agreements under this paragraph shall be made in accordance with s. 48.975. Payments shall be made from the appropriation under s. 20.435 ~~(7)~~ (3) (dd).

SECTION 2531m. 48.48 (13) of the statutes is amended to read:

48.48 **(13)** To promulgate rules for the payment of an allowance to children in its institutions and a cash grant to a child being discharged from its institutions ~~or released to aftercare or corrective sanctions supervision~~.

SECTION 2532. 48.48 (14) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.48 **(14)** To pay maintenance, tuition and related expenses from the appropriations under s. 20.435 (3) (ho) and (7) (dd) for persons who when they reached ~~18~~ 17 years of age were students regularly attending a school, college or university or regularly attending a course of vocational or technical training designed to fit them for gainful employment, and who when reaching that age were in the legal custody of the department or under its supervision under s. 48.34 (4m) or (4n) as a result of a judicial decision.

SECTION 2533m. 48.48 (14) of the statutes, as affected by 1993 Wisconsin Act 385 and 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2534m. 48.48 (16) of the statutes is amended to read:

48.48 **(16)** To establish and enforce standards for services provided under ~~ss. 48.34 and~~ s. 48.345 ~~(1) (a) and (e). This authority does not apply to services provided by the department of corrections under s. 48.366 (8)~~.

SECTION 2535m. 48.49 of the statutes, as affected by 1993 Wisconsin Acts 377, 385 and 491, is repealed.

SECTION 2536m. 48.50 of the statutes, as affected by 1993 Wisconsin Acts 385 and 491, is repealed.

Section 2537. 48.505 of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.505 (title) **Children placed in a secured correctional facility or on aftercare under supervision of department of health and social services or county department.** ~~The~~ When a child is under the supervision of the department of health and social services under s. 48.34 (4m) or (4n), 48.357 (4) or (5) (e) or 48.366 or under the supervision of a county department under s. 48.34 (4n), the department or county department having supervision over the child shall have the right and duty to protect, train, discipline, treat and confine ~~a child who is placed in a secured correctional facility under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366,~~ the child and to provide food, shelter, legal services, education and ordinary medical and dental care for the child, subject to the rights, duties and responsibilities of the guardian of the child and subject to any residual parental rights and responsibilities and the provisions of any court order.

SECTION 2537m. 48.505 of the statutes, as affected by 1993 Wisconsin Act 385 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.505 Children placed under supervision of department of corrections or county department. When a child is under the supervision of the department of corrections under s. 48.34 (4h), (4m) or (4n), 48.357 (4) or (5) (e) or 48.366 or under the supervision of a county department under s. 48.34 (4n), the department of corrections or county department having supervision over the child shall have the right and duty to protect, train, discipline, treat and confine the child and to provide food, shelter, legal services, education and ordinary medical and dental care for the child, subject to the rights, duties and responsibilities of the guardian of the child and subject to any residual parental rights and responsibilities and the provisions of any court order.

SECTION 2538m. 48.51 (title) of the statutes, as affected by 1993 Wisconsin Act 377, is repealed.

SECTION 2539m. 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Acts 377 and 385, is amended to read:

48.51 **(1)** (intro.) At least 15 days prior to the date of release of a child from a secured correctional facility or a placement in the community under the corrective sanctions program ~~or the youthful offender program~~, the department of health and social services ~~or the department of corrections~~ shall:

SECTION 2540m. 48.51 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Acts 377 and 385 and 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2540p. 48.51 (1) (a) of the statutes is repealed.

SECTION 2540r. 48.51 (1) (b) of the statutes, as affected by 1993 Wisconsin Acts 377 and 385, is repealed.

SECTION 2540s. 48.51 (1) (c) of the statutes is repealed.

SECTION 2540t. 48.51 (2) of the statutes is repealed.

SECTION 2540v. 48.51 (3) of the statutes is repealed.

SECTION 2541. 48.52 (title) of the statutes is amended to read:

48.52 (title) **Facilities for care of children in care of department <u>of health and social services</u>.**

SECTION 2541m. 48.52 (1) (d) of the statutes is repealed.

SECTION 2541p. 48.52 (2) (a) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.52 **(2)** (a) In addition to the facilities and services described in sub. (1), the department may use other facilities and services under its jurisdiction. The department may also contract for and pay for the use of other public facilities or

private facilities for the care and treatment of children in its care~~; but placement of children in private or public facilities not under its jurisdiction does not terminate the legal custody or supervision under s. 48.34 (4m) or (4n) of the department~~. Placements in institutions for the mentally ill or developmentally disabled shall be made in accordance with ss. 48.14 (5) and 48.63 and ch. 51.

SECTION 2541r. 48.52 (2) (c) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.52 **(2)** (c) The department shall have the right to inspect all facilities it is using and to examine and consult with persons ~~in its legal custody or under its supervision under s. 48.34 (4m) or (4n) who have been~~ whom the department has placed in that facility.

SECTION 2542m. 48.53 of the statutes, as affected by 1993 Wisconsin Act 385, is repealed.

SECTION 2543. 48.532 (1) of the statutes is amended to read:

48.532 **(1)** PROGRAM. ~~Beginning 1995, the~~ The department shall provide a juvenile boot camp program for children who have been placed under s. 48.34 (4m) in a secured correctional facility under the supervision of the department.

SECTION 2543m. 48.532 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.532 **(1)** PROGRAM. The department of corrections shall provide a juvenile bootcamp program for children who have been placed in the serious juvenile offender program under s. 48.34 (4h) or in a secured correctional facility under s. 48.34 (4m).

SECTION 2544. 48.532 (2) of the statutes is amended to read:

48.532 **(2)** PROGRAM ELIGIBILITY. The department may place in the juvenile boot camp program any child ~~whose legal custody has been transferred to the department~~

~~under s. 48.34 (4m) for placement~~ who has been placed under s. 48.34 (4m) in a secured correctional facility under the supervision of the department.

SECTION 2544m. 48.532 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.532 **(2)** PROGRAM ELIGIBILITY. The department of corrections may place in the juvenile boot camp program any child who has been placed in the serious juvenile offender program under s. 48.34 (4h) or in a secured correctional facility under s. 48.34 (4m).

SECTION 2545. 48.532 (3) of the statutes is created to read:

48.532 **(3)** AFTERCARE SUPERVISION. Notwithstanding s. 48.34 (4n), a child who has completed the juvenile boot camp program and who is released from a secured correctional facility shall be placed under aftercare supervision administered by the department.

SECTION 2545m. 48.532 (3) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

48.532 **(3)** AFTERCARE SUPERVISION. Notwithstanding s. 48.34 (4n), a child who has completed the juvenile boot camp program and who is released from a secured correctional facility shall be placed under aftercare supervision administered by the department of corrections.

SECTION 2546. 48.533 (1) of the statutes is repealed.

SECTION 2547m. 48.533 (2) of the statutes is amended to read:

48.533 **(2)** CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s. 20.435 (3) ~~(a)~~ (hr), the department shall provide ~~$433,500, and from the appropriation under s. 20.435 (3) (hr), the department shall provide $2,192,900, for~~ a corrective sanctions program~~, beginning on July 1, 1994,~~ to serve an average daily

population of 105 children, or an average daily population of more that 105 children if the appropriation under s. 20.435 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions for the program are increased under s. 13.101 or 16.505 (2), in not less than 3 counties, including Milwaukee county. The juvenile offender review program ~~in the division of youth services~~ in the department shall evaluate and select for participation in the program children who have been placed in a secured correctional facility under s. 48.34 (4m). The department shall place a program participant in the community, provide intensive surveillance of that participant and provide an average of $5,000 per year per participant to purchase community–based treatment services for each participant. The department shall make the intensive surveillance required under this subsection available 24 hours a day, 7 days a week, and may purchase or provide electronic monitoring for the intensive surveillance of program participants. The department shall provide a report center in Milwaukee county to provide on–site programming after school and in the evening for children from Milwaukee county who are placed in the corrective sanctions program. A contact worker providing services under the program shall have a case load of approximately 10 children and, during the initial phase of placement in the community under the program of a child who is assigned to that contact worker, shall have not less than one face–to–face contact per day with that child. Case management services under the program shall be provided by a corrective sanctions agent who shall have a case load of approximately 15 children. The department shall promulgate rules to implement the program.

SECTION 2547p. 48.533 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.533 **(2)** CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s. 20.410 (3) (hr), the department of corrections shall provide a corrective sanctions program to serve an average daily population of 105 children, or an average daily population of more that 105 children if the appropriation under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions for the program are increased under s. 13.101 or 16.505 (2), in not less than 3 counties, including Milwaukee County. The juvenile offender review program in the division of juvenile corrections in the department of corrections shall evaluate and select for participation in the program children who have been placed in the serious juvenile offender program under s. 48.34 (4h) or a secured correctional facility under s. 48.34 (4m). The department of corrections shall place a program participant in the community, provide intensive surveillance of that participant and provide an average of $5,000 per year per participant to purchase community–based treatment services for each participant. The department of corrections shall make the intensive surveillance required under this subsection available 24 hours a day, 7 days a week, and may purchase or provide electronic monitoring for the intensive surveillance of program participants. The department of corrections shall provide a report center in Milwaukee County to provide on–site programming after school and in the evening for children from Milwaukee County who are placed in the corrective sanctions program. A contact worker providing services under the program shall have a case load of approximately 10 children and, during the initial phase of placement in the community under the program of a child who is assigned to that contact worker, shall have not less than one face–to–face contact per day with that child. Case management services under the program shall be provided by a

corrective sanctions agent who shall have a case load of approximately 15 children. The department of corrections shall promulgate rules to implement the program.

SECTION 2548. 48.533 (3) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.533 **(3)** INSTITUTIONAL STATUS. A participant in the ~~pilot program under sub. (1) or the~~ program under sub. (2) remains under the supervision of the department, remains subject to the rules and discipline of that department and is considered to be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 48.19 to 48.21, if a child violates a condition of that child's participation in the ~~pilot program under sub. (1) or the~~ program under sub. (2) the department may, without a hearing, take the child into custody and return the child to placement in a secured correctional facility for up to 72 hours as a sanction for that violation. If the child is returned to a secured correctional facility, for longer than 72 hours, the child is entitled to a hearing under s. 48.357 (5). If a child runs away from the child's placement in the community while participating in the ~~pilot program under sub. (1) or the~~ program under sub. (2), that child is considered to have escaped in violation of s. 946.42 (3) (c).

SECTION 2548m. 48.533 (3) of the statutes, as affected by 1993 Wisconsin Act 385 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.533 **(3)** INSTITUTIONAL STATUS. A participant in the program under sub. (2) remains under the supervision of the department of corrections, remains subject to the rules and discipline of that department of corrections and is considered to be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 48.19 to 48.21, but subject to s. 48.538 (4), if a child violates a condition of that child's participation in the program under sub. (2) the department of corrections may, without a hearing, take

the child into custody and return the child to placement in a secured correctional facility for up to 72 hours as a sanction for that violation. If the child is returned to a secured correctional facility, for longer than 72 hours, the child is entitled to a hearing under s. 48.357 (5). If a child runs away from the child's placement in the community while participating in the program under sub. (2), that child is considered to have escaped in violation of s. 946.42 (3) (c).

SECTION 2549g. 48.534 (2) of the statutes is amended to read:

48.534 **(2)** The department of corrections shall promulgate rules specifying the requirements for an intensive supervision program under this section. The rules shall include rules that govern the use of placement in a secure detention facility for not more than 72 hours as a sanction for a violation of a condition of a child's participation in the program.

SECTION 2549m. 48.534 (3) of the statutes is repealed.

SECTION 2549r. 48.535 of the statutes, as affected by 1993 Wisconsin Act 385 and 1995 Wisconsin Act .... (this act), is amended to read:

48.535 Early release and intensive supervision program; limits. The department of corrections may establish a program for the early release and intensive supervision of children who have been placed in a secured correctional facility under s. 48.34 (4m). The program may not include any children who have been placed in a secured correctional facility as a result of a delinquent act involving the commission of a violent crime as defined in s. 969.035, but not including the crime specified in s. 948.02 (1).

SECTION 2550. 48.536 of the statutes is repealed.

SECTION 2551m. 48.537 of the statutes, as created by 1993 Wisconsin Act 377, is repealed.

SECTION 2562m. 48.538 of the statutes is created to read:

48.538 Serious offender program. (1) DEFINITION. In this section, "department" means the department of corrections.

(2) PROGRAM ADMINISTRATION AND DESIGN. The department shall administer a serious juvenile offender program for children who have been adjudicated delinquent and ordered to participate in the program under s. 48.34 (4h). The department shall design the program to provide all of the following:

(a) Supervision, care and rehabilitation that is more restrictive than ordinary supervision in the community.

(b) Component phases that are intensive and highly structured.

(c) A series of component phases for each participant that is based on public safety considerations and the participant's need for supervision, care and rehabilitation.

(3) COMPONENT PHASES. (a) The department shall provide each participant with one or more of the following sanctions:

1. Subject to subd. 1m., placement in a secured correctional facility, a secured child caring institution or, if the participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years.

1m. If the participant has been adjudicated delinquent for committing an act that would be a Class A felony if committed by an adult, placement in a secured correctional facility, a secured child caring institution or, if the participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5), until the participant reaches 25 years of age, unless the participant is released sooner, subject to a mandatory minimum period of confinement of not less than one year.

1p. Alternate care, including placement in a foster home, treatment foster home, group home or child caring institution.

2. Intensive or other field supervision, including corrective sanctions supervision under s. 48.533, aftercare supervision or, if the participant is 17 years of age or over, intensive sanctions supervision under s. 301.048.

3. Electronic monitoring.

4. Alcohol or other drug abuse outpatient treatment and services.

5. Mental health treatment and services.

6. Community service.

7. Restitution.

8. Transitional services for education and employment.

9. Other programs as prescribed by the department.

(b) The department may provide the sanctions under par. (a) in any order, may provide more than one sanction at a time and may return to a sanction that was used previously for a participant. Notwithstanding ss. 48.357, 48.363 and 48.533 (3), a participant is not entitled to a hearing regarding the department's exercise of authority under this subsection unless the department provides for a hearing by rule.

(4) INSTITUTIONAL STATUS. A participant in the serious juvenile offender program is under the supervision and control of the department and is subject to the rules and discipline of the department. Notwithstanding ss. 48.19 to 48.21, if a participant violates a condition of his or her participation in the program under sub. (3) (a) 2. to 9. the department may, without a hearing, take the participant into custody and return him or her to placement in a secured correctional facility or secured child caring institution or, if the participant is 17 years of age or over, a Type

1 prison, as defined in s. 301.01 (5). Any intentional failure of a participant to remain
2 within the extended limits of his or her placement while participating in the serious
3 juvenile offender program or to return within the time prescribed by the
4 administrator of the division of intensive sanctions in the department is considered
5 an escape under s. 946.42 (3) (c).

6 **(5)** TRANSFERS AND DISCHARGE. (a) The parole commission may grant a
7 participant parole under s. 304.06 at any time after the participant has completed
8 2 years of participation in the serious juvenile offender program. Parole supervision
9 of the participant shall be provided by the department.

10 (b) The department may discharge a participant from participation in the
11 serious juvenile offender program and from departmental supervision and control at
12 any time after the participant has completed 3 years of participation in the serious
13 juvenile offender program.

14 (c) Sections 48.357 and 48.363 do not apply to changes of placement and
15 revisions of orders for a child who is a participant in the serious juvenile offender
16 program.

17 **(6)** PURCHASE OF SERVICES. The department of corrections may contract with the
18 department of health and social services, a county department or any public or
19 private agency for the purchase of goods, care and services for participants in the
20 serious juvenile offender program. The department of corrections shall reimburse
21 a person from whom it purchases goods, care or services under this subsection from
22 the appropriation under s. 20.410 (3) (cg) or, if the person for whom the goods, care
23 or services are purchased is placed in a Type 1 prison, as defined in s. 301.01 (5), or
24 is under intensive sanctions supervision under s. 301.048, from the appropriate
25 appropriation under s. 20.410 (1).

(6m) MINORITY HIRING. (a) In this subsection:

1. "American Indian" means a person who is enrolled as a member of a federally recognized American Indian tribe or band or who possesses documentation of at least one–fourth American Indian ancestry or documentation of tribal recognition as an American Indian.

2. "Black" means a person whose ancestors originated in any of the black racial groups of Africa.

3. "Hispanic" means a person of any race whose ancestors originated in Mexico, Puerto Rico, Cuba, Central America or South America or whose culture or origin is Spanish.

4. "Minority group member" means a Black, a Hispanic or an American Indian.

(b) In the selection of classified service employes for a secured correctional facility authorized under 1993 Wisconsin Act 377, section 9108 (1) (a), the appointing authority shall make every effort to use the expanded certification program under s. 230.25 (1n) or rules of the administrator of the division of merit recruitment and selection in the department of employment relations to ensure that the percentage of employes who are minority group members approximates the percentage of the children placed at that secured correctional facility who are minority group members. The administrator of the division of merit recruitment and selection in the department of employment relations shall provide guidelines for the administration of this selection procedure.

(7) RULES. The department shall promulgate rules to implement this section.

SECTION 2563m. 48.54 of the statutes, as affected by 1993 Wisconsin Act 385, is repealed.

SECTION 2567b. 48.551 (1) of the statutes is amended to read:

48.551 **(1)** The department shall establish a state adoption center for the purposes of increasing public knowledge of adoption and promoting to adolescents and pregnant women the availability of adoption services. From the appropriation under s. 20.435 ~~(6)~~ (3) (dg), the department may contract with individuals and private agencies to operate the adoption center.

SECTION 2568. 48.553 of the statutes is created to read:

48.553 Authority of department of corrections. The department of corrections may do all of the following:

(1) Promote the enforcement of the laws relating to delinquent children and take the initiative in all matters involving the interests of such children where adequate provision therefor is not made. This duty shall be discharged in cooperation with the courts, county departments, licensed child welfare agencies and with parents and other individuals interested in the welfare of children.

(2) Accept supervision of children transferred to it by the court under s. 48.34 (4h), (4m) or (4n) or 48.357 (4) and provide special treatment and care when directed by the court. A court may not direct the department of corrections to administer psychotropic medications to children who receive special treatment or care under this subsection.

(3) Provide appropriate care and training for children under its supervision under s. 48.34 (4h), (4m) or (4n) or 48.357 (4); including serving those children in their own homes, placing them in licensed foster homes or licensed treatment foster homes in accordance with s. 48.63 or licensed group homes, contracting for their care by licensed child welfare agencies or replacing them in juvenile correctional institutions in accordance with rules promulgated under ch. 227, except that the department of corrections may not purchase the educational component of private

day treatment programs for children in its custody unless that 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. Disputes between the department of corrections and the school district shall be resolved by the state superintendent of public instruction.

(5) Provide for the moral and religious training of a child under its supervision under s. 48.34 (4h), (4m) or (4n) according to the religious belief of the child or of the child's parents.

(6) Consent to emergency surgery under the direction of a licensed physician or surgeon for any child under its supervision under s. 48.34 (4h), (4m) or (4n) upon notification by a licensed physician or surgeon of the need for such surgery and if reasonable effort, compatible with the nature and time limitation of the emergency, has been made to secure the consent of the child's parent or guardian.

(7) Promulgate rules for the payment of an allowance to children in its institutions and a cash grant to a child being discharged from its institutions or released to aftercare or serious juvenile offender supervision in the community.

(8) Pay maintenance, tuition and related expenses from the appropriations under s. 20.410 (3) (am) and (ho) for persons who when they reached 17 years of age were students regularly attending a school, college or university or regularly attending a course of vocational or technical training designed to fit them for gainful employment, and who when reaching that age were under the supervision of the department of corrections under s. 48.34 (4h), (4m) or (4n) as a result of a judicial decision.

(9) Establish and enforce standards for services provided under s. 48.34.

SECTION 2569. 48.554 of the statutes is created to read:

48.554 Notification by court of placement with department of corrections; information for department. (1) When the court places a child under the supervision of the department of corrections, the court shall immediately notify the department of corrections of that action. The court shall, in accordance with procedures established by the department of corrections, provide transportation for the child to a receiving center designated by that department or deliver the child to personnel of that department.

(2) When the court places a child under the supervision of the department of corrections, the court and all other public agencies shall also immediately transfer to the department of corrections a copy of the report submitted to the court under s. 48.33 and all other pertinent data in their possession and shall immediately notify the child's last school district in writing of its obligation under s. 118.125 (4).

SECTION 2570. 48.555 of the statutes is created to read:

48.555 Examination of children under supervision of department of corrections. (1) The department of corrections shall examine every child who is placed under its supervision by the court to determine the type of placement best suited to the child and to the protection of the public. This examination shall include an investigation of the personal and family history of the child and his or her environment, any physical or mental examinations considered necessary to determine the type of placement that is necessary for the child and an evaluation to determine whether the child is eligible for serious juvenile offender supervision. A child who is examined under this subsection shall be screened to determine whether the child is in need of special treatment or care because of alcohol or other drug abuse, mental illness or severe emotional disturbance.

(2) In making this examination the department of corrections may use any facilities, public or private, that offer aid to it in the determination of the correct placement for the child.

SECTION 2571. 48.556 of the statutes is created to read:

48.556 Notification by department of corrections of release of child from correctional custody. (1) At least 15 days prior to the date of release of a child from a secured correctional facility or a placement in the community under the serious juvenile offender program, the department of corrections shall:

(a) Notify all of the following local agencies in the community in which the child will reside of the child's return to the community:

1. The law enforcement agencies.

2. The school district.

3. The county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437.

(b) Notify any known victim of an act for which the child has been found delinquent of the child's release, if all of the following apply:

1. The commission of the act by the child is an act which, if committed by an adult, would have been punishable as a crime against another person.

2. The victim can be found.

3. The victim has sent in a request card under sub. (2).

(c) Notify, if the criteria in par. (b) are met, an adult member of the victim's family or, if the victim is younger than 18 years old, the victim's parent or legal guardian if the victim died as a result of the crime.

(2) The department of corrections shall design and prepare cards for victims specified in sub. (1) (b) and (c) to send to that department. The cards shall have space for these persons to provide their names and addresses and any other information

that the department of corrections determines is necessary. The department of corrections shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to victims specified in sub. (1) (b) and (c). These persons may send completed cards to the department of corrections.

(3) Timely release of a child shall not be prejudiced by the fact that the department did not notify the victims or the local agencies under sub. (1) within the 15 days.

SECTION 2572. 48.557 of the statutes is created to read:

48.557 Facilities for care of children in care of department of corrections. (1) FACILITIES MAINTAINED OR USED FOR CHILDREN. The department of corrections may maintain or use the following facilities for children in its care:

(a) Receiving homes to be used for the temporary care of children.

(b) Foster homes or treatment foster homes.

(c) Group homes.

(d) Institutions, facilities and services, including without limitation forestry or conservation camps for the training and treatment of children 12 years of age or older who have been adjudged delinquent.

(f) Other facilities deemed by the department of corrections to be appropriate for the child, except that no state funds may be used for the maintenance of a child in the home of a parent or relative eligible for aid under s. 49.19 if such funds would reduce federal funds to this state.

(2) USE OF OTHER FACILITIES. (a) In addition to the facilities and services described in sub. (1), the department of corrections may use other facilities and services under its jurisdiction. The department of corrections may also contract for and pay for the use of other public facilities or private facilities for the care and

treatment of children in its care, including secured child caring institutions; but placement of children in private or public facilities not under its jurisdiction does not terminate the supervision under s. 48.34 (4h), (4m) or (4n) of the department of corrections. Placements in institutions for the mentally ill or developmentally disabled shall be made in accordance with ss. 48.14 (5) and 48.63 and ch. 51.

(b) Public facilities are required to accept and care for persons placed with them by the department of corrections in the same manner as they would be required to do had the legal custody of these persons been transferred by a court of competent jurisdiction. Nothing in this subsection shall be construed to require any public facility to serve the department of corrections inconsistently with its functions or with the laws and regulations governing their activities; or to give the department of corrections authority to use any private facility without its consent.

(c) The department of corrections shall have the right to inspect all facilities it is using and to examine and consult with persons under its supervision under s. 48.34 (4h), (4m) or (4n) who have been placed in that facility.

(3) FEDERAL REIMBURSEMENT. The department of corrections shall report to the department of health and social services in a manner specified by the department of health and social services on all children under the supervision of the department of corrections who are placed by that department in a facility specified in sub. (1) or (2) so that the department of health and social services may claim federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a with respect to those children.

(4) COEDUCATIONAL PROGRAMS AND INSTITUTIONS. The department of corrections may institute and maintain coeducational programs and institutions under this chapter.

SECTION 2573. 48.558 of the statutes is created to read:

48.558 Duration of control of department of corrections over delinquents. Except as provided under s. 48.538, all children adjudged delinquent who have been placed under the supervision of the department of corrections under s. 48.34 (4h), (4m) or (4n) shall be discharged as soon as the department of corrections determines that there is a reasonable probability that it is no longer necessary either for the rehabilitation and treatment of the child or for the protection of the public that the department of corrections retain supervision.

SECTION 2574. 48.559 of the statutes is created to read:

48.559 Records of department of corrections. The department of corrections shall keep a complete record on each child under its supervision under s. 48.34 (4h), (4m) or (4n). This record shall include the information received from the court, the date of reception, all available data on the personal and family history of the child, the results of all tests and examinations given the child, and a complete history of all placements of the child while under the supervision of the department of corrections.

SECTION 2575. 48.57 (1) (c) of the statutes is amended to read:

48.57 **(1)** (c) To provide appropriate protection and services for children in its care, including providing services for children and their families in their own homes, placing the children 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 or contracting for services for them by licensed child welfare agencies, except that the county department shall 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~~ department of ~~public instruction~~ education all 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~~ department of ~~public instruction~~ education.

SECTION 2575m. 48.57 (1) (g) of the statutes is amended to read:

48.57 **(1)** (g) Upon request of the department of health and social services or the department of corrections, to provide service for any child in the care of ~~the~~ ~~department~~ those departments.

SECTION 2577. 48.57 (3) (a) (intro.) of the statutes is amended to read:

48.57 **(3)** (a) (intro.) From the reimbursement received under s. ~~49.52 (1) (d)~~ 46.495 (1) (d), counties may provide funding for the maintenance of any child who:

SECTION 2578. 48.57 (3) (a) 3. of the statutes is amended to read:

48.57 **(3)** (a) 3. Received funding under s. ~~49.52 (1) (d)~~ 46.495 (1) (d) immediately prior to his or her 18th birthday; and

SECTION 2579. 48.57 (3) (b) of the statutes is amended to read:

48.57 **(3)** (b) The funding provided for the maintenance of a child under par. (a) shall be in an amount equal to that ~~to~~ which the child would receive under s. ~~49.52 (1) (d)~~ 46.495 (1) (d) if the child were 17 years of age.

SECTION 2579m. 48.57 (4) of the statutes, as created by 1993 Wisconsin Act 385, is amended to read:

48.57 **(4)** A county department may provide aftercare supervision under s. 48.34 (4n) for children who are released from secured correctional facilities. If a county department intends to change its policy regarding whether the county department or the department of corrections shall provide aftercare supervision for children released from secured correctional facilities, the county executive or county

administrator, or, if the county has no county executive or county administrator, the chairperson of the county board of supervisors, or, for multicounty departments, the chairpersons of the county boards of supervisors jointly, shall submit a letter to the department of corrections stating that intent before July 1 of the year preceding the year in which the policy change will take effect.

SECTION 2582. 48.60 (3) of the statutes is amended to read:

48.60 **(3)** Before issuing any license to a child welfare agency under this section, the department of health and social services shall review the need for the additional placement resources that would be made available by the licensing or relicensing of any child welfare agency after August 5, 1973, providing care authorized under s. 48.61 (3). ~~The department may not~~ Neither the department of health and social services nor the department of corrections may make any placements to any child welfare agency where the departmental review required under this subsection has failed to indicate the need for the additional placement resources.

SECTION 2583. 48.615 (1) (a) of the statutes is amended to read:

48.615 **(1)** (a) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that regularly provides care and maintenance for children within the confines of its building, the child welfare agency must pay to the department a biennial fee of ~~$75~~ $100, plus a biennial fee of ~~$10~~ $15 per child, based on the number of children that the child welfare agency is licensed to serve.

SECTION 2584. 48.615 (1) (b) of the statutes is amended to read:

48.615 **(1)** (b) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, licensed treatment foster homes and licensed group homes, the child welfare agency must pay to the department a biennial fee of ~~$200~~ $210.

SECTION 2587. 48.625 (2) (a) of the statutes is amended to read:

48.625 **(2)** (a) Before the department may issue a license under sub. (1) to a group home, the group home must pay to the department a biennial fee of ~~$75~~ $100, plus a biennial fee of ~~$10~~ $15 per child, based on the number of children that the group home is licensed to serve. A group home that wishes to renew a license issued under sub. (1) shall pay the fee under this paragraph by the renewal date of the license. A new group home shall pay the fee under this paragraph no later than 30 days before the opening of the group home.

SECTION 2588. 48.627 (2) (c) of the statutes is amended to read:

48.627 **(2)** (c) The department shall conduct a study to determine the cost–effectiveness of purchasing insurance to provide standard homeowner's or renter's liability insurance coverage for applicants who are granted a waiver under par. (b). If the department determines that it would be cost–effective to purchase such insurance, it may purchase the insurance from the appropriations under s. 20.435 ~~(6)~~ (3) (cf) and ~~(7)~~ (pd).

SECTION 2589. 48.627 (2c) of the statutes is amended to read:

48.627 **(2c)** The department shall determine the cost–effectiveness of purchasing private insurance that would provide coverage to foster, treatment foster and family–operated group home parents for acts or omissions by or affecting a child who is placed in a foster home, a treatment foster home or a family–operated group home. If this private insurance is cost–effective and available, the department shall purchase the insurance from the appropriations under s. 20.435 ~~(6)~~ (3) (cf) and ~~(7)~~ (pd). If the insurance is unavailable, payment of claims for acts or omissions by or affecting a child who is placed in a foster home, a treatment foster home or a family–operated group home shall be in accordance with subs. (2m) to (3).

SECTION 2590. 48.627 (2m) of the statutes is amended to read:

48.627 **(2m)** Within the limits of the appropriations under s. 20.435 ~~(6)~~ (3) (cf) and ~~(7)~~ (pd), the department shall pay claims to the extent not covered by any other insurance and subject to the limitations specified in sub. (3), for bodily injury or property damage sustained by a licensed foster, treatment foster or family–operated group home parent or a member of the foster, treatment foster or family–operated group home parent's family as a result of the act of a child in the foster, treatment foster or family–operated group home parent's care.

SECTION 2591. 48.627 (2s) (intro.) of the statutes is amended to read:

48.627 **(2s)** (intro.) Within the limits of the appropriations under s. 20.435 ~~(6)~~ (3) (cf) and ~~(7)~~ (pd), the department may pay claims to the extent not covered by any other insurance and subject to the limitations specified in sub. (3), for all of the following:

SECTION 2592. 48.627 (3) (f) of the statutes is amended to read:

48.627 **(3)** (f) If the total amount of the claims approved during any calendar quarter exceeds 25% of the total funds available during the fiscal year for purposes of this subsection plus any unencumbered funds remaining from the previous quarter, the department shall prorate the available funds among the claimants with approved claims. The department shall also prorate any unencumbered funds remaining in the appropriation under s. 20.435 ~~(6)~~ (3) (cf) at the end of each fiscal year among the claimants whose claims were prorated during the fiscal year. Payment of a prorated amount from unencumbered funds remaining at the end of the fiscal year constitutes a complete payment of the claim for purposes of this program, but does not prohibit a foster parent or treatment foster parent from submitting a claim under s. 16.007 for the unpaid portion.

SECTION 2593. 48.627 (4) of the statutes is amended to read:

48.627 **(4)** Except as provided in s. 895.485, the department is not liable for any act or omission by or affecting a child who is placed in a foster home, treatment foster home or family–operated group home, but shall, as provided in this section, pay claims described under sub. (2m) and may pay claims described under sub. (2s) or may purchase insurance to cover such claims as provided for under sub. (2c), within the limits of the appropriations under s. 20.435 ~~(6)~~ (3) (cf) and ~~(7)~~ (pd).

SECTION 2594. 48.63 (1) of the statutes is amended to read:

48.63 **(1)** Acting pursuant to court order or voluntary agreement, the child's parent or guardian or the department of health and social services, the department of corrections, a county department or a child welfare agency licensed to place children in foster homes or treatment foster homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home, treatment foster home or group home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster, treatment foster or group homes and may not be extended. A foster home or treatment foster home placement under a voluntary agreement may not exceed 6 months. A group home placement under a voluntary agreement may not exceed 15 days. These time limitations do not apply to placements made under ss. 48.34 and 48.345. Voluntary agreements may be made only under this subsection and shall be in writing and shall specifically state that the agreement may be terminated at any time by the parent or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older.

SECTION 2595. 48.64 (1) of the statutes is amended to read:

48.64 **(1)** DEFINITION. In this section, "agency" means the department of health and social services, the department of corrections, a county department or a licensed child welfare agency authorized to place children in foster homes or treatment foster homes.

SECTION 2598. 48.65 (3) (a) of the statutes is amended to read:

48.65 **(3)** (a) Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 4 to 8 children, the day care center must pay to the department a biennial fee of $50. Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 9 or more children, the day care center must pay to the department a biennial fee of $25, plus a biennial fee of ~~$5~~ $7 per child, based on the number of children that the day care center is licensed to serve. A day care center that wishes to renew a license issued under sub. (1) shall pay the applicable fee under this paragraph by the renewal date of the license. A new day care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the day care center.

SECTION 2598m. 48.66 (1) of the statutes is amended to read:

48.66 **(1)** The department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 48.48 and day care centers, as required by s. 48.65. The department may license foster homes or treatment foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. The department of corrections may license a child welfare agency to ~~hold~~ operate a secured child caring institution for holding in secure custody children who have been adjudicated delinquent under s. 48.34 (4h) or (4m) and referred to the child welfare agency by the court or the

department ~~under the intensive residential aftercare pilot program under 1993 Wisconsin Act 377, section 9126 (3x),~~ of corrections and to provide supervision, care and maintenance for those children.

SECTION 2599. 48.67 of the statutes is amended to read:

48.67 Rules governing child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities and county departments. The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities and county departments. These rules shall be designed to protect and promote the health, safety and welfare of the children in the care of all licensees. The department shall consult with the department of ~~industry, labor and human relations~~ development and the department of public instruction before promulgating these rules.

SECTION 2600. 48.677 (title) of the statutes is renumbered 46.48 (16) (title).

SECTION 2601. 48.677 of the statutes is renumbered 46.48 (16) (a) and amended to read:

46.48 **(16)** (a) ~~A private, nonprofit organization may apply to the department for a grant from the appropriations under s. 20.435 (7) (de) and (pm)~~ The department shall distribute not more than $37,500 in each fiscal year as grants to private, nonprofit organizations to recruit African American foster parents, including African American prospective adoptive parents, in communities that have a high percentage of African American children and a high percentage of children in out–of–home placements. The department shall review ~~the~~ applications submitted under this ~~section~~ paragraph and determine the number of grants that will be

awarded, which of the applicants will receive grants and the amount of each grant. A private, nonprofit organization receiving a grant under this ~~section~~ paragraph shall cooperate and coordinate its activities under the grant with the county department under s. 46.215, 46.22 or 46.23 serving the area from which the private, nonprofit organization recruits African American foster parents.

SECTION 2602. 48.68 (1) of the statutes is amended to read:

48.68 **(1)** After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67. In determining whether to issue a license, the department may consider any action by the applicant, or by an employe of the applicant, that constitutes a substantial failure by the applicant or employe to protect and promote the health, safety and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.22 (7) (b), 48.615 (1) (a) or (b), 48.625 (2) (a) or 48.65 (3) (a), the department shall issue a license under s. 48.66 (1) or, if applicable, a probationary license under s. 48.69. At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the age–related monthly foster care rates and supplemental payments specified in s. ~~49.19 (12)~~ 48.62 (4), including payment amounts, eligibility requirements for supplemental payments and the procedures for applying for supplemental payments.

SECTION 2605. 48.715 (3) (intro.) of the statutes is amended to read:

48.715 **(3)** (intro.) If the department provides written notice of the grounds for a penalty, an explanation of the types of penalties that may be imposed under this subsection and an explanation of the process for appealing a penalty imposed under this subsection, the department may impose any of the following penalties against

a licensee or any other person who violates a provision of licensure under s. 48.70 (1) or rule promulgated by the department under s. 48.67 or who fails to comply with an order issued under sub. (2) by the time specified in the order:

SECTION 2606. 48.715 (3) (a) (intro.) of the statutes is amended to read:

48.715 **(3)** (a) (intro.) A daily forfeiture amount per violation of not less than $10 nor more than ~~$50~~ $1,000. All of the following apply to a forfeiture under this paragraph:

SECTION 2607. 48.715 (3) (a) 1. of the statutes is amended to read:

48.715 **(3)** (a) 1. Within the limits specified in this paragraph, the department may, by rule, set daily forfeiture amounts and payment deadlines based on the size and type of facility or agency and the seriousness of the violation. ~~As part of the order, the~~ The department may set daily forfeiture amounts that increase periodically within the statutory limits if there is continued failure to comply with an order issued under sub. (2).

SECTION 2607m. 48.715 (3) (a) 3. of the statutes is amended to read:

48.715 **(3)** (a) 3. A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 days after receipt of notice of the assessment or, if that person contests that assessment under s. 48.72, within 10 days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial review. The department shall remit all forfeitures paid under this subdivision to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

SECTION 2610. 48.78 (1) of the statutes is amended to read:

48.78 **(1)** In this section, unless otherwise qualified, "agency" means the department of health and social services, the department of corrections, a county department, a licensed child welfare agency, a licensed day care center or a licensed maternity hospital.

SECTION 2611. 48.78 (2) (c) of the statutes is amended to read:

48.78 **(2)** (c) Paragraph (a) does not prohibit the department of health and social services or a county department from using in the media a picture or description of a child in the guardianship of the department or a county department for the purpose of finding adoptive parents for that child.

SECTION 2611m. 48.78 (2) (d) (intro.) of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

48.78 **(2)** (d) (intro.) Paragraph (a) does not prohibit the department of health and social services or a county department from disclosing information about an individual formerly in the legal custody or under the supervision of ~~the~~ that department under s. 48.34 (4m), 1993 stats., or formerly under the supervision of ~~the~~ that department or county department under s. 48.34 (4n), 1993 stats., to the department of corrections, if the individual is at the time of disclosure any of the following:

SECTION 2612p. 48.78 (2) (e) of the statutes is amended to read:

48.78 **(2)** (e) Paragraph (a) does not prohibit the department of ~~health and social services~~ corrections from disclosing information about an individual adjudged delinquent under s. 48.31 for a sexually violent offense, as defined in s. 980.01 (6), to the department of justice, or a district attorney or a judge acting under ch. 980 or to an attorney who represents a person subject to a petition under ch. 980. The court

in which the petition under s. 980.02 is filed may issue any protective orders that it determines are appropriate concerning information disclosed under this paragraph.

SECTION 2613. 48.78 (2) (f) of the statutes is created to read:

48.78 **(2)** (f) Paragraph (a) does not prohibit the department of corrections from disclosing information about a person who has been convicted of violating a state or federal criminal law.

SECTION 2614m. 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

48.78 **(3)** If a child adjudged delinquent on the basis of a violation of s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured correctional facility, has been allowed to leave a secured correctional facility for a specified time period and is absent from the facility for more than 12 hours after the expiration of the specified period or has run away from the child's placement in the community while under corrective sanctions ~~or youthful offender~~ supervision, the department ~~of health and social services or the department of corrections~~ may release the child's name and any information about the child that is necessary for the protection of the public or to secure the child's return to the facility or placement. The department ~~of health and social services~~ shall promulgate rules establishing guidelines for the release of the child's name or information about the child to the public~~, except that the department of corrections shall promulgate rules establishing guidelines for the release to the public of the name of a child, or information about a child, who is a participant in the youthful offender program~~.

SECTION 2614p. 48.78 (3) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.78 **(3)** If a child adjudged delinquent on the basis of a violation of s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured correctional facility, has been allowed to leave a secured correctional facility for a specified time period and is absent from the facility for more than 12 hours after the expiration of the specified period or has run away from the child's placement in the community while under corrective sanctions or serious juvenile offender supervision, the department of corrections may release the child's name and any information about the child that is necessary for the protection of the public or to secure the child's return to the facility or placement. The department of corrections shall promulgate rules establishing guidelines for the release of the child's name or information about the child to the public.

SECTION 2615. 48.79 (intro.) of the statutes is amended to read:

48.79 (title) **Powers of the department <u>of health and social services</u>.** (intro.) The department <u>of health and social services</u> has authority and power:

SECTION 2615g. 48.79 (1) of the statutes is repealed.

SECTION 2615m. 48.79 (2) of the statutes is repealed.

SECTION 2615p. 48.79 (3) of the statutes is repealed.

SECTION 2615r. 48.79 (11) of the statutes is repealed.

SECTION 2616. 48.795 of the statutes is created to read:

48.795 Powers of the department of corrections. The department of corrections may do all of the following:

(1) Collect and collaborate with other agencies in collecting statistics and information useful in determining the cause and amount of delinquency and crime in this state or in carrying out the powers and duties of the department.

(2) Assist communities in their efforts to combat delinquency and social breakdown likely to cause delinquency and crime and assist them in setting up programs for coordinating the total community program, including the improvement of law enforcement.

(3) Assist schools in extending their particular contribution in locating and helping children vulnerable to delinquency and crime and in improving their services to all youth.

(4) Develop and maintain an enlightened public opinion in support of a program to control delinquency and crime.

SECTION 2622. 48.982 (2) (g) (intro.) of the statutes is amended to read:

48.982 **(2)** (g) (intro.) In coordination with the departments of health and social services and ~~public instruction~~ education:

SECTION 2623. 48.982 (7) (a) of the statutes is amended to read:

48.982 **(7)** (a) From the appropriations under s. 20.433 (1) ~~(c)~~ (h), (i), (k) and (q), the board shall award grants to organizations in accordance with the plan developed under sub. (2) (a).

SECTION 2623d. 48.982 (7) (b) of the statutes is amended to read:

48.982 **(7)** (b) A grant may be awarded only to an organization that agrees to make a ~~20%~~ 30% match to the grant, through either money or in–kind services.

SECTION 2624. 48.985 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

48.985 **(1)** FEDERAL PROGRAM OPERATIONS. From the appropriation under s. 20.435 (3) (n), the department shall expend not more than $543,700 in fiscal year 1995–96 and not more than $543,700 in fiscal year 1996–97 of the moneys received under 42 USC 620 to 626 for the department's expenses in connection with administering the expenditure of funds received under 42 USC 620 to 626, for child welfare projects and services provided or purchased by the department, for child abuse and neglect independent investigations and for providing child–at–risk field training to counties.

SECTION 2625. 48.985 (1) (intro.) and (a) of the statutes are consolidated, renumbered 48.985 (1) and amended to read:

48.985 **(1)** FEDERAL PROGRAM OPERATIONS. From the appropriation under s. 20.435 (6) (n), the department shall expend not more than $543,700 in fiscal year 1995–96 and not more than $543,700 in fiscal year 1996–97 of the moneys received under 42 USC 620 to 626 ~~as follows: (a) For~~ for the department's expenses in connection with administering the expenditure of funds received under 42 USC 620 to 626, ~~not more than $273,700 in fiscal year 1993–94 and not more than $281,500 in fiscal year 1994–95~~ for child welfare projects and services provided or purchased by the department, for child abuse and neglect independent investigations and for providing child–at–risk field training to counties.

SECTION 2626. 48.985 (1) (c) of the statutes is repealed.

SECTION 2627. 48.985 (1) (e) of the statutes is repealed.

SECTION 2628. 48.985 (1) (f) of the statutes is repealed.

SECTION 2629. 48.985 (2) (a) (intro.) and 1. of the statutes are consolidated, renumbered 48.985 (2) and amended to read:

48.985 **(2)** COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the appropriation under s. 20.435 (7) (o), the department shall ~~expend~~ distribute not more than $3,919,800 in each fiscal year of the moneys received under 42 USC 620 to 626 ~~as follows: 1. To~~ to county departments under ss. 46.215, 46.22 and 46.23~~,~~ for the provision or purchase of child welfare projects and services ~~including child abuse and neglect investigation and treatment services, subject only to local, state and federal requirements specific to the types of projects or services, not more than $1,858,000 in each fiscal year and for the allocation,~~ for services to children and families~~, not more than $567,300 in each fiscal year~~ and for family–based child welfare services.

SECTION 2630. 48.985 (2) (a) 2. of the statutes is repealed.

SECTION 2631. 48.985 (2) (a) 3. of the statutes is repealed.

SECTION 2632. 48.985 (2) (b) of the statutes is repealed.

SECTION 2632m. 48.985 (3) of the statutes is amended to read:

48.985 **(3)** COMMUNITY YOUTH AND FAMILY AIDS. From the appropriation under s. ~~20.435~~ 20.410 (3) (oo), the department of corrections shall allocate, to county departments under ss. 46.215, 46.22 and 46.23 for the provision of services under s. ~~46.26~~ 301.26, not more than $1,100,000 in each fiscal year.

SECTION 2633. 48.985 (4) of the statutes is amended to read:

48.985 **(4)** RUNAWAY SERVICES. From the appropriation under s. 20.435 ~~(7)~~ (3) (na) for runaway services, not more than $458,600 in each fiscal year.

SECTION 2634m. 48.992 (1) (a) of the statutes is amended to read:

48.992 **(1)** (a) The "appropriate court" of this state to issue a requisition under s. 48.991 (4) is the court assigned to exercise jurisdiction under this chapter for the county of the petitioner's residence, or, if the petitioner is a child welfare agency, the court so assigned for the county where the agency has its principal office, or, if the petitioner is the department of corrections, any court so assigned in the state.

SECTION 2634p. 48.993 of the statutes is amended to read:

48.993 Juvenile compact administrator. (1) Under the interstate compact on juveniles, the governor may designate an officer or employe of the department of corrections to be the compact administrator, who, acting jointly with like officers of other party states, shall promulgate rules to carry out more effectively the terms of the compact. The compact administrator shall serve subject to the pleasure of the governor. If there is a vacancy in the office of compact administrator or in the case of absence or disability, the functions shall be performed by the secretary of ~~health and social services~~ corrections, or other employe designated by the secretary. The compact administrator may cooperate with all departments, agencies and officers of and in the government of this state and its political subdivisions in facilitating the proper administration of the compact or of any supplementary agreement entered into by this state.

(2) The compact administrator shall determine for this state whether to receive juvenile probationers and parolees of other states under s. 48.991 (7) and shall arrange for the supervision of each such probationer or parolee received, either by the department of corrections or by a person appointed to perform supervision service for the court assigned to exercise jurisdiction under this chapter for the county where the juvenile is to reside, whichever is more convenient. Those persons

shall in all such cases make periodic reports to the compact administrator regarding the conduct and progress of the juveniles.

SECTION 2634r. 48.994 of the statutes is amended to read:

48.994 Supplementary agreements. The department of corrections may enter into supplementary agreements with appropriate officials of other states under s. 48.991 (10). If the supplementary agreement requires or contemplates the use of any institution or facility of this state or the provision of any service by this state, the supplementary agreement has no effect until approved by the department or agency under whose jurisdiction the institution or facility is operated or which shall be charged with the rendering of the service.

SECTION 2635g. 48.995 (2) of the statutes is amended to read:

48.995 **(2)** In the case of an escapee or absconder under s. 48.991 (5) or (6), if the juvenile is in the legal custody or under the supervision of the department of corrections, it shall bear the expense of his or her return; otherwise the appropriate court shall, on petition of the person entitled to the juvenile's custody or charged with his or her supervision, arrange for the transportation at the expense of the county and order that the county reimburse the person, if any, who returns the juvenile, for the person's actual and necessary expenses. In this subsection "appropriate court" means the court which adjudged the juvenile to be delinquent or, if the juvenile is under supervision for another state under s. 48.991 (7), then the court assigned to exercise jurisdiction under this chapter for the county of the juvenile's residence during the supervision.

SECTION 2635m. 48.996 of the statutes is amended to read:

48.996 Compensation. Any judge of this state who appoints counsel or a guardian ad litem pursuant to the provisions of the interstate compact on juveniles

may, in the judge's discretion, allow reasonable compensation in an amount not to exceed the compensation paid to private attorneys under s. 977.08 (4m) (b), to be paid by the county on order of the court.

SECTION 2636. The unnumbered subchapter title preceding 49.001 of the statutes is repealed.

SECTION 2637. Subchapter I (title) of chapter 49 [precedes 49.001] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER I

DEFINITIONS

SECTION 2638. 49.001 (intro.) of the statutes is renumbered 49.81 (intro.) and amended to read:

49.81 Public assistance recipients' bill of rights. (intro.) The department of health and social services, the department of industry, labor and human relations and all public assistance and relief–granting agencies shall respect rights for recipients of public assistance. The rights shall include all rights guaranteed by the U.S. constitution and the constitution of this state, and in addition shall include:

SECTION 2639. 49.001 (intro.) of the statutes is created to read:

49.001 Definitions. (intro.) In this chapter:

SECTION 2640. 49.001 (1) of the statutes is renumbered 49.81 (1).

SECTION 2641. 49.001 (2) of the statutes is renumbered 49.81 (2).

SECTION 2642. 49.001 (3) of the statutes is renumbered 49.81 (3).

SECTION 2643. 49.001 (4) of the statutes is renumbered 49.81 (4).

SECTION 2644. 49.001 (5m) of the statutes is created to read:

49.001 **(5m)** "Prisoner" means any person who is either arrested, incarcerated, imprisoned or otherwise detained in excess of 12 hours by any law enforcement agency of this state, except when detention is pursuant to s. 51.15, 51.20, 51.45 (11) (b) or 55.06 (11) (a) or ch. 980. "Prisoner" does not include any person who is serving a sentence of detention under s. 973.03 (4) unless the person is in the county jail under s. 973.03 (4) (c).

SECTION 2645. Subchapter II (title) of chapter 49 [precedes 49.002] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER II

RELIEF BLOCK GRANTS

SECTION 2646b. 49.002 (1) of the statutes is amended to read:

49.002 **(1)** It is declared to be legislative policy that, except in counties that make the election under s. 49.032 (2) (a), all recipients of general relief shall have maximum exposure to job training and job opportunities through the Wisconsin state employment service as well as other government agencies. Applicants and recipients of general relief shall comply with the established work–seeking rules of the general relief agency. Recipients of general relief shall also comply with the established work relief rules of the general relief agency. If a recipient of general relief refuses a bona fide offer of employment or training without good cause, or accepts a bona fide offer and subsequently performs inadequately through wilful neglect, or fails to comply with the work–seeking or work relief rules of the general relief agency, the general relief agency may discontinue general relief payments to the recipient for a period not to exceed 30 days for a first refusal, inadequate performance or failure to comply and for a period not to exceed 60 days for a 2nd or subsequent refusal, inadequate

performance or failure to comply. The department shall promulgate rules to establish standards for determinations of benefit discontinuances under this subsection that exceed 30 days. Any Wisconsin taxpayer shall have standing in the circuit court for the purpose of obtaining an injunction to enforce this subsection.

SECTION 2646c. 49.002 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2647b. 49.002 (2) of the statutes is amended to read:

49.002 **(2)** It is the declared legislative policy that general relief is the payer of last resort in all cases, except those cases involving crime victim awards under s. 949.06, where a benefit is covered by general relief in a county and where a dispute may arise over payment for costs associated with ~~maintaining the health and welfare of recipients~~ providing that benefit to a recipient of general relief, including disputes concerning health care costs with private or public payees of health care costs, other governmental welfare programs, rehabilitation programs and programs requiring institutionalization or long–term medical and psychiatric treatment.

SECTION 2647c. 49.002 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.002 and amended to read:

49.002 Legislative declaration. It is the declared legislative policy that ~~general~~ a county receiving a relief block grant is the payer of last resort in all cases, except those cases involving crime victim awards under s. 949.06, where a benefit is covered by ~~general~~ relief funded by a relief block grant in a county and where a dispute may arise over payment for costs associated with ~~providing that benefit to a recipient of general relief, including disputes concerning health care costs with private or public payees of health care costs, other governmental welfare programs, rehabilitation programs and programs requiring institutionalization or long–term~~

~~medical and psychiatric treatment~~ providing health care services to recipients of relief funded by a relief block grant.

SECTION 2648. 49.01 (intro.) of the statutes is amended to read:

49.01 Definitions. (intro.) As used in this ~~chapter~~ subchapter:

SECTION 2649. 49.01 (1) of the statutes is renumbered 49.43 (1e) and amended to read:

49.43 **(1e)** "Accommodated person" means any person in a hospital or in a skilled nursing facility or intermediate care facility, as defined in Title XIX of the social security act, who would have been eligible for benefits under s. ~~49.177 or~~ 49.19 or 49.77 or federal Title XVI if the person were not in such a hospital or facility, and any person in such an institution who can be found eligible for Title XIX under the social security act.

SECTION 2650. 49.01 (1m) of the statutes is created to read:

49.01 **(1m)** "Department" means the department of health and social services.

SECTION 2651b. 49.01 (2) of the statutes is amended to read:

49.01 **(2)** "Dependent person" ~~or "dependent"~~ means an individual ~~without the presently available money, income, property or credit, or other means by which it can be presently obtained, excluding the exemptions set forth under s. 49.06, sufficient to provide the necessary commodities and services specified in sub. (5m)~~ who is eligible for relief under s. 49.015.

SECTION 2651d. 49.01 (2g) of the statutes is created to read:

49.01 **(2g)** "Health care services" means such emergency and nonemergency medical, surgical, dental, hospital, nursing and optometric services as are reasonable and necessary under the circumstances, as determined by the county or

tribal governing body. "Health care services" does not include services described under s. 51.42 (3) (ar) 4.

SECTION 2652b. 49.01 (3) of the statutes is created to read:

49.01 **(3)** "Relief" means assistance that is provided to a dependent person and funded by a relief block grant.

SECTION 2653. 49.01 (3m) (b) of the statutes is created to read:

49.01 **(3m)** (b) A tribal governing body or an agency under contract with the governing body to administer relief.

SECTION 2654. 49.01 (4) of the statutes is renumbered 49.001 (1m).

SECTION 2655. 49.01 (5) of the statutes is renumbered 49.001 (2).

SECTION 2656. 49.01 (5g) of the statutes is renumbered 49.001 (3).

SECTION 2657b. 49.01 (5m) of the statutes is amended to read:

49.01 **(5m)** "General relief" means such services, commodities or money as are reasonable and necessary under the circumstances to provide ~~food, housing, clothing, fuel, light, water,~~ medicine, medical, dental, and surgical treatment (including hospital care), optometrical services, nursing, ~~transportation,~~ and funeral expenses~~, and include~~. Except in counties that make the election under s. 49.032 (2) (a), general relief also includes benefits under s. 49.032 and any wages for work relief. ~~The food furnished shall be of a kind and quantity sufficient to provide a nourishing diet. The housing provided shall be adequate for health and decency. Where there are children of school age the general relief furnished shall include necessities for which no other provision is made by law. The general relief furnished, whether by money or otherwise, shall be at such times and in such amounts, as will in the discretion of the general relief official or agency meet the needs of the recipient and protect the public.~~

SECTION 2657c. 49.01 (5m) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2658b. 49.01 (5r) of the statutes is renumbered 49.01 (3m) (intro.) and amended to read:

49.01 **(3m)** (intro.) "~~General relief~~ Relief agency" means the following if a county or tribal governing body operates a relief program funded by a relief block grant:

(a) A county department under s. 46.215, 46.22 or 46.23 or an agency under contract with a county department to administer relief.

SECTION 2659. 49.01 (6) of the statutes is renumbered 49.001 (4).

SECTION 2660. 49.01 (6m) of the statutes is renumbered 49.001 (5).

SECTION 2661. 49.01 (7) of the statutes is renumbered 49.43 (10m).

SECTION 2661g. 49.01 (7m) of the statutes is created to read:

49.01 **(7m)** "Relief block grant" means a block grant awarded to a county or tribal governing body under s. 49.025, 49.027 or 49.029.

SECTION 2661r. 49.01 (7m) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.001 (5p).

SECTION 2662. 49.01 (8g) of the statutes is renumbered 49.001 (6).

SECTION 2663. 49.01 (8j) of the statutes is created to read:

49.01 **(8j)** "Secretary" means the secretary of health and social services.

SECTION 2664. 49.01 (8m) of the statutes is renumbered 49.001 (7).

SECTION 2665. 49.01 (8p) of the statutes is created to read:

49.01 **(8p)** "Tribal governing body" means an elected tribal governing body of a federally recognized American Indian tribe.

SECTION 2666. 49.01 (8r) of the statutes is renumbered 49.001 (8).

SECTION 2667. 49.01 (9) of the statutes is repealed.

SECTION 2668. 49.01 (10) of the statutes is repealed.

SECTION 2669. 49.015 (title) of the statutes is amended to read:

49.015 (title) ~~**General relief**~~ **Relief eligibility.**

SECTION 2670b. 49.015 (1) of the statutes is created to read:

49.015 **(1)** GENERAL ELIGIBILITY REQUIREMENTS. Except as provided in subs. (1m) to (2m), an individual is eligible for relief if the individual meets all of the following conditions:

(a) Except as provided in sub. (3) (a), the individual resides in a county, or on tax–free land, in which the county or tribal governing body operates a program funded by a relief block grant.

(c) The individual qualifies under written criteria of dependency under s. 49.02 (1) (b) established by the relief agency in that county or on that tax–free land.

SECTION 2671. 49.015 (1) (a) of the statutes is renumbered 49.015 (1m) (a).

SECTION 2672b. 49.015 (1) (b) (intro.) of the statutes is renumbered 49.015 (1m) (b) (intro.) and amended to read:

49.015 **(1m)** (b) (intro.) No ~~person~~ individual is eligible for ~~general~~ relief ~~under this chapter~~ unless the ~~person~~ individual has resided in this state for at least 60 consecutive days before applying for ~~general~~ relief. This requirement does not apply if the ~~person~~ individual resides in this state and meets any of the following conditions:

SECTION 2673b. 49.015 (1) (b) 1. of the statutes is renumbered 49.015 (1m) (b) 1. and amended to read:

49.015 **(1m)** (b) 1. The ~~person~~ individual was born in this state.

SECTION 2674b. 49.015 (1) (b) 2. of the statutes is renumbered 49.015 (1m) (b) 2. and amended to read:

49.015 **(1m)** (b) 2. The ~~person~~ individual has, in the past, resided in this state for at least 365 consecutive days.

SECTION 2675b. 49.015 (1) (b) 3. of the statutes is renumbered 49.015 (1m) (b) 3. and amended to read:

49.015 **(1m)** (b) 3. The ~~person~~ individual came to this state to join a close relative who has resided in this state for at least 180 days before the arrival of the ~~person~~ individual.

SECTION 2676b. 49.015 (1) (b) 4. of the statutes is renumbered 49.015 (1m) (b) 4. and amended to read:

49.015 **(1m)** (b) 4. The ~~person~~ individual came to this state to accept a bona fide offer of employment and the ~~person~~ individual was eligible to accept the employment.

SECTION 2677. 49.015 (1m) (title) of the statutes is created to read:

49.015 **(1m)** (title) STATE RESIDENCY REQUIREMENTS.

SECTION 2678b. 49.015 (2) (a) of the statutes is renumbered 49.015 (2) and amended to read:

49.015 **(2)** (title) RECIPIENTS OF OTHER AID. ~~A person~~ Except as provided in sub. (3), an individual is not eligible for ~~general~~ relief ~~under this chapter~~ for a month in which the ~~person~~ individual has received aid to families with dependent children under s. 49.19 or supplemental security income under 42 USC 1381 to 1383c or in which aid to families with dependent children or supplemental security income benefits are immediately available to the ~~person~~ individual.

SECTION 2679b. 49.015 (2) (b) of the statutes is amended to read:

49.015 **(2)** (b) No person is eligible for general relief under this chapter for a month in which the person is denied, or his or her needs are removed from a grant of, food stamps or aid to families with dependent children under 7 USC 2015 (d) (1), 42 USC 602 (a) (19) (F), 42 USC 607 (b) (2) (C), 42 USC 609 (c) or 42 USC 645 (b) 1 (B) because the person has failed to comply with requirements related to employment or training. A general relief agency may not deny general relief under this subsection to any person other than the person who has failed to comply with those requirements. ~~If~~ Except in counties that have elected not to provide nonmedical benefits under s. 49.032 (2) (a), if the adult caretaker of a child is denied general relief under this subsection and the case involves mismanagement, the general relief agency shall make the general relief payment for the child in the form of a protective payment.

SECTION 2679c. 49.015 (2) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2680. 49.015 (2) (c) of the statutes is repealed.

SECTION 2681b. 49.015 (3) (title) of the statutes is created to read:

49.015 **(3)** (title) WAIVER OF CERTAIN ELIGIBILITY REQUIREMENTS.

SECTION 2681c. 49.015 (3) of the statutes is renumbered 49.015 (3) (b) and amended to read:

49.015 **(3)** (b) ~~After December 31, 1986, a general~~ A relief agency may waive the requirement under sub. ~~(1) (b) or (2) (a)~~ (2) or (2m) in ~~a medical emergency or in~~ case of unusual misfortune or hardship. Each waiver shall be reported to the department. The department may ~~deny reimbursement under s. 49.035 for any case in which a waiver is inappropriately granted~~ make a determination as to the

appropriateness of the waiver under rules promulgated by the department under s. 49.02 (7m) (d).

SECTION 2681d. 49.015 (3) (a) of the statutes is created to read:

49.015 **(3)** (a) A relief agency may waive the requirement under sub. (1) (a) for an individual receiving health care services from a trauma center that meets the criteria established by the American College of Surgeons for classification as a Level I trauma center. If the county waives the requirement under sub. (1) (a) for an individual, the county may seek reimbursement from the individual's county of residence if that county operates a program funded by a relief block grant.

SECTION 2682. 49.015 (4) of the statutes is repealed.

SECTION 2683b. 49.02 (title) of the statutes is amended to read:

49.02 (title) ~~**General relief**~~ **Relief block grant administration.**

SECTION 2684b. 49.02 (1) of the statutes is created to read:

49.02 **(1)** ELIGIBILITY FOR RELIEF BLOCK GRANTS. A county or tribal governing body is eligible to receive a relief block grant if all of the following conditions are met:

(a) The county board or tribal governing body adopts a resolution applying for a relief block grant.

(b) The county or tribal governing body establishes written criteria to be used to determine dependency and reviews these written criteria at least annually.

(c) The county or tribal governing body submits to the department a plan for the provision of services to be funded by the relief block grant. The plan shall include all of the following:

1. How the county or tribal governing body will determine eligibility and how these eligibility determinations may be appealed. The procedures for determining

eligibility and for notice, fair hearing and review shall be consistent with rules promulgated by the department under sub. (7m).

2. How the county or tribal governing body will determine which health care services are needed by a dependent person.

3. The cost containment mechanisms that will be used, including what limitations will be placed on the inappropriate use of emergency room care and what limitations will be placed on payments to providers contracted for under sub. (2).

4. In the case of a county submitting a plan for a relief block grant under s. 49.027, whether the county will provide services other than health care services and, if such services are offered, how the county will determine what services will be provided to a dependent person.

(d) The department has approved the plan under par. (c). The department shall approve or disapprove the plan within a reasonable period of time after the plan is submitted.

SECTION 2685b. 49.02 (1e) of the statutes is created to read:

49.02 **(1e)** RELIEF AGENCIES. If a county or tribal governing agency is eligible to receive a relief block grant, the county or tribal governing body shall establish or designate a relief agency to administer relief under this section.

SECTION 2686b. 49.02 (1m) of the statutes is amended to read:

49.02 **(1m)** Every county shall furnish general relief to all eligible dependent persons within the county and shall establish or designate a general relief agency to administer general relief. The general relief agency shall establish written criteria to be used to determine dependency ~~and~~. Except for counties that make the election under s. 49.032 (2) (a), each county shall establish written standards of need to be used to determine the type and amount of general relief to be furnished. ~~The general~~

~~relief agency shall review the standards of need at least annually. The~~ A general relief agency may establish work–seeking rules for general relief applicants and recipients.

SECTION 2686c. 49.02 (1m) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2686d. 49.02 (2) of the statutes is created to read:

49.02 **(2)** CONTRACTING WITH PRIVATE HEALTH CARE PROVIDERS. A relief agency may use a relief block grant to provide health care services directly or, if the conditions in this subsection are met, by contracting with private health care providers, or by a combination of contracting with private health care providers and providing services directly. A relief agency may contract with a private health care provider to provide health care services under this subsection only if all of the following conditions are met:

(a) The relief agency enters into a contract with the private health care provider to provide specified health care services.

(b) The contract between the relief agency and the private health care provider provides that all records of the health care provider relating to the administration and provision of the health care services shall be open to inspection at all reasonable hours by authorized representatives of the county and the department.

(c) The contract between the relief agency and the private health care provider provides that any payments under s. 49.45 (6y) and (6z) made to the health care provider shall be used to offset the liability of the relief agency for the costs of the health care services provided under the contract.

(d) The contract limits payment for services under the contract to the amount payable by medical assistance for care for which a medical assistance rate exists.

(e) The contract does not provide for payment for hospitalization or care provided as uncompensated services required under 42 USC 291c.

(f) The contract prohibits the health care provider from holding an individual recipient of health care services funded under this section liable for the difference between the costs of the health care services and the amount paid to the health care provider by the county for the services.

SECTION 2687b. 49.02 (2r) of the statutes is renumbered 49.015 (1) (am) and amended to read:

49.015 **(1)** (am) ~~A general relief agency may require the person who is receiving general relief to authorize~~ The individual authorizes any program or resource for which he or she is determined to be eligible to reimburse the ~~general~~ relief agency for ~~general relief benefits paid~~ health care services provided to the ~~person~~ individual if the program or resource permits ~~retroactive~~ reimbursement for the ~~period that general relief benefits were paid~~ services provided.

SECTION 2688b. 49.02 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2688c. 49.02 (3) (a) of the statutes is amended to read:

49.02 **(3)** (a) ~~A~~ Except in counties that have elected not to provide nonmedical benefits under s. 49.032 (2) (a), a general relief agency may plainly print or stamp on each check issued as a general relief benefit payment words explaining that the check is valid for 60 days beginning on the date of issuance. The general relief agency may cancel any check that is not presented for payment within the 60–day period indicated on the check and, except as provided in par. (b), the person entitled to the check forfeits the right to the benefit payment. Section 49.037 (6) does not apply to the cancellation of a check under this paragraph.

SECTION 2689. 49.02 (4) of the statutes is repealed.

SECTION 2690. 49.02 (5) (title) of the statutes is created to read:

49.02 **(5)** (title) LIABILITY FOR HEALTH CARE SERVICES.

SECTION 2691b. 49.02 (5) (am) of the statutes is repealed.

SECTION 2692. 49.02 (5) (ar) of the statutes is repealed.

SECTION 2693. 49.02 (5) (b) of the statutes is amended to read:

49.02 **(5)** (b) A ~~county~~ relief agency is not liable for ~~hospitalization or care~~ health care services provided ~~under par. (a)~~ to a dependent person if the hospital provides the ~~care or hospitalization~~ health care services to the person as uncompensated services required under 42 USC 291c.

SECTION 2694. 49.02 (5) (bm) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.02 **(5)** (bm) A relief agency shall limit its liability for health care services funded by a relief block grant to the amount payable by medical assistance under ~~ss. 49.43 to 49.47~~ subch. IV for care for which a medical assistance rate exists.

SECTION 2695. 49.02 (5) (c) of the statutes is repealed.

SECTION 2696. 49.02 (5) (cr) of the statutes is repealed.

SECTION 2697. 49.02 (5) (cw) of the statutes is repealed.

SECTION 2698. 49.02 (5) (d) of the statutes is repealed.

SECTION 2699. 49.02 (5) (e) of the statutes is repealed.

SECTION 2700. 49.02 (5) (g) of the statutes is repealed.

SECTION 2701. 49.02 (6) of the statutes is repealed.

SECTION 2702. 49.02 (6c) of the statutes is repealed.

SECTION 2703b. 49.02 (6g) of the statutes is amended to read:

49.02 **(6g)** (title) LIABILITY OF RECIPIENTS. No individual who receives ~~treatment or hospitalization under sub. (5)~~ health care services funded by a relief block grant may be liable for the difference between the costs of the ~~treatment or hospitalization~~ services charged by the health care provider and the amount paid by the ~~general~~ relief agency.

SECTION 2704. 49.02 (6m) of the statutes is created to read:

49.02 **(6m)** Notwithstanding ss. 49.002 (2) and 49.01 (5m), a general relief agency is not required to provide services described in s. 51.42 (3) (ar) 4.

SECTION 2705b. 49.02 (6m) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2706. 49.02 (6r) of the statutes is repealed.

SECTION 2708b. 49.02 (7) of the statutes is amended to read:

49.02 **(7)** (title) NOTIFICATION REQUIREMENT. Whenever the ~~authorities charged with the administration of this section have~~ department or a relief agency has reason to believe that a person receiving relief is engaging in conduct or behavior prohibited in ch. 944 or ss. 940.225, 948.02, 948.025 or 948.06 to 948.11 ~~they~~ the department or relief agency shall promptly notify the law enforcement officials of the county thereof, including facts relating to such person's alleged misconduct or illegal behavior.

SECTION 2709b. 49.02 (7m) of the statutes is created to read:

49.02 **(7m)** RULES. The department shall promulgate rules regarding use of relief block grants. The rules shall include all of the following:

(a) Procedures that relief agencies shall follow in making eligibility determinations.

(b) Procedures for appealing eligibility determinations under s. 49.015. These procedures shall provide for notice, fair hearing and review.

(c) Procedures that relief agencies shall follow to obtain relief block grants under sub. (1).

(d) Standards for a waiver of any eligibility requirement under s. 49.015.

SECTION 2710. 49.02 (8) of the statutes is renumbered 49.015 (2m) and amended to read:

49.015 **(2m)** (title) INELIGIBILITY DUE TO MEDICAL ASSISTANCE DIVESTMENT. Any person found ineligible for medical assistance because of the divestment provisions under s. 49.453 is ineligible for ~~medical care under this section~~ relief funded by a relief block grant for the same period during which ineligibility exists under s. 49.453.

SECTION 2711. 49.02 (9) of the statutes is repealed.

SECTION 2712b. 49.02 (10) (a) of the statutes is renumbered 49.02 (5) (bm) and amended to read:

49.02 **(5)** (bm) ~~Except as provided under par. (b), a county~~ A relief agency shall limit its liability for ~~medical or dental care furnished as general relief, including emergency care provided under sub. (5),~~ health care services funded by a relief block grant to the amount payable by medical assistance under ss. 49.43 to 49.47 for care for which a medical assistance rate exists.

SECTION 2713. 49.02 (10) (b) of the statutes is repealed.

SECTION 2714. 49.02 (10) (c) of the statutes is repealed.

SECTION 2715b. 49.02 (11) of the statutes is amended to read:

49.02 **(11)** (title) DEPARTMENT OF TRANSPORTATION RECORDS. A ~~general~~ relief agency may use vehicle registration information from the department of transportation in determining eligibility for ~~general~~ relief.

SECTION 2716. 49.02 (12) of the statutes is repealed.

SECTION 2716g. 49.025 of the statutes is created to read:

49.025 Relief block grants to counties with a population of 500,000 or more; medical relief. (1) APPLICABILITY. This section applies only to a county having a population of 500,000 or more.

(2) AMOUNT OF RELIEF BLOCK GRANT. (a) If a county is eligible to receive a relief block grant in a year, the department shall pay to the county, in accordance with s. 49.031, from the appropriation under s. 20.435 (1) (bt), an amount for that year determined as follows:

1. The department shall determine the lesser of the following:

a. For 1996, $17,600,000, and for each year thereafter, $16,600,000.

b. For any year, 45% of the total amount expended by the county in that year as relief for health care services provided to dependent persons.

2. The department shall subtract from the amount determined under subd. 1. amounts paid to hospitals in that county under s. 49.45 (6y) and (6z) in that year. If the amount determined under this subdivision is less than zero, the amount of the relief block grant is $0.

(b) In calculating the total amount expended by the county under par. (a), the department may exclude any amount expended as a result of a waiver determined to be inappropriate under rules promulgated by the department under s. 49.02 (7m) (d).

(3) USE OF RELIEF BLOCK GRANT FUNDS. A county may use moneys received as a relief block grant only for the purpose of providing health care services to dependent persons.

SECTION 2716m. 49.027 of the statutes is created to read:

49.027 Relief block grants to counties having a population of less than 500,000; medical and nonmedical relief. (1) APPLICABILITY. This section applies only to a county having a population of less than 500,000.

(2) AMOUNT OF RELIEF BLOCK GRANT. (a) If a county is eligible to receive a relief block grant in a year, the department shall pay to the county, in accordance with s. 49.031, from the appropriation under s. 20.435 (1) (bu), an amount for that year determined as follows:

1. The department shall calculate an amount as follows:

a. The department shall determine the total amount that the county was reimbursed under s. 49.035, 1993 stats., for general relief costs incurred in 1994.

b. The department shall determine the total amount of general relief reimbursements that were paid under s. 49.035, 1993 stats., for costs incurred in 1994, to all counties that are eligible receive a relief block grant under this section.

c. The department shall divide the amount determined under subd. 1. a. by the amount determined under subd. 1. b.

d. The department shall multiply the amount determined under subd. 1. c. by the amount appropriated under s. 20.435 (1) (bu) for relief block grants for that year.

2. The department shall calculate the sum of the following:

a. For any year, 50% of the total costs incurred by the county for health care services provided to dependent persons as relief in that year.

b. For any year, 40% of the total costs incurred by the county for cash benefits, and for services other than health care services, provided to dependent persons as relief in that year.

3. The department shall determine the lesser of the amount calculated under subd. 1. and the amount calculated under subd. 2.

4. From the amount determined under subd. 3., the department shall subtract amounts paid to hospitals in that county under s. 49.45 (6y) and (6z) for that calendar year.

(b) In calculating the total costs incurred by the county under par. (a) 2., the department may exclude any amount expended as relief by the county in that year as a result of a waiver determined by the department to be inappropriate under rules promulgated by the department under s. 49.02 (7m) (d).

(3) USE OF RELIEF BLOCK GRANT FUNDS. A county may use moneys received as a relief block grant to provide services only as follows:

(a) To provide health care services to dependent persons.

(b) If the county provides health care services to dependent persons, to provide cash benefits, or services other than health care services, to dependent persons.

(4) WORK COMPONENT. If a county provides cash benefits, or services other than health care services, as relief, the county may include a work component as part of its relief program funded under this section. If a county includes a work component under this subsection, the county may require a dependent person to participate in the work component as a condition for receiving cash benefits, or services other than health care services.

SECTION 2716p. 49.029 of the statutes is created to read:

49.029 Block grants to tribal governing bodies; medical relief. (1) APPLICABILITY. This section applies only to tribal governing bodies.

(2) AMOUNT AND DISTRIBUTION OF RELIEF BLOCK GRANT. From the appropriation under s. 20.435 (1) (bs), the department shall distribute a relief block grant to each eligible tribal governing body in an amount and in a manner determined in accordance with rules promulgated by the department. The department shall promulgate the rules after consulting with all tribal governing bodies eligible for a relief block grant. In promulgating rules under this section, the department shall consider each tribe's economic circumstances and need for health care services.

(3) USE OF RELIEF BLOCK GRANT FUNDS. A tribal governing body may use moneys received as a relief block grant only for the purpose of providing health care services to dependent persons.

SECTION 2716s. 49.031 of the statutes is created to read:

49.031 Payment of relief block grants to counties. (1) FILING OF RELIEF BLOCK GRANT REPORT. Each county that is eligible for a relief block grant under s. 49.02 (1) in a year shall prepare a report, in accordance with rules promulgated by the department under s. 49.02 (7m) (c), detailing the costs incurred for relief provided to dependent persons in that year. The report shall be filed with the department by March 1 of the year immediately following the year in which the costs were incurred.

(2) DEADLINE FOR PAYMENT OF RELIEF BLOCK GRANTS. The department shall pay a relief block grant to each eligible county by July 31 of the year immediately following the year for which the relief block grant is made or within 30 days after the effective date of the act that provides funding, for that year, for the appropriation from which relief block grant moneys are paid, whichever is later.

SECTION 2717b. 49.032 of the statutes is repealed and recreated to read:

49.032 General relief nonmedical benefits. (1) NONMEDICAL BENEFITS. (a) Unless a county makes an election not to provide nonmedical benefits under sub. (2) (a), the general relief agency in that county shall make a benefit payment at least monthly in accordance with written criteria determined by the general relief agency. Depending on the type and amount of the eligible dependent person's income or resources, if any, or number of days or type of need during a month, the benefit payments under this section may be adjusted in accordance with written criteria established by the general relief agency.

(b) Until a general relief agency adopts written criteria under par. (a) and until those written criteria take effect, the general relief agency shall make benefit payments under par. (a) using the standard of need under s. 49.02 (1m), 1993 stats., that the county had in effect on the effective date of this paragraph .... [revisor inserts date].

(d) If a person is eligible for benefits under s. 49.19 and, if the person received benefits under s. 49.19, the person would receive benefits calculated under s. 49.19 (11m) on the basis of the aid to families with dependent children level in the state in which the person most recently resided, the person may not receive benefits under par. (a) in an amount that exceeds the amount that he or she would receive under s. 49.19.

(e) If a general relief agency provides a monthly general relief benefit to an eligible dependent person under par. (a), the department shall reimburse the general relief agency at the rate set forth under s. 49.035 (1) (d), from the appropriation under s. 20.435 (4) (eb), for the amount paid to the eligible dependent person.

(2) ELECTION NOT TO PROVIDE NONMEDICAL BENEFITS. (a) A county may elect not to provide nonmedical benefits under sub. (1) (a) by adopting a resolution indicating

its election not to provide these benefits. A copy of the resolution shall be provided to the department.

SECTION 2717c. 49.032 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2718b. 49.035 of the statutes is repealed.

SECTION 2748b. 49.037 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2748c. 49.037 (12) of the statutes is created to read:

49.037 **(12)** If a county makes the election under s. 49.032 (2) (a) not to provide nonmedical benefits, this section only applies with respect to benefits that are or were to have been provided before the date that the election takes effect.

SECTION 2749. 49.043 of the statutes is renumbered 66.182 and amended to read:

66.182 Health insurance for unemployed persons. Any ~~municipality~~ city, village, town or county may purchase health or dental insurance for unemployed persons residing in the ~~municipality~~ city, village, town or county who are not eligible for medical assistance under s. 49.46, 49.468 or 49.47.

SECTION 2750. 49.046 (title) of the statutes is repealed.

SECTION 2751. 49.046 (1) (intro.) of the statutes is repealed.

SECTION 2752. 49.046 (1) (a) of the statutes is renumbered 49.01 (1g).

SECTION 2753. 49.046 (1) (b) of the statutes is renumbered 49.01 (8L).

SECTION 2754. 49.046 (2) of the statutes is repealed.

SECTION 2755. 49.046 (3) of the statutes is repealed.

SECTION 2756. 49.046 (4) of the statutes is repealed.

SECTION 2757. 49.046 (5) of the statutes is repealed.

SECTION 2758. 49.047 of the statutes is repealed.

SECTION 2759. 49.048 of the statutes is repealed.

SECTION 2760. 49.049 of the statutes is repealed.

SECTION 2761. 49.05 of the statutes is repealed.

SECTION 2762b. 49.053 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 2762c. 49.053 (1m) of the statutes is amended to read:

49.053 **(1m)** A general relief agency may administer, by contract, a program of general relief grant diversion for general relief recipients. Under a grant diversion program, a general relief agency may use all or a part of the benefit payment provided under s. ~~49.02~~ 49.032 to subsidize an employer at up to 50% of the wages he or she pays the recipient for a job performed by the recipient, for a period not to exceed 6 months, under a written contract between the general relief agency and an employer.

SECTION 2762d. 49.053 (3) of the statutes is amended to read:

49.053 **(3)** The amount of benefit payment provided under s. ~~49.02~~ 49.032 for a general relief recipient that is used to subsidize the employer under this section correspondingly reduces the amount of labor which may be required of the individual at the rate which is the ratio between the amount used to subsidize the employer and the total wage paid. No dependent person may be liable under s. 49.08 for the value of payment so provided.

SECTION 2763. 49.055 of the statutes is repealed.

SECTION 2764. 49.057 of the statutes is repealed.

SECTION 2765. 49.06 of the statutes is repealed.

SECTION 2766. 49.08 of the statutes is amended to read:

49.08 (title) **Recovery of ~~general~~ relief ~~paid~~ and other assistance.** If any person is the owner of property at the time of receiving general relief under ~~this chapter or~~ ch. 49, 1993 stats., relief funded by a relief block grant or other assistance as an inmate of any county or municipal institution in which the state is not chargeable with all or a part of the inmate's maintenance or as a tuberculosis patient provided for in ss. 58.06 and 252.07 to 252.10, or at any time thereafter, or if the person becomes self–supporting, the authorities charged with the care of the dependent, or the board in charge of the institution, may sue for the value of the ~~general~~ relief or other assistance from the person or the person's estate. Except as otherwise provided in this section, the 10–year statute of limitations may be pleaded in defense in an action to recover ~~general~~ relief or other assistance. Where the ~~general relief~~ recipient of relief or other assistance is deceased, a claim may be filed against the decedent's estate and the statute of limitations specified in s. 859.02 shall be exclusively applicable. The court may refuse to render judgment or allow the claim in any case where a parent, spouse, surviving spouse or child is dependent on the property for support. The court in rendering judgment shall take into account the current family budget requirement as fixed by the U.S. department of labor for the community or as fixed by the authorities of the community in charge of public assistance. The records kept by the municipality, county or institution are prima facie evidence of the value of the ~~general~~ relief or other assistance furnished. This section shall not apply to any person who receives care for pulmonary tuberculosis as provided in s. 252.08 (4).

SECTION 2768. 49.083 of the statutes is repealed.

SECTION 2768m. 49.085 of the statutes is renumbered 49.385.

SECTION 2769. Subchapter III (title) of chapter 49 [precedes 49.11] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER III

ECONOMIC SUPPORT AND WORK PROGRAMS

SECTION 2770. 49.11 of the statutes is created to read:

49.11 Definitions. In this subchapter:

(1) "Department" means the department of industry, labor and human relations.

(2) "Secretary" means the secretary of industry, labor and human relations.

SECTION 2771. 49.12 (title) of the statutes is renumbered 49.95 (title).

SECTION 2772. 49.12 (1) of the statutes is renumbered 49.95 (1).

SECTION 2773. 49.12 (2) of the statutes is renumbered 49.95 (2) and amended to read:

49.95 **(2)** Any person who wilfully does any act designed to interfere with the proper administration of public assistance shall be fined not less than $10 nor more than $100 or be punished by imprisonment for not less than 10 nor more than 60 days. ~~The acceptance of any supplies or articles furnished to any person as general relief in exchange for or in payment for any alcohol beverages shall be deemed to be a violation of this subsection, but violations of this subsection shall not be limited to such acts.~~

SECTION 2774. 49.12 (3) of the statutes is renumbered 49.95 (3).

SECTION 2775. 49.12 (4m) (intro.) of the statutes is renumbered 49.95 (4m) (intro.).

SECTION 2776. 49.12 (4m) (a) of the statutes is renumbered 49.95 (4m) (a) and amended to read:

49.95 **(4m)** (a) Without legal authority, sends or brings a ~~dependent~~ person to a county, tribal governing body or municipality or advises a ~~dependent~~ person to go to a county, tribal governing body or municipality for the purpose of obtaining ~~general~~ relief ~~under s. 49.02~~ funded by a relief block grant, aid to families with dependent children under s. 49.19, medical assistance under ss. 49.45 to 49.47 or food stamps under 7 USC 2011 to 2029.

SECTION 2777. 49.12 (4m) (b) of the statutes is renumbered 49.95 (4m) (b) and amended to read:

49.95 **(4m)** (b) Obtains a pecuniary advantage because the person is brought or sent or goes to the county, tribal governing body or municipality.

SECTION 2778. 49.12 (5) of the statutes is renumbered 49.95 (5).

SECTION 2779. 49.12 (6) of the statutes is renumbered 49.95 (6).

SECTION 2780. 49.12 (7) of the statutes is repealed.

SECTION 2781. 49.12 (8) of the statutes is renumbered 49.95 (8).

SECTION 2782. 49.12 (9) of the statutes is renumbered 49.95 (9).

SECTION 2783. 49.12 (10) of the statutes is renumbered 49.95 (10).

SECTION 2784. 49.12 (11) of the statutes is renumbered 49.95 (11) and amended to read:

49.95 **(11)** "Public assistance" as used in this section includes ~~general~~ relief funded by a relief block grant.

SECTION 2785. 49.123 (title) of the statutes is repealed.

SECTION 2786. 49.123 (1) of the statutes is repealed.

SECTION 2787. 49.123 (2) of the statutes is renumbered 49.29.

SECTION 2788. 49.124 (title) of the statutes is amended to read:

49.124 (title) **Food stamp ~~employment and training program~~ administration.**

SECTION 2789. 49.124 of the statutes is renumbered 49.124 (1m) and amended to read:

49.124 **(1m)** (title) EMPLOYMENT AND TRAINING PROGRAM. The department shall administer an employment and training program for recipients ~~of food stamp benefits under 7 USC 2011 to 2029~~ under the food stamp program.

SECTION 2790. 49.124 (1) of the statutes is created to read:

49.124 **(1)** DEFINITION. In this section, "food stamp program" means the federal food stamp program under 7 USC 2011 to 2029.

SECTION 2791. 49.124 (2) (title) of the statutes is created to read:

49.124 **(2)** (title) LIABILITY FOR LOST FOOD COUPONS.

SECTION 2792. 49.124 (3) (title) of the statutes is created to read:

49.124 **(3)** (title) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS.

SECTION 2793. 49.124 (4) of the statutes is created to read:

49.124 **(4)** MIGRANT WORKER WAIVER PROGRAM. (a) In this subsection, "migrant worker" has the meaning given in s. 49.47 (4) (av) 1.

(b) The department shall request a waiver from the secretary of the federal department of agriculture to allow the application of par. (c). The waiver shall also seek a waiver from those federal quality control standards under the food stamp program that the department determines to be necessary in order to make the application of par. (c) feasible. Paragraph (c) applies only while the waiver under this paragraph is in effect.

(c) If a migrant worker and his or her dependents do not meet the income limitations under the food stamp program using prospective budgeting, the department shall determine eligibility for the migrant worker and his or her dependents using an income–averaging method described in the waiver under par. (b).

SECTION 2794. 49.125 (1) of the statutes is amended to read:

49.125 **(1)** The department, or a county or elected governing body of a federally recognized American Indian tribe or band acting on behalf of the department, may recover overpayments that arise from an overissuance of food coupons under the food stamp program administered under s. 46.215 (1) (k) or 46.22 (1) (b) ~~5~~ 2. d. Recovery shall be made in accordance with 7 USC 2022.

SECTION 2798. 49.13 (title) of the statutes is renumbered 49.84 (title).

SECTION 2799. 49.13 (1) of the statutes is renumbered 49.84 (1).

SECTION 2800. 49.13 (2) of the statutes is renumbered 49.84 (2).

SECTION 2801b. 49.13 (3) (intro.) and (b) of the statutes are consolidated, renumbered 49.84 (3) and amended to read:

49.84 **(3)** Notwithstanding subs. (1) and (2), personal identification documentation requirements may be waived for 10 days for an applicant for ~~general~~ relief funded by a relief block grant, if ~~all of the following occur: (b) The~~ the applicant agrees to cooperate with the ~~general~~ relief agency by providing information necessary to obtain proper identification.

SECTION 2802. 49.13 (3) (a) of the statutes is repealed.

SECTION 2803. 49.13 (4) of the statutes is renumbered 49.84 (4) and amended to read:

49.84 **(4)** Notwithstanding sub. (2), the ~~general~~ relief agency receiving an application under sub. (3) shall pay on behalf of any applicant under sub. (3) fees required for the applicant to obtain proper identification.

SECTION 2804. 49.13 (5) of the statutes is renumbered 49.84 (5).

SECTION 2805. 49.133 (title) of the statutes is renumbered 49.32 (7) (title).

SECTION 2806. 49.133 (1) of the statutes is renumbered 49.32 (7) (a).

SECTION 2807. 49.133 (2) of the statutes is renumbered 49.32 (7) (b).

SECTION 2808. 49.133 (3) of the statutes is renumbered 49.32 (7) (c).

SECTION 2809. 49.133 (5) of the statutes is renumbered 49.32 (7) (d).

SECTION 2810. 49.14 (title) of the statutes is renumbered 49.70 (title) and amended to read:

49.70 (title) **County ~~home~~ homes; establishment.**

SECTION 2811. 49.14 (1) of the statutes is renumbered 49.70 (1).

SECTION 2812. 49.14 (2) of the statutes is renumbered 49.70 (2).

SECTION 2813. 49.14 (3) of the statutes is renumbered 49.70 (3).

SECTION 2814. 49.14 (4) of the statutes is renumbered 49.70 (4).

SECTION 2815. 49.14 (5) of the statutes is renumbered 49.70 (5).

SECTION 2816. 49.15 (title) of the statutes is renumbered 49.703 (title) and amended to read:

49.703 (title) **County ~~home~~ homes; commitments; admissions.**

SECTION 2817. 49.15 (1) of the statutes is renumbered 49.703 (1).

SECTION 2818. 49.15 (2) of the statutes is repealed.

SECTION 2819. 49.15 (3) of the statutes is renumbered 49.703 (3).

SECTION 2820. 49.16 (title) of the statutes is renumbered 49.71 (title) and amended to read:

49.71 (title) **County ~~hospital~~ hospitals; establishment.**

SECTION 2821. 49.16 (1) of the statutes is renumbered 49.71 (1).

SECTION 2822. 49.16 (2) of the statutes is renumbered 49.71 (2).

SECTION 2823. 49.16 (3) of the statutes is renumbered 49.71 (3).

SECTION 2824. 49.17 (title) of the statutes is renumbered 49.713 (title).

SECTION 2825. 49.17 (1) of the statutes is renumbered 49.713 (1).

SECTION 2826. 49.17 (2) of the statutes is repealed.

SECTION 2827. 49.17 (3) of the statutes is renumbered 49.713 (3).

SECTION 2828. 49.171 (title) of the statutes is renumbered 49.72 (title).

SECTION 2829. 49.171 (1) of the statutes is renumbered 49.72 (1).

SECTION 2830. 49.171 (2) of the statutes is renumbered 49.72 (2).

SECTION 2831. 49.171 (3) (intro.) of the statutes is renumbered 49.72 (3) (intro.) and amended to read:

49.72 **(3)** (intro.) As used in ss. ~~49.171 to 49.173~~ 49.72 to 49.726:

SECTION 2832. 49.171 (3) (a) of the statutes is renumbered 49.72 (3) (a).

SECTION 2833. 49.171 (3) (b) of the statutes is renumbered 49.72 (3) (b).

SECTION 2834. 49.171 (4) of the statutes is renumbered 49.72 (4).

SECTION 2835. 49.172 of the statutes is renumbered 49.723.

SECTION 2836. 49.173 of the statutes is renumbered 49.726.

SECTION 2837. 49.174 of the statutes is renumbered 49.729 and amended to read:

49.729 (title) **~~Fees~~ County infirmaries; fees and expenses of proceedings.** The fees of examining physicians, witnesses and guardians ad litem and other expenses of proceedings under ss. ~~49.171 to 49.173~~ 49.72 to 49.726 shall be governed by s. 51.20 (18).

SECTION 2838. 49.175 (title) of the statutes is renumbered 49.73 (title) and amended to read:

49.73 (title) **Residential care ~~institution~~ institutions; establishment.**

SECTION 2839. 49.175 (1) of the statutes is renumbered 49.73 (1).

SECTION 2840. 49.175 (2) of the statutes is renumbered 49.73 (2).

SECTION 2841. 49.175 (3) of the statutes is renumbered 49.73 (3).

SECTION 2842. 49.175 (4) of the statutes is renumbered 49.73 (4).

SECTION 2843. 49.175 (6) of the statutes is renumbered 49.73 (6).

SECTION 2844. 49.177 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.77.

SECTION 2846b. 49.177 (2) (a) 3. of the statutes is renumbered 49.177 (2) (a) 3. (intro.) and amended to read:

49.177 **(2)** (a) 3. (intro.) Any needy person or couple residing in this state whose income, after deducting income excludable under federal Title XVI, is less than the combined benefit level available under federal Title XVI and this section~~.~~, if at least one of the following requirements are met:

SECTION 2846c. 49.177 (2) (a) 3. a. and b. of the statutes are created to read:

49.177 **(2)** (a) 3. a. The person or couple was eligible for a state supplement under this section based on the last federal eligibility determination prior to January 1, 1996, but was not eligible to receive a payment under federal Title XVI on that date.

b. In at least one month after January 1, 1996, the person or couple was eligible to receive a payment under federal Title XVI.

SECTION 2848. 49.177 (2) (b) of the statutes is renumbered 49.177 (2m) and amended to read:

49.177 **(2m)** (title) SUPPLEMENTAL PAYMENT LEVELS. The department may submit a proposal to change the amount of supplemental payments under this section to the secretary of administration. If the secretary of administration approves the proposal, he or she shall submit it to the joint committee on finance for approval, modification or disapproval. Joint committee on finance approval of a change in the amount of supplemental payments will be considered to be given, if within 14 calendar days after the secretary of administration files a proposal with the joint committee on finance, the committee has not scheduled a public hearing or executive session to review the proposal. Payment changes approved by the joint committee on finance are subject to the approval of the governor. Following action by the joint committee on finance, the governor shall have 10 days, not including Sundays, to communicate approval or disapproval in writing. If no action is taken by the governor within that time, the decision of the joint committee on finance shall take effect. The procedures under s. 13.10 do not apply to this ~~paragraph~~ subsection.

SECTION 2849. 49.177 (3g) of the statutes is amended to read:

49.177 **(3g)** FEDERAL PAYMENTS. If federal supplemental security income payments increase, the department may, with approval as provided under sub. ~~(2) (b)~~ (2m), reduce payments under this section by all or part of the amount of the increase, subject to 42 USC 1382g.

SECTION 2850. 49.178 of the statutes is renumbered 49.74 and amended to read:

49.74 Institutions subject to chapter 150. Any institution created under the authority of s. ~~49.14, 49.16, 49.171 or 49.175~~ 49.70, 49.71, 49.72 or 49.73 is subject to ch. 150.

SECTION 2851. The unnumbered subchapter title preceding 49.19 of the statutes is repealed.

SECTION 2852. 49.19 (1) (a) 2. b. of the statutes is amended to read:

49.19 **(1)** (a) 2. b. Is living in a foster home or treatment foster home licensed under s. 48.62 if a license is required under that section, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625 or in a child–caring institution licensed under s. 48.60, and has been placed in the foster home, treatment foster home, group home or institution by a county department under s. 46.215, 46.22 or 46.23, by the department of health and social services, by the department of corrections or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department.

SECTION 2852m. 49.19 (3) (b) of the statutes is amended to read:

49.19 **(3)** (b) If the county department under s. 46.215 or 46.22 finds a person eligible for aid under this section, that county department shall, on a form to be prescribed by the department, direct the payment of such aid by order upon the ~~state treasurer~~ secretary of administration. Payment of aid shall be made monthly, based on a calendar month or fiscal month as defined by the department; except that the director of the county department may, in his or her discretion for the purpose of protecting the public, direct that the monthly allowance be paid in accordance with sub. (5) (c).

SECTION 2853. 49.19 (4) (g) 1. and 2. of the statutes are amended to read:

49.19 **(4)** (g) 1. If the pregnancy is medically verified, a pregnant woman receiving aid under this section who notifies the county department under s. 46.215

or 46.22 before the ~~7th~~ 8th month of pregnancy begins shall receive a monthly payment determined under sub. (11) (a) 4. from the first day of the month in which the ~~7th~~ 8th month of pregnancy begins, in addition to the payment determined according to family size under sub. (11) (a). If the recipient provides notification after the ~~7th~~ 8th month of pregnancy begins, the woman shall receive the additional monthly payment determined under sub. (11) (a) 4. beginning with the first day of the month following notification.

2. Aid to a pregnant woman who is otherwise eligible but has no children is available from the first day of the month in which the ~~7th~~ 8th month of pregnancy begins or the date the woman submits a signed and completed application for aid to the county department under s. 46.215 or 46.22, whichever is later, if the pregnancy is medically verified. The pregnant woman has a family size of one for grant determination purposes under sub. (11) (a) and is additionally eligible for a monthly payment determined under sub. (11) (a) 4.

SECTION 2861. 49.19 (5) (d) of the statutes is amended to read:

49.19 **(5)** (d) The department shall reimburse the county for the funeral, burial and ~~actual~~ cemetery expenses of a dependent child or the child's parents as provided in s. 49.30.

SECTION 2862. 49.19 (10) (a) of the statutes is amended to read:

49.19 **(10)** (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home or treatment foster home having a license under s. 48.62, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation or in a group home licensed under s. 48.625, regardless of the cause or prospective

period of dependency. The state shall reimburse counties pursuant to the procedure under s. 46.495 (2) and the percentage rate of participation set forth in s. ~~49.52~~ 46.495 (1) (d) for aid granted under this subsection except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 or 46.22 shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 2863. 49.19 (10) (d) of the statutes is amended to read:

49.19 **(10)** (d) Aid may also be paid under this section to a foster home or treatment foster home, to a group home licensed under s. 48.625 or to a child–caring institution by the state when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body or when the child was part of the state's direct service case load and was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department of health and social services or the department of corrections.

SECTION 2865b. 49.19 (11) (a) 1. a. (intro.) of the statutes, as affected by 1995 Wisconsin Act 12, is amended to read:

49.19 **(11)** (a) 1. a. (intro.) Except as provided in subs. (11m) and (11s), monthly payments made under s. ~~20.435 (4)~~ 20.445 (3) (d) and (p) to persons or to families with dependent children shall be based on family size and shall be at 80% of the total of the allowances under subds. 2. and 4. plus the following standards of assistance beginning on September 1, 1987:

SECTION 2865m. 49.19 (11) (b) (intro.) of the statutes is amended to read:

49.19 **(11)** (b) (intro.) The department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or energy crisis. Eligibility shall not exceed the limitations for federal participation defined by federal regulations, including 45 CFR 233.120. The department shall establish the maximum amount of aid to be granted, except for cases of energy crisis, ~~shall not exceed $150~~ per family member based on the funding available under s. 20.435 (4) (dc) and (p). The department need not establish the maximum amount by rule under ch. 227. The department shall publish the maximum amount and annual changes to it in the Wisconsin administrative register. Emergency assistance provided to needy persons under this paragraph in cases of homelessness may be used only to obtain a permanent living accommodation. For the purposes of this paragraph, a family is considered to be homeless if any of the following applies:

SECTION 2865n. 49.19 (11) (b) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.19 **(11)** (b) (intro.) The department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or energy crisis. Eligibility shall not exceed the limitations for federal participation defined by federal regulations, including 45 CFR 233.120. The department shall establish the maximum amount of aid to be granted, except for cases of energy crisis, per family member based on the funding available under s. ~~20.435 (4)~~ 20.445 (3) (dc) and (p). The department need not establish the maximum amount by rule under ch. 227. The department shall publish the maximum amount and annual changes to it in the Wisconsin administrative register. Emergency assistance provided to needy persons under this paragraph in cases of homelessness may be used only to obtain

a permanent living accommodation. For the purposes of this paragraph, a family is considered to be homeless if any of the following applies:

SECTION 2866. 49.19 (11m) (a) of the statutes is amended to read:

49.19 **(11m)** (a) The department shall apply to the secretary of the federal department of health and human services for approval of a demonstration project under which the department provides a person eligible for aid under this section who is described in par. (am) with monthly payments, for the first 6 months that he or she lives in this state, calculated on the basis of the aid to families with dependent children benefit level in the state in which the family most recently resided for one month or longer. The department shall promulgate a rule~~, which it shall update annually,~~ establishing the methods and identifying the factors that the department will use to determine the aid to families with dependent children benefit that will be paid under the demonstration project according to family size and state of former residence. The rule shall also establish the initial benefit table to be used in determining benefits under the demonstration project. The department shall publish annual changes to this benefit table in the Wisconsin administrative register. The department shall base the benefit for a family on the aid to families with dependent children benefit available to a typical family of the same size in the other state, taking into account all factors that may affect the amount of the benefit. ~~The rule shall specify the factors that the department uses to establish the benefit for participants in the demonstration project.~~ If a family moves from a state that allows a family to keep a different amount of income without reducing benefits than a family would be allowed to keep in this state, the department shall allow the family to keep a similar amount of income without reducing benefits.

SECTION 2867. 49.19 (11m) (am) (intro.) of the statutes is amended to read:

49.19 **(11m)** (am) (intro.) Under the demonstration project, a person is subject to receiving the payments under par. (a) if he or she has not previously resided in this state for at least 6 consecutive months and either:

SECTION 2869m. 49.19 (14) (b) of the statutes is amended to read:

49.19 **(14)** (b) If the ~~state treasurer~~ secretary of administration is unable to issue a replacement check or draft requested under par. (a) because the original has been paid, the department shall promptly authorize the issuance of a replacement check or draft. If the ~~state treasurer~~ secretary of administration recovers the amount of the original check or draft that amount shall be returned to the department of health and social services. If the ~~state treasurer~~ secretary of administration is unable to obtain recovery, the department of health and social services may pursue recovery.

SECTION 2870. 49.19 (16) of the statutes is amended to read:

49.19 **(16)** The department shall provide written notice of the penalties under s. ~~49.123 (2)~~ 49.29 to each applicant for aid under this section at the time of application and to each person who receives aid under this section on June 18, 1992, at the time of the next redetermination of the person's eligibility.

SECTION 2871. 49.19 (17) of the statutes is amended to read:

49.19 **(17)** The department may recover an overpayment of aid under this section from an overpaid family who continues to receive aid by reducing the amount of the family's monthly aid payment by no more than 10% of the maximum monthly payment allowance under sub. (11) for a family of that size~~, in the case of overpayments of aid resulting from an intentional violation of ss. 49.19 to 49.41 or the rules promulgated under those sections by a member of the family receiving the~~

~~overpayment, and by no more than 7% of the maximum monthly payment allowance under sub. (11) for a family of that size, in all other cases~~.

SECTION 2872. 49.191 (title) of the statutes is created to read:

49.191 (title) **Aid to families with dependent children child care funding.**

SECTION 2875. 49.193 (2) (b) 2. of the statutes is amended to read:

49.193 **(2)** (b) 2. A custodial parent under the age of 24 who has not graduated from a public or private high school or obtained a declaration of equivalency of high school graduation under s. 115.29 (4) and who, at the time of application for aid under s. 49.19, is not enrolled in school, as defined in s. ~~49.50 (7) (a)~~ 49.26 (1) (a) 2.

SECTION 2879g. 49.193 (4) (k) 1m. of the statutes is created to read:

49.193 **(4)** (k) 1m. Alcohol and other drug abuse prevention and treatment programs.

SECTION 2879m. 49.193 (4m) of the statutes is created to read:

49.193 **(4m)** ALCOHOL AND OTHER DRUG ABUSE PREVENTION AND TREATMENT WAIVER. (a) The department shall request a waiver from the federal department of health and human services to permit the department to do all of the following:

1. Require participation in an alcohol and other drug abuse prevention or treatment program as part of the jobs opportunities and basic skills program.

2. Sanction, in accordance with rules promulgated under this subdivision, a person who fails, without good cause, to participate in an alcohol and other drug abuse prevention or treatment program as assigned.

(b) If the waiver under par. (a) is granted, the department may implement the provisions of the waiver.

SECTION 2879mn. 49.193 (5) (a) of the statutes is amended to read:

49.193 **(5)** (a) The department shall establish a work supplementation component in an area in which a development zone, development opportunity zone or enterprise development zone is designated under subch. VI of ch. 560, upon the request of the local governing body, as defined in s. 560.70 (4), of the area.

SECTION 2879mp. 49.193 (5) (b) (intro.) of the statutes is amended to read:

49.193 **(5)** (b) (intro.) Upon notification from the department of development under s. 560.75 (11), 560.795 (3) (e) or 560.797 (4) (e) that a development zone, development opportunity zone or enterprise development zone has been designated, the department shall do all of the following:

SECTION 2879mq. 49.193 (5) (b) 1. of the statutes is amended to read:

49.193 **(5)** (b) 1. Provide the department of development with information about whether a work supplementation component is established in the area where the development zone, development opportunity zone or enterprise development zone is located.

SECTION 2879mr. 49.193 (5) (b) 2. of the statutes is amended to read:

49.193 **(5)** (b) 2. If a work supplementation component has been established in an area where the development zone, development opportunity zone or enterprise development zone is located, provide information about how the work supplementation component is administered.

SECTION 2879ms. 49.193 (5) (b) 3. of the statutes is amended to read:

49.193 **(5)** (b) 3. With the department of development and the local governing body ~~administering the development zone~~ of the area, help employers in the development zone, development opportunity zone or enterprise development zone to participate in the work supplementation component.

SECTION 2881. 49.193 (8) (bm) of the statutes is amended to read:

49.193 **(8)** (bm) Beginning on January 1, 1994, a county department under s. 46.215, 46.22 or 46.23 that receives funds to pay or reimburse child care costs under this subsection or under s. ~~49.50 (6e) (a)~~ 49.191 (1) (a) may, with the approval of the department, use those funds to pay or reimburse child care costs under s. ~~49.50 (6e) (b), (6g) or (7) (e)~~ 49.191 (1) (b) or (2) or 49.26 (1) (e). The department shall approve or disapprove of this use of funds under criteria established to maximize state and federal funding available for child care.

SECTION 2882. 49.193 (8) (c) of the statutes is amended to read:

49.193 **(8)** (c) The department may only pay child care costs under this subsection if the child care is provided by a child care provider~~, as defined in s. 49.50 (1)~~.

SECTION 2883. 49.193 (9) of the statutes is amended to read:

49.193 **(9)** NOTICE CONCERNING SANCTIONS. Following conciliation and before imposing a sanction on a person receiving aid under s. 49.19 who fails without good cause to participate in the program under this section or to accept employment or who terminates employment or reduces earnings without good cause, the county department under s. 46.215, 46.22 or 46.23 shall notify the person in writing of the reason for the proposed sanction. The notice shall inform the person of the right to appeal under s. ~~49.50 (8)~~ 49.21 (1).

SECTION 2885. 49.193 (10m) of the statutes is amended to read:

49.193 **(10m)** WORK–FIRST PROGRAM. The department shall select Kenosha county and additional counties in which to pilot the work–first program under this subsection. The work–first program shall be conducted as part of the job opportunities and basic skills program under this section and shall be funded from s. ~~20.435 (4) (df)~~ 20.445 (3) (df). The work–first program shall seek to increase the

amount of job opportunities and basic skills program services provided to recipients of aid to families with dependent children and to minimize the time between the date on which a person in a pilot county first applies for aid to families with dependent children under s. 49.19 and the date on which the person begins to participate in the job opportunities and basic skills program under this section.

SECTION 2886. 49.195 (3) of the statutes is amended to read:

49.195 **(3)** Notwithstanding s. ~~49.41~~ 49.96, the department shall promptly recover all overpayments made under s. 49.19 and shall promulgate rules establishing policies and procedures to administer this subsection.

SECTION 2890. 49.197 (1m) of the statutes is amended to read:

49.197 **(1m)** FRAUD INVESTIGATION. From the appropriations under s. ~~20.435 (4) (de), (L), (n) and (nL)~~ 20.445 (3) (de), (L), (n) and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under ~~ss. 49.46 to 49.47~~ subch. IV, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state and local agencies, development of an advisory welfare investigation prosecution standard and provision of funds to county departments under s. 46.215, 46.22 and 46.23 to encourage activities to detect fraud. The department shall cooperate with district attorneys regarding fraud prosecutions.

SECTION 2891. 49.197 (3) of the statutes is amended to read:

49.197 **(3)** STATE ERROR REDUCTION ACTIVITIES. The department shall conduct activities to reduce payment errors in medical assistance under ~~ss. 49.43 to 49.47~~

subch. IV, aid to families with dependent children under s. 49.19 and the food stamp program under 7 USC 2011 to 2029. The department shall fund the activities under this section from the appropriation under s. ~~20.435 (4) (L)~~ 20.445 (3) (L).

SECTION 2892. 49.197 (4) of the statutes is amended to read:

49.197 **(4)** COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide funds from the appropriations under s. ~~20.435 (4) (de), (L) and (Lm)~~ 20.445 (3) (de), (L) and (Lm) and federal matching funds from the appropriations under s. ~~20.435 (4) (n) and (nL)~~ 20.445 (3) (n) and (nL) to counties and governing bodies of federally recognized American Indian tribes administering medical assistance under ~~ss. 49.43 to 49.47~~ subch. IV, aid to families with dependent children under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 to offset administrative costs of reducing payment errors in those programs.

SECTION 2893. 49.20 (3) of the statutes is amended to read:

49.20 **(3)** PAYMENT. Aid under this section shall be paid from the appropriation under s. ~~20.435 (4) (d)~~ 20.445 (3) (d) and shall be in an amount equal to that to which the person would be entitled under s. 49.19 if he or she were 17 years of age, except that if the person's family became ineligible for aid under s. 49.19 on the person's 18th birthday, the amount paid shall equal the amount of aid granted to a single person under s. 49.19.

SECTION 2894. 49.21 (title) of the statutes is created to read:

49.21 (title) **Aid to families with dependent children hearings.**

SECTION 2895. 49.25 (8) (a) of the statutes is amended to read:

49.25 **(8)** (a) From the appropriation under s. 20.435 (4) ~~(ci)~~ (c), the department shall provide funds to pilot counties for assistance in establishing paternity and obtaining child support.

Section 2896b. 49.25 (8) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.25 **(8)** (a) From the appropriation under s. ~~20.435 (4)~~ 20.445 (3) (c), the department shall provide funds to pilot counties for assistance in establishing paternity and obtaining child support.

SECTION 2897. 49.25 (8) (b) of the statutes is amended to read:

49.25 **(8)** (b) From the appropriation under s. 20.435 (4) ~~(ci)~~ (c), the department shall provide funds to Milwaukee county to fund an additional family court commissioner.

SECTION 2898b. 49.25 (8) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.25 **(8)** (b) From the appropriation under s. ~~20.435 (4)~~ 20.445 (3) (c), the department shall provide funds to Milwaukee county to fund an additional family court commissioner.

SECTION 2898g. 49.26 (1) (a) 1. of the statutes is created to read:

49.26 **(1)** (a) 1. "Habitual truant" means a pupil who is absent from school without an acceptable excuse under ss. 118.15 and 118.16 for any of the following:

a. Part or all of 5 or more days out of 10 consecutive days on which school is held during a school semester.

b. Part or all of 10 or more days on which school is held during a school semester.

SECTION 2898m. 49.26 (1) (ge) of the statutes is created to read:

49.26 **(1)** (ge) An individual who is subject to this paragraph fails to meet the school attendance requirement if the individual meets at least one of the following conditions:

1. The individual is either not enrolled in school or is a habitual truant.

2. During the immediately preceding semester, the individual was either not enrolled in school or was a habitual truant.

SECTION 2898n. 49.26 (1) (gm) 1. of the statutes is created to read:

49.26 **(1)** (gm) 1. Monitor on a monthly basis the individual's school attendance.

SECTION 2898p. 49.26 (1) (h) 1. am. and as. of the statutes are created to read:

49.26 **(1)** (h) 1. am. The individual is not enrolled in school or has more than 2 absences without an acceptable excuse under ss. 118.15 and 118.16 in any calendar month.

as. The individual has failed to request a hearing under s. 49.21 (1) or has failed to show good cause for the absences or nonenrollment under subd. 1. am. in a hearing under s. 49.21 (1). The department shall determine by rule the criteria for good cause.

SECTION 2898r. 49.26 (1) (h) 1m. a., b. and c. of the statutes are created to read:

49.26 **(1)** (h) 1m. a. The county department under s. 46.215, 46.22 or 46.23 complies with par. (gm) 1.

b. The individual is not enrolled in school or has more than 2 absences without an acceptable excuse under ss. 118.15 and 118.16 in any calendar month.

c. The individual has failed to request a hearing under s. 49.21 (1) or has failed to show good cause for the absences or nonenrollment under subd. 1m. b. at a hearing under s. 49.21 (1). The department shall determine by rule the criteria for good cause.

SECTION 2899. 49.27 (2) of the statutes is amended to read:

49.27 **(2)** WAIVER; APPLICABILITY. The department shall request a waiver from the secretaries of the federal department of health and human services and the federal department of agriculture to conduct a work–not–welfare pilot program as

part of the aid to families with dependent children program under s. 49.19, the food stamp program under 7 USC 2011 to 2029 and the medical assistance program under ~~ss. 49.45 to 49.47~~ subch. IV. If the department receives the federal waivers and if sufficient funds are available, the department shall pilot the program, beginning on January 1, 1995, in one or more pilot counties selected by the department. If a pilot county is a county in which a demonstration project under s. 49.19 (11m) is being conducted or a county selected for participation in the parental responsibility pilot program under s. 49.25, the department shall promulgate rules regarding the relationship between the work–not–welfare pilot program and the other demonstration or pilot programs operating in the pilot counties. These rules shall provide that a person may not be required to participate in more than one of these demonstration or pilot programs at a time. Subsections (3) to (11) apply only while the waiver is in effect and the department is conducting the program.

SECTION 2899m. 49.27 (4) (a) 2. of the statutes is amended to read:

49.27 **(4)** (a) 2. The portion of the benefit amount calculated under par. (c) 1. for the work–not–welfare group equals $0~~,~~ for a reason other than a sanction ~~under sub. (5) (f)~~, an adult caretaker in the work–not–welfare group has earned income and the work–not–welfare group elects to apply for food coupons under 42 USC 2011 to 2029 in lieu of a cash benefit determined under this subsection.

SECTION 2900. 49.27 (4) (c) 1. e. of the statutes is amended to read:

49.27 **(4)** (c) 1. e. The portion of the benefit amount calculated under this subdivision is based on the average income of the work–not–welfare group, estimated prospectively for a 6–month period, except that for the first 2 months for which benefits calculated under this paragraph are paid the portion of the benefit

amount calculated under this subdivision is based on the estimated ~~average~~ income for those first 2 months.

SECTION 2901. 49.27 (4) (d) 2. b. of the statutes is amended to read:

49.27 **(4)** (d) 2. b. A person in the work–not–welfare group is sanctioned under sub. (5) (f) or s. ~~49.12, 49.123 (2),~~ 49.127, 49.19 (4) (h) 2. ~~or~~, 49.29, 49.49 or 49.95.

SECTION 2902. 49.27 (4) (d) 2. c. of the statutes is amended to read:

49.27 **(4)** (d) 2. c. A person in the work–not–welfare group obtains a new source of unsubsidized employment or experiences an increase or a decrease in unsubsidized employment of 10 or more hours per week.

SECTION 2903. 49.27 (4) (d) 2. em. of the statutes is created to read:

49.27 **(4)** (d) 2. em. The work–not–welfare group experiences an increase or decrease in child care expenses of more than $50 per month or a change in the maximum allowable child care disregard under s. 49.19 (5) (a) 4s.

SECTION 2904. 49.27 (4) (d) 2. f. of the statutes is amended to read:

49.27 **(4)** (d) 2. f. The combined equity value of all of a work–not–welfare group's assets exceeds the limitation in s. 49.19 (4) (bm), except as permitted under s. 49.19 (4) (bu) or (by).

SECTION 2905. 49.27 (4) (g) 1. a. of the statutes is amended to read:

49.27 **(4)** (g) 1. a. The person receives or has been determined to be eligible for a supplemental security income payment under 42 USC 1381 to 1383c or a supplemental payment under s. 49.177 for the month.

SECTION 2906. 49.27 (4) (g) 1. a. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.27 **(4)** (g) 1. a. The person receives or has been determined to be eligible for a supplemental security income payment under 42 USC 1381 to 1383c or a supplemental payment under s. ~~49.177~~ 49.77 for the month.

SECTION 2907. 49.27 (4) (g) 1. c. of the statutes is amended to read:

49.27 **(4)** (g) 1. c. The person is required to attend school as part of the learnfare program under s. ~~49.50 (7)~~ 49.26.

SECTION 2908. 49.27 (5) (c) 1. of the statutes is amended to read:

49.27 **(5)** (c) 1. The person is ill, incapacitated or of an advanced age within the meaning of ~~7~~ 42 USC 602 (a) (19) (C) (i).

SECTION 2909. 49.27 (5) (c) 3. of the statutes is amended to read:

49.27 **(5)** (c) 3. The person receives a supplemental security income payment under 42 USC 1381 to 1383c or a supplemental payment under s. ~~49.177~~ 49.77 for that month.

SECTION 2910. 49.27 (5) (c) 5. of the statutes is amended to read:

49.27 **(5)** (c) 5. The person is required to attend school as part of the learnfare program under s. ~~49.50 (7)~~ 49.26.

SECTION 2911. 49.27 (5) (f) of the statutes is amended to read:

49.27 **(5)** (f) *Sanctions.* If, after the first month for which a work–not–welfare group receives cash benefits determined under sub. (4), a person in the work–not–welfare group fails to meet the employment and training requirements under this subsection in a month, the work–not–welfare group may be sanctioned by reducing, or by not paying, the benefit amount determined under sub. (4) for that month. For purposes of the maximum number of monthly benefit payments permitted under sub. (4) (e), a work–not–welfare group shall be considered to have received a monthly benefit in a month in which, as a result of sanctions under this

paragraph, a reduced monthly benefit or no monthly benefit is paid. The notice requirement under s. 49.193 (9) and the fair hearing and review provisions under s. ~~49.50 (8)~~ 49.21 (1) apply to a sanction imposed under this paragraph.

SECTION 2912. 49.27 (6) (c) of the statutes is amended to read:

49.27 **(6)** (c) *Benefits.* A county department under s. 46.215, 46.22 or 46.23 shall provide assistance in paying the child care costs of a work–not–welfare group that is eligible to receive benefits under this paragraph if the child care is provided by a child care provider, as defined in s. 46.98 (1) (am). The formula for determining the amount of assistance shall be the same as the formula established by the department under s. ~~49.50 (6g)~~ 49.191 (2). The rates for child care services under this paragraph shall be determined under s. 46.98 (4) (d), or, if a higher rate is established under s. 46.98 (4) (e) and if the child care services meet the quality standards established under s. 46.98 (4) (e), the rates for child care services under this paragraph that meet those standards shall be determined under s. 46.98 (4) (e). The department shall promulgate rules for the disbursement of funds under this paragraph.

SECTION 2914. 49.27 (10) (e) of the statutes is amended to read:

49.27 **(10)** (e) *Child support assistance.* From the appropriation under s. 20.435 (4) ~~(ei)~~ (c), the department may provide funds to pilot counties for assistance in establishing paternity and obtaining child support.

SECTION 2915b. 49.27 (10) (e) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.27 **(10)** (e) *Child support assistance.* From the appropriation under s. ~~20.435 (4)~~ 20.445 (3) (c), the department may provide funds to pilot counties for assistance in establishing paternity and obtaining child support.

SECTION 2916. 49.27 (11) (c) of the statutes is amended to read:

49.27 **(11)** (c) Issue food coupons in administering the food stamp program under s. 46.215 (1) (k) or 46.22 (1) (b) ~~5.~~ 2. d. without regard to sub. (4) (c) 2.

SECTION 2917. 49.27 (11) (g) of the statutes is amended to read:

49.27 **(11)** (g) Administer the job opportunities and basic skills program under s. 49.193 and the food stamp employment and training program under s. 49.124 (1m) without regard to any of the provisions in sub. (5), including the hours–of–participation requirement under sub. (5) (d) and the sanctions provisions under sub. (5) (f).

SECTION 2918. 49.275 of the statutes is created to read:

49.275 Cooperation with federal government. The department may cooperate with the federal government in carrying out federal acts concerning public assistance under this subchapter and in other matters of mutual concern under this subchapter pertaining to public welfare.

SECTION 2919. 49.29 (title) of the statutes is created to read:

49.29 (title) **Loss of eligibility.**

SECTION 2920. 49.30 (1) (intro.) of the statutes is amended to read:

49.30 **(1)** (intro.) If any recipient of benefits under s. 49.046, 49.177 or 49.46, or under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the deceased recipient is insufficient to pay the funeral, burial and ~~actual~~ cemetery expenses of the deceased recipient, the county or applicable tribal governing body or organization responsible for burial of the recipient shall pay, to the person designated by the county department under s. 46.215, 46.22 or 46.23 or applicable tribal governing body or organization responsible for the burial of the recipient, all of the following:

SECTION 2921. 49.30 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), section 2920, is amended to read:

49.30 **(1)** (intro.) ~~If~~ Except as provided in sub. (1m), if any recipient of benefits under s. ~~49.046,~~ 49.177 or 49.46, or under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the deceased recipient is insufficient to pay the funeral, burial and cemetery expenses of the deceased recipient, the county or applicable tribal governing body or organization responsible for burial of the recipient shall pay, to the person designated by the county department under s. 46.215, 46.22 or 46.23 or applicable tribal governing body or organization responsible for the burial of the recipient all of the following:

SECTION 2922. 49.30 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 2920 and 2921, is amended to read:

49.30 **(1)** (intro.) Except as provided in sub. (1m), if any recipient of benefits under s. ~~49.177 or~~ 49.46 or 49.77, or under 42 USC 1381 to 1385 in effect on May 8, 1980, dies and the estate of the deceased recipient is insufficient to pay the funeral, burial and cemetery expenses of the deceased recipient, the county or applicable tribal governing body or organization responsible for burial of the recipient shall pay, to the person designated by the county department under s. 46.215, 46.22 or 46.23 or applicable tribal governing body or organization responsible for the burial of the recipient, all of the following:

SECTION 2923. 49.30 (1) (a) of the statutes is amended to read:

49.30 **(1)** (a) The ~~full amount of actual~~ lesser of $1,000 or the cemetery expenses that are not paid by the estate of the deceased and other persons.

SECTION 2924b. 49.30 (1) (b) of the statutes is amended to read:

49.30 **(1)** (b) ~~Except as provided under sub. (2), the~~ The lesser of ~~$650 in state fiscal year 1989–90 and~~ $1,000 ~~in each state fiscal year thereafter~~ or the funeral and burial expenses not paid by the estate of the deceased and other persons.

SECTION 2925c. 49.30 (1m) of the statutes is created to read:

49.30 **(1m)** If the total cemetery, funeral and burial expenses for the recipient exceed $3,500, the county or applicable tribal governing body or organization responsible for burial of the recipient is not required to make any payment under sub. (1).

SECTION 2926. 49.30 (2) of the statutes is amended to read:

49.30 **(2)** The state shall reimburse a county or applicable tribal governing body or organization for any amount ~~paid~~ that the county or applicable tribal governing body or organization is required to pay under sub. (1) ~~(a)~~. The state shall reimburse a county or applicable tribal governing body or organization for ~~the amount paid under sub. (1) (b) if the total amount of actual expenses paid for a deceased recipient under sub. (1) (b) does not exceed the amount specified in sub. (1) (b). If the total amount of actual expenses paid for a deceased recipient under sub. (1) (b) exceeds the amount specified in sub. (1) (b), the state may not reimburse a county or applicable tribal governing body or organization for such amount unless~~ cemetery expenses or for funeral and burial expenses for persons described under sub. (1) that the county or applicable tribal governing body or organization is not required to pay under subs. (1) and (1m) only if the department approves the reimbursement due to unusual circumstances.

SECTION 2927. 49.32 (title), (1), (2) and (6) of the statutes are created to read:

49.32 (title) **Department; powers and duties. (1)** UNIFORM FEE SCHEDULE, LIABILITY AND COLLECTIONS. (a) The department shall establish a uniform system of

fees for services provided or purchased under this subchapter by the department, or a county department under s. 46.215, 46.22 or 46.23, except for provision of child support and paternity establishment services to recipients of aid to families with dependent children or where, as determined by the department, a fee is administratively unfeasible or would significantly prevent accomplishing the purpose of the service. A county department under s. 46.215, 46.22 or 46.23 shall apply the fees which it collects under this program to cover the cost of such services.

(b) Any person receiving services provided or purchased under par. (a) or the spouse of the person and, in the case of a minor, the parents of the person, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, shall be liable for the services in the amount of the fee established under par. (a).

(c) The department shall make collections from the person who in the opinion of the department is best able to pay, giving due regard to the present needs of the person or of his or her lawful dependents. The department may bring an action in the name of the department to enforce the liability established under par. (b).

(d) The department may compromise or waive all or part of the liability for services received. The sworn statement of the secretary shall be evidence of the services provided and the fees charged for the services.

(e) The department may delegate to county departments under s. 46.215, 46.22 or 46.23 and other providers of care and services the powers and duties vested in the department by pars. (c) and (d) as it considers necessary to efficiently administer this subsection, subject to such conditions as the department considers appropriate.

(g) The department shall return to county departments under s. 46.215, 46.22 or 46.23 50% of collections made by the department for delinquent accounts previously delegated under par. (e) and then referred back to the department for collections.

(2) PAYMENT OF BENEFITS. (a) The department may make payments directly to recipients of public assistance or to such persons authorized to receive such payments in accordance with law and rules of the department on behalf of the counties. The department may charge the counties for the cost of operating public assistance systems which make such payments.

(b) The department may make social services payments directly to recipients, vendors or providers in accordance with law and rules of the department on behalf of the counties which have contracts to have such payments made on their behalf.

(c) A county department under s. 46.215, 46.22 or 46.23 shall provide the department with information which the department shall use to determine each person's eligibility and amount of payment. A county department under s. 46.215, 46.22 or 46.23 shall provide the department all necessary information in the manner prescribed by the department.

(d) The department shall disburse from state or federal funds or both the entire amount and charge the county for its share under s. 49.33 (8) and (9).

(6) WELFARE REFORM STUDIES. The department shall request proposals from persons in this state for studies of the effectiveness of various program changes, referred to as welfare reform, to the aid to families with dependent children program, including the requirement that certain recipients of aid to families with dependent children with children under age 6 participate in training programs, the learnfare school attendance requirement under s. 49.26 (1) (g) and the modification of the

earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the effectiveness of the various efforts, including their cost–effectiveness, in helping individuals gain independence through the securing of jobs and providing financial incentives and in identifying barriers to independence.

SECTION 2928. 49.32 (8) of the statutes is created to read:

49.32 **(8)** PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall make a periodic check of the amounts earned by recipients of aid to families with dependent children under s. 49.19 through a check of the amounts credited to the recipient's social security number. The department shall make an investigation into any discrepancy between the amounts credited to a social security number and amounts reported as income on the declaration application and take appropriate action under s. 49.95 when warranted. The department shall use the state wage reporting system under 1985 Wisconsin Act 17, section 65 (1), when the system is implemented, to make periodic earnings checks.

SECTION 2929. 49.32 (9) (title) of the statutes is created to read:

49.32 **(9)** (title) MONTHLY REPORTS OF RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN.

SECTION 2930. 49.32 (10) (title) of the statutes is created to read:

49.32 **(10)** (title) RELEASE OF RECIPIENT'S ADDRESSES TO LAW ENFORCEMENT OFFICERS.

SECTION 2932. 49.325 of the statutes is created to read:

49.325 County department budgets and contracts. (1) BUDGET. (a) Each county department under s. 46.215, 46.22 or 46.23 shall submit its final budget for services directly provided or purchased under this subchapter to the department by December 31 annually.

(b) The department shall submit a model of the contract under sub. (2g) (a) to each county department under s. 46.215, 46.22 or 46.23 by May 1 annually.

(2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed budget for services directly provided or purchased under this subchapter to the county executive or county administrator or the county board, the county departments listed in sub. (1) shall assess needs and inventory resources and services, using an open public participation process.

(2g) CONTRACT. (a) The department shall annually submit to the county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department a proposed written contract containing the allocation of funds for services directly provided or purchased under this subchapter and such administrative requirements as necessary. The contract as approved may contain conditions of participation consistent with federal and state law. The contract may also include provisions necessary to ensure uniform cost accounting of services. Any changes to the proposed contract shall be mutually agreed upon. The county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department shall approve the contract before January 1 of the year in which it takes effect unless the department grants an extension. The county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department may designate an agent to approve addenda to any contract after the contract has been approved.

(b) The department may not approve contracts for amounts in excess of available revenues. Actual expenditure of county funds shall be reported in compliance with procedures developed by the department.

(c) The joint committee on finance may require the department to submit contracts between county departments under ss. 46.215, 46.22 and 46.23 and providers of services under this subchapter to the committee for review and approval.

(2r) WITHHOLDING FUNDS. (a) The department, after reasonable notice, may withhold a portion of the appropriation allocated to a county department under s. 46.215, 46.22 or 46.23 if the department determines that that portion of the allocated appropriation is any of the following:

1. For services under this subchapter which duplicate or are inconsistent with services being provided or purchased by the department or other county departments receiving grants–in–aid or reimbursement from the department.

2. Inconsistent with state or federal statutes, rules or regulations, in which case the department may also arrange for provision of services under this subchapter by an alternate agency. The department may not arrange for provision of services by an alternate agency unless the joint committee on finance or a review body designated by the committee reviews and approves the department's determination.

5. Inconsistent with the provisions of the county department's contract under sub. (2g).

(b) If the department withholds a portion of the allocable appropriation under par. (a), the county department under s. 46.215, 46.22 or 46.23 that is affected by the action of the department may submit to the county board of supervisors in a county with a single–county department or to its designated agent or the county boards of supervisors in counties with a multicounty department or their designated agents a plan to rectify the deficiency found by the department. The county board of supervisors or its designated agent in a county with a single–county department or the county boards of supervisors in counties with a multicounty department or their

designated agents may approve or amend the plan and may submit for departmental approval the plan as adopted. If a multicounty department is administering a program, the plan may not be submitted unless each county board of supervisors which participated in the establishment of the multicounty department, or its designated agent, adopts it.

(3) OPEN PUBLIC PARTICIPATION PROCESS. (a) *Citizen advisory committee.* Except as provided in par. (b), the county board of supervisors of each county or the county boards of supervisors of 2 or more counties jointly shall establish a citizen advisory committee to the county departments under ss. 46.215, 46.22 and 46.23. The citizen advisory committee shall advise in the formulation of the budget under sub. (1). Membership on the committee shall be determined by the county board of supervisors in a county with a single–county committee or by the county boards of supervisors in counties with a multicounty committee and shall include representatives of those persons receiving services, providers of services and citizens. A majority of the members of the committee shall be citizens and consumers of services. The committee's membership may not consist of more than 25% county supervisors, nor of more than 20% services providers. The chairperson of the committee shall be appointed by the county board of supervisors establishing it. In the case of a multicounty committee, the chairperson shall be nominated by the committee and approved by the county boards of supervisors establishing it. The county board of supervisors in a county with a single–county committee or the county boards of supervisors in counties with a multicounty committee may designate an agent to determine the membership of the committee and to appoint the committee chairperson or approve the nominee.

(b) *Alternate process.* The county board of supervisors or the boards of 2 or more counties acting jointly may submit a report to the department on the open public participation process used under sub. (2). The county board of supervisors may designate an agent, or the boards of 2 or more counties acting jointly may designate an agent, to submit the report. If the department approves the report, establishment of a citizen advisory committee under par. (a) is not required.

(c) *Yearly report.* The county board of supervisors or its designated agent, or the boards of 2 or more counties acting jointly or their designated agent, shall submit to the department a list of members of the citizen advisory committee under par. (a) or a report on the open public participation process under par. (b) on or before July 1 annually.

SECTION 2933. 49.33 (1) (intro.) of the statutes is created to read:

49.33 **(1)** DEFINITIONS. (intro.) In this section:

SECTION 2934. 49.33 (3) (title) of the statutes is created to read:

49.33 **(3)** (title) RULES.

SECTION 2935. 49.33 (9) of the statutes is created to read:

49.33 **(9)** REIMBURSEMENT FOR INCOME MAINTENANCE BENEFITS. The department shall reimburse each county from the appropriations under s. 20.445 (3) (d) and (p) for 100% of the cost of aid to families with dependent children granted under s. 49.19 and for funeral expenses paid for recipients of aid under s. 49.30.

SECTION 2936. 49.33 (10) of the statutes is created to read:

49.33 **(10)** COUNTY CERTIFICATION. (a) The county treasurer and each director of a county department under s. 46.215, 46.22 or 46.23 shall certify monthly under oath to the department in such manner as the department prescribes the claim of the county for state reimbursement under subs. (8) and (9) and if the department

approves such claim it shall certify to the department of administration for reimbursement to the county for amounts due under these subsections and payment claimed to be made to the counties monthly. The department may make advance payments prior to the beginning of each month equal to one–twelfth of the contracted amount.

(b) To facilitate prompt reimbursement the certificate of the department may be based on the certified statements of the county officers filed under par. (a). Funds recovered from audit adjustments from a prior fiscal year may be included in subsequent certifications only to pay counties owed funds as a result of any audit adjustment. By September 30 annually, the department shall submit a report to the appropriate standing committees under s. 13.172 (3) on funds recovered and paid out during the previous calendar year as a result of audit adjustments.

SECTION 2937. 49.34 of the statutes is created to read:

49.34 Purchase of care and services. (1) All services under this subchapter purchased by the department or by a county department under s. 46.215, 46.22 or 46.23 shall be authorized and contracted for under the standards established under this section. The department may require the county departments to submit the contracts to the department for review and approval. For purchases of $10,000 or less the requirement for a written contract may be waived by the department. When the department directly contracts for services, it shall follow the procedures in this section in addition to meeting purchasing requirements established in s. 16.75.

(2) All services purchased under this subchapter shall meet standards established by the department and other requirements specified by the purchaser in the contract. Based on these standards the department shall establish standards for cost accounting and management information systems that shall monitor the

utilization of the services, and document the specific services in meeting the service plan for the client and the objective of the service.

(3) (a) Purchase of service contracts shall be written in accordance with rules promulgated and procedures established by the department. Contracts for client services shall show the total dollar amount to be purchased and for each service the number of clients to be served, number of client service units, the unit rate per client service and the total dollar amount for each service.

(b) Payments under a contract may be made on the basis of actual allowable costs or on the basis of a unit rate per client service multiplied by the actual client units furnished each month. The contract may be renegotiated when units vary from the contracted number. The purchaser shall determine actual marginal costs for each service unit less than or in addition to the contracted number.

(c) For proprietary agencies, contracts may include a percentage add–on for profit according to rules promulgated by the department.

(d) Reimbursement to an agency may be based on total costs agreed to by the parties regardless of the actual number of service units to be furnished, when the agency is entering into a contract for a new or expanded service that the purchaser recognizes will require a start–up period not to exceed 180 days. This reimbursement applies only if identified client needs necessitate the establishment of a new service or expansion of an existing service.

(e) If the purchaser finds it necessary to terminate a contract prior to the contract expiration date for reasons other than nonperformance by the provider, the actual cost incurred by the provider may be reimbursed in an amount determined by mutual agreement of the parties.

(f) Advance payments of up to one–twelfth of an annual contract may be allowed under the contract. If the advance payment exceeds $10,000, the provider shall supply a surety bond in an amount equal to the amount of the advance payment applied for. No surety bond is required if the provider is a state agency. The cost of the surety bond shall be allowable as an expense.

(4) For purposes of this section and as a condition of reimbursement, each provider under contract shall:

(a) Except as provided in this subsection, maintain a uniform double entry accounting system and a management information system which are compatible with cost accounting and control systems prescribed by the department.

(b) Cooperate with the department and purchaser in establishing costs for reimbursement purposes.

(c) Unless waived by the department, biennially, or annually if required under federal law, provide the purchaser with a certified financial and compliance audit report if the care and services purchased exceed $25,000. The audit shall follow standards that the department prescribes.

(d) Transfer a client from one category of care or service to another only with the approval of the purchaser.

(e) Charge a uniform schedule of fees as specified under s. 49.32 (1) unless waived by the purchaser with the approval of the department. Whenever providers recover funds attributed to the client, such funds shall offset the amount paid under the contract.

(5) Except as provided in sub. (5m), the purchaser shall recover from provider agencies money paid in excess of the conditions of the contract from subsequent payments made to the provider.

(5m) (a) In this subsection:

1. "Provider" means a nonprofit, nonstock corporation organized under ch. 181 that contracts under this section to provide client services on the basis of a unit rate per client service.

2. "Rate–based service" means a service or a group of services, as determined by the department, that is reimbursed through a prospectively set rate and that is distinguishable from other services or groups of services by the purpose for which funds are provided for that service or group of services and by the source of funding for that service or group of services.

(b) 1. Subject to subds. 2. and 3., if revenue under a contract for the provision of a rate–based service exceeds allowable costs incurred in the contract period, the provider may retain from the surplus generated by that rate–based service up to 5% of the contract amount. A provider that retains a surplus under this subdivision shall use that retained surplus to cover a deficit between revenue and allowable costs incurred in any preceding or future contract period for the same rate–based service that generated the surplus or to address the programmatic needs of clients served by the same rate–based service that generated the surplus.

2. Subject to subd. 3., a provider may accumulate funds from more than one contract period under this paragraph, except that, if at the end of a contract period the amount accumulated from all contract periods for a rate–based service exceeds 10% of the amount of all current contracts for that rate–based service, the provider shall, at the request of a purchaser, return to that purchaser the purchaser's proportional share of that excess and use any of that excess that is not returned to a purchaser to reduce the provider's unit rate per client for that rate–based service in the next contract period. If a provider has held for 4 consecutive contract periods

an accumulated reserve for a rate–based service that is equal to or exceeds 10% of the amount of all current contracts for that rate–based service, the provider shall apply 50% of that accumulated amount to reducing its unit rate per client for that rate–based service in the next contract period.

3. If on December 31, 1995, the amount accumulated by a provider from all contract periods ending on or before that date for all rate–based services provided by the provider exceeds 10% of the provider's total contract amount for all rate–based services provided by the provider in 1995, the provider shall, at the request of a purchaser, return to that purchaser the purchaser's proportional share of that excess.

(f) All providers that are subject to this subsection shall comply with any financial reporting and auditing requirements that the department may prescribe. Those requirements shall include a requirement that a provider provide to any purchaser and the department any information that the department needs to claim federal reimbursement for the cost of any services purchased from the provider and a requirement that a provider provide audit reports to any purchaser and the department according to standards specified in the provider's contract and any other standards that the department may prescribe.

(6) Contracts may be renegotiated by the purchaser under conditions specified in the contract.

(7) The service provider under this section may appeal decisions of the purchaser in accordance with terms and conditions of the contract and ch. 68 or 227.

SECTION 2938. 49.35 of the statutes is created to read:

49.35 Public assistance; supervisory functions of department. (1) (a) The department shall supervise the administration of programs under this

subchapter. The department shall submit to the federal authorities state plans for the administration of programs under this subchapter in such form and containing such information as the federal authorities require, and shall comply with all requirements prescribed to ensure their correctness.

(b) All records of the department and all county records relating to programs under this subchapter and aid under s. 49.18, 1971 stats., s. 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973, shall be open to inspection at all reasonable hours by authorized representatives of the federal government. Notwithstanding s. 48.396 (2), all county records relating to the administration of the services and public assistance specified in this paragraph shall be open to inspection at all reasonable hours by authorized representatives of the department.

(bm) All records of the department relating to aid provided under s. 49.19 are open to inspection at reasonable hours by members of the legislature who require the information contained in the records in pursuit of a specific state legislative purpose. All records of any county relating to aid provided under s. 49.19 are open to inspection at reasonable hours by members of the board of supervisors of the county or the governing body of a city, village or town located in the county who require the information contained in the records in pursuit of a specific county or municipal legislative purpose. The right to records access provided by this paragraph does not apply if access is prohibited by federal law or regulation or if this state is required to prohibit such access as a condition precedent to participation in a federal program in which this state participates.

(c) The department may at any time audit all county records relating to the administration of the services and public assistance specified in this section and may

at any time conduct administrative reviews of county departments under ss. 46.215, 46.22 and 46.23. If the department conducts such an audit or administrative review in a county, the department shall furnish a copy of the audit or administrative review report to the chairperson of the county board of supervisors and the county clerk in a county with a single–county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the director of the county department under s. 46.215, 46.22 or 46.23.

(2) The county administration of all laws relating to programs under this subchapter shall be vested in the officers and agencies designated in the statutes.

SECTION 2939. 49.41 of the statutes is amended to read:

49.41 Assistance grants exempt from levy. All grants of aid to families with dependent children, payments made for social services, cash benefits paid by counties under s. 59.07 (154), and benefits under ~~ss. 49.032, 49.046 and~~ s. 49.177 or federal Title XVI, are exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

SECTION 2940. 49.41 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.96 and amended to read:

49.96 Assistance grants exempt from levy. All grants of aid to families with dependent children, payments made for social services, cash benefits paid by counties under s. 59.07 (154), and benefits under s. ~~49.177~~ 49.77 or federal Title XVI, are exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

SECTION 2941. Subchapter IV (title) of chapter 49 [precedes 49.43] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER IV

MEDICAL ASSISTANCE

SECTION 2942. The unnumbered subchapter title preceding 49.43 of the statutes is repealed.

SECTION 2943. 49.43 (1) of the statutes is renumbered 49.43 (1m).

SECTION 2944. 49.43 (3e) of the statutes is created to read:

49.43 **(3e)** "Department" means the department of health and social services.

SECTION 2945. 49.43 (10) of the statutes is amended to read:

49.43 **(10)** "Provider" means a person, corporation, limited liability company, partnership, unincorporated business or professional association and any agent or employe thereof who provides medical assistance ~~under ss. 49.45 to 49.47, 49.49 and 49.495~~.

SECTION 2946. 49.43 (10s) of the statutes is created to read:

49.43 **(10s)** "Secretary" means the secretary of health and social services.

SECTION 2947. 49.45 (2) (a) 15. of the statutes is amended to read:

49.45 **(2)** (a) 15. Routinely provide notification to persons eligible for medical assistance ~~under ss. 49.46 to 49.47~~, or such persons' guardians, of the department's access to provider records.

SECTION 2949. 49.45 (2) (a) 23. of the statutes is created to read:

49.45 **(2)** (a) 23. Promulgate rules that define "supportive services", "personal services" and "nursing services" provided in a certified assisted living facility, as defined under s. 50.01 (1d), for purposes of reimbursement under ss. 46.27 (11) (c) 7. and 46.277 (5) (e).

SECTION 2950. 49.45 (2) (b) 4. of the statutes is amended to read:

49.45 **(2)** (b) 4. Audit claims filed by any provider of medical assistance, and as part of that audit, request of any such provider, and review, medical records of individuals who have received benefits under the medical assistance program~~, or under s. 49.046~~.

SECTION 2951. 49.45 (3) (a) of the statutes is amended to read:

49.45 **(3)** (a) Reimbursement shall be made to each county department under ss. 46.215, 46.22 and 46.23 for the administrative services performed in the medical assistance program on the basis of s. ~~49.52~~ 49.33 (8). For purposes of reimbursement under this paragraph, assessments completed under s. 46.27 (6) (a) are administrative services performed in the medical assistance program.

SECTION 2952g. 49.45 (3) (e) 7m. of the statutes is created to read:

49.45 **(3)** (e) 7m. Notwithstanding subd. 7., the daily reimbursement or payment rate for services at a hospital established under s. 45.375 (1) provided to medical assistance recipients whose continued hospitalization is no longer medically necessary or appropriate during a period where the recipient awaits placement in an alternate custodial living arrangement shall be the skilled nursing facility rate paid to the facility created under s. 45.365 (1).

SECTION 2953. 49.45 (5) of the statutes is amended to read:

49.45 **(5)** APPEAL. Any person whose application for medical assistance is denied or is not acted upon promptly or who believes that the payments made in the person's behalf have not been properly determined may file an appeal with the department pursuant to s. ~~49.50 (8)~~ 49.21 (1).

SECTION 2954. 49.45 (5m) (a) of the statutes is amended to read:

49.45 **(5m)** (a) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 (1) (b) and (o) the department shall distribute not more than $2,256,000 in

each ~~of~~ fiscal ~~years 1993–94 and 1994–95~~ year, to provide supplemental funds to rural hospitals that, as determined by the department, have high utilization of inpatient services by patients whose care is provided from governmental sources, except that the department may not distribute funds to a rural hospital to the extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

SECTION 2955. 49.45 (6b) (a) of the statutes is amended to read:

49.45 **(6b)** (a) Beginning in fiscal year ~~1994–95~~ 1995–96, for relocations from the central Wisconsin center for the developmentally disabled, by ~~$55.77~~ $220 per day.

SECTION 2956. 49.45 (6b) (b) of the statutes is amended to read:

49.45 **(6b)** (b) Beginning in fiscal year ~~1994–95~~ 1995–96, for relocations from the northern Wisconsin center for the developmentally disabled, by ~~$49.06~~ $214 per day.

SECTION 2957. 49.45 (6b) (c) of the statutes is amended to read:

49.45 **(6b)** (c) Beginning in fiscal year ~~1994–95~~ 1995–96, for relocations from the southern Wisconsin center for the developmentally disabled, by ~~$48.37~~ $164 per day.

SECTION 2960. 49.45 (6m) (ag) 3m. of the statutes is amended to read:

49.45 **(6m)** (ag) 3m. For state fiscal year ~~1993–94~~ 1995–96, rates that shall be set by the department based on information from cost reports for the ~~1992~~ 1994 fiscal year of the facility and for state fiscal year ~~1994–95~~ 1996–97, rates that shall be set by the department based on information from cost reports for the ~~1993~~ 1995 fiscal year of the facility.

SECTION 2961. 49.45 (6m) (ag) 8. of the statutes is amended to read:

49.45 **(6m)** (ag) 8. Calculation of total payments and supplementary payments to facilities that permits an increase in funds allocated under s. 20.435 (1) (b) and (o) for nursing home care provided medical assistance recipients over that paid for services provided in state fiscal year ~~1992–93~~ 1994–95 of no more than ~~3.58%~~ 4.25% during state fiscal year ~~1993–94~~ 1995–96 and over that paid for services provided in state fiscal year ~~1993–94~~ 1995–96 of no more than ~~3.57%~~ 3.5% during state fiscal year ~~1994–95~~ 1996–97, excluding increases in total payments attributable to increases in recipient utilization of facility care, payments for the provision of active treatment to facility residents with developmental disability or chronic mental illness and payments for preadmission screening of facility applicants and annual reviews of facility residents required under 42 USC 1396r (e).

SECTION 2962. 49.45 (6m) (am) 5. of the statutes is amended to read:

49.45 **(6m)** (am) 5. Allowable administrative and general costs, including costs related to the facility's overall management and administration and allowable expenses that are not recognized or reimbursed in other cost centers and including the costs of commercial estimators approved by the department under par. (ar) 6.

SECTION 2963. 49.45 (6m) (am) 5m. of the statutes is created to read:

49.45 **(6m)** (am) 5m. Allowable interest expense of the facility, less interest income of the facility and less interest income of affiliated entities, to the extent required under the approved state plan for services under 42 USC 1396.

SECTION 2964. 49.45 (6m) (ar) 1. c. of the statutes is amended to read:

49.45 **(6m)** (ar) 1. c. If a facility has an approved program for provision of service to ~~emotionally disturbed or~~ mentally retarded residents, residents dependent upon ventilators, or residents requiring supplemental skilled care due to complex medical conditions, a supplement to the direct care component of the facility rate

under subd. 1. b. may be made to that facility according to a method developed by the department.

SECTION 2965. 49.45 (6m) (ar) 6. of the statutes is amended to read:

49.45 **(6m)** (ar) 6. Capital payment shall be based on a replacement value for a facility~~, as~~. The replacement value shall be determined by a commercial estimator ~~with which~~ contracted for by the department ~~has contracted for service,~~ and paid for by the facility. The replacement value shall be subject to limitations determined by the department, except that the department may not reduce final capital payment of a facility by more than $3.50 per patient day.

SECTION 2966. 49.45 (6m) (av) 2. of the statutes is amended to read:

49.45 **(6m)** (av) 2. The department shall compile an average payment rate for each facility based on that facility's rates for cost centers described under par. (am) 1. to 5. that were in effect on June 30 ~~of the previous year~~, 1994. The department may develop a method for adjusting the facility's rate for the cost center under par. (am) 1. in compiling the average payment rate under this subdivision.

SECTION 2967. 49.45 (6m) (av) 4. of the statutes is amended to read:

49.45 **(6m)** (av) 4. If the facility's payment rate under subd. 1. is a decrease from its average payment rate ~~from the previous year~~ under subd. 2., and if the figure calculated under subd. 3. exceeds the payment rate for the facility under subd. 1., the facility's average payment rate shall be the greater of its average payment rate under subd. 2. or its rate under subd. 1.

SECTION 2968. 49.45 (6m) (bm) 4. of the statutes is repealed.

SECTION 2969. 49.45 (6m) (br) 1. of the statutes is amended to read:

49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 ~~(3) (cd), (4) (de) or (eb)~~ (1) (bt) or (bu) or (7) (b) or 20.445 (3) (de), the department shall reduce allocations

of funds to counties in the amount of the disallowance from the appropriations under s. 20.410 (3) (cd) or 20.435 ~~(3) (cd), (4) (de) or (eb)~~ (1) (bt) or (bu) or (7) (b), or the department shall direct the department of industry, labor and human relations to reduce allocations of funds to counties in the amount of the disallowance from the appropriation under s. 20.445 (3) (de), in accordance with s. 16.544 to the extent applicable.

SECTION 2970. 49.45 (6m) (c) 6. of the statutes is created to read:

49.45 **(6m)** (c) 6. Provide, upon request, such information as the department considers necessary to determine allowable interest expenses under par. (am) 5m.

SECTION 2971. 49.45 (6m) (h) of the statutes is amended to read:

49.45 **(6m)** (h) The department may require by rule that all claims for payment of services provided facility residents under this ~~chapter~~ subchapter be submitted or countersigned by the respective facility administrator. The department may specify those categories of services for which payment will be made only if the services are rendered or authorized in writing by a primary health care provider designated by the recipient for the particular category of services.

SECTION 2974b. 49.45 (6m) (L) of the statutes is created to read:

49.45 **(6m)** (L) For purposes of ss. 46.27 (11) (c) 7. and 46.277 (5) (e), the department shall, by July 1 annually, determine the statewide medical assistance daily cost of nursing home care and submit the determination to the department of administration for review. The department of administration shall approve the determination before payment may be made under s. 46.27 (11) (c) 7. or 46.277 (5) (e).

SECTION 2975. 49.45 (6t) of the statutes is created to read:

49.45 **(6t)** COUNTY DEPARTMENT OPERATING DEFICIT REDUCTION. From the appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42 for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., the department shall allocate up to $4,500,000 in each fiscal year to these county departments, as determined by the department, and shall perform all of the following:

(a) For the reduction of operating deficits incurred by the county departments, estimate the availability of federal medicaid funds that may be matched to county funds that are expended for costs in excess of reimbursement for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f.

(b) Based on the amount estimated to be available under par. (a), develop a method, which need not be promulgated as rules under ch. 227, to distribute this allocation to the individual county departments under s. 46.215, 46.22, 46.23 or 51.42 that have incurred operating deficits that shall include all of the following:

1. Development of criteria for determining operating deficits.

2. Agreement, by the county in which is located a county department that has an operating deficit, to provide funds to match federal medicaid funds.

3. Consideration of the size of a county department's operating deficit.

(c) Except as provided in par. (d), distribute the allocation under the distribution method that is developed.

(d) If the federal department of health and human services approves for state expenditure in a fiscal year amounts under s. 20.435 (1) (o) that result in a lesser allocation amount than that allocated under this subsection or disallows use of the

allocation of federal medicaid funds under par. (c), reduce allocations under this subsection and distribute on a prorated basis, as determined by the department.

SECTION 2976. 49.45 (6u) (intro.) of the statutes is amended to read:

49.45 **(6u)** FACILITY OPERATING DEFICIT REDUCTION. (intro.) Except as provided in par. (g), from the appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a facility, as defined under sub. (6m) (a) 2., that is established under s. ~~49.14 (1)~~ 49.70 (1) or that is owned and operated by a city, village or town, the department shall distribute to these facilities not more than $18,600,000 in each fiscal year, as determined by the department, and shall perform all of the following:

SECTION 2977. 49.45 (6u) (b) 2. of the statutes is amended to read:

49.45 **(6u)** (b) 2. Agreement by the county in which is located the facility established under s. ~~49.14 (1)~~ 49.70 (1) and agreement by the city, village or town that owns and operates the facility that the applicable county, city, village or town shall provide funds to match federal medical assistance matching funds under this subsection.

SECTION 2978. 49.45 (6u) (b) 2m. of the statutes is amended to read:

49.45 **(6u)** (b) 2m. Identification by the county in which is located the facility established under s. ~~49.14 (1)~~ 49.70 (1) of all county funds expended in each calendar year to operate the facility, and certification by the county to the department of this amount.

SECTION 2979. 49.45 (6v) of the statutes is repealed.

SECTION 2981b. 49.45 (6w) (intro.) of the statutes is amended to read:

49.45 **(6w)** HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (1) (o), for reduction of operating deficits, as defined

under criteria developed by the department, incurred by a hospital, as defined under s. 50.33 (2) (a) and (b), that is operated by the state, established under s. ~~49.16~~ 49.71 or owned and operated by a city or village, the department shall allocate up to $3,300,000 in each fiscal year to these hospitals, as determined by the department, and shall perform all of the following:

SECTION 2982. 49.45 (6w) (a) 2. of the statutes is amended to read:

49.45 **(6w)** (a) 2. County funds, for a hospital established under s. ~~49.16~~ 49.71.

SECTION 2983. 49.45 (6w) (b) 2. b. of the statutes is amended to read:

49.45 **(6w)** (b) 2. b. Agreement to provide matching funds by the county in which is located a hospital established under s. ~~49.16~~ 49.71.

SECTION 2984. 49.45 (6x) (a) of the statutes is amended to read:

49.45 **(6x)** (a) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 (1) (b) and (o) the department shall distribute not more than $4,748,000 in each ~~of~~ fiscal ~~years 1993–94 and 1994–95~~ year, to provide funds to an essential access city hospital, except that the department may not allocate funds to an essential access city hospital to the extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

SECTION 2984r. 49.45 (6y) (title) of the statutes is amended to read:

49.45 **(6y)** (title) SUPPLEMENTAL FUNDING FOR ~~COUNTY~~ CERTAIN HOSPITALS.

SECTION 2985. 49.45 (6y) (a) of the statutes is amended to read:

49.45 **(6y)** (a) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 (1) (b) and (o) the department shall distribute funding in each fiscal year to provide supplemental payment to county hospitals and to county mental health complexes, as determined by the department, for ~~inpatient~~ hospital services that are

not in excess of the hospitals' customary charges for the services, as limited under 42 USC 1396b (i) (3).

SECTION 2985e. 49.45 (6y) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.45 **(6y)** (a) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 (1) (b) and (o) the department shall distribute funding in each fiscal year to provide supplemental payment to ~~county hospitals and to county mental health complexes~~ hospitals that enter into a contract under s. 49.02 (2) to provide health care services funded by a relief block grant, as determined by the department, for hospital services that are not in excess of the hospitals' customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter or if the allocation of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department may distribute funds to hospitals that have not entered into a contract under s. 49.02 (2).

SECTION 2985m. 49.45 (6z) (title) of the statutes is amended to read:

49.45 **(6z)** (title) SUPPLEMENTAL FUNDING FOR CERTAIN HOSPITALS SERVING LOW–INCOME PATIENTS.

SECTION 2985s. 49.45 (6z) (a) (intro.) of the statutes is amended to read:

49.45 **(6z)** (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 (1) (b) and (o) the department shall distribute funding in each fiscal year to supplement payment for ~~inpatient~~ services to ~~county hospitals and county mental health complexes that, as determined by the department,~~ hospitals that enter into a contract under s. 49.02 (2) to provide health care services funded by a relief block grant under this chapter, if the department determines that the hospitals serve a disproportionate number of low–income patients with special needs~~, except~~

~~that the~~. If no medical relief block grant under this chapter is awarded or if the allocation of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department may distribute funds to hospitals that have not entered into a contract under s. 49.02 (2). The department may not distribute funds under this subsection to the extent that the distribution would do any of the following:

SECTION 2986. 49.45 (7) (d) 4. of the statutes is amended to read:

49.45 **(7)** (d) 4. The department's determination of serious misconduct under this subsection shall be cause for terminating the facility's participation in the state–funded portion of the medical assistance program under ~~ss. 49.45 to 49.47~~ this subchapter.

SECTION 2987. 49.45 (8) (title) of the statutes is amended to read:

49.45 **(8)** (title) ~~HOME~~ PER-VISIT LIMITS ON HOME HEALTH SERVICES REIMBURSEMENT.

SECTION 2988. 49.45 (8e) of the statutes is created to read:

49.45 **(8e)** MONTHLY LIMITS ON HOME HEALTH, PERSONAL CARE AND PRIVATE-DUTY NURSING SERVICES REIMBURSEMENT. (a) Except as provided in par. (b), reimbursement under s. 20.435 (1) (b) and (o) for home health, personal care and private–duty nursing services provided to a medical assistance recipient in a month may not exceed the average monthly cost of nursing home care, as determined by the department.

(b) This subsection does not apply to any of the following:

1. A medical assistance recipient under the age of 22.

2. A ventilator–dependent individual under s. 49.46 (2) (b) 6. m. or 49.47 (6) (a) 1.

3. Any individual, if the department determines that the cost of providing the individual with nursing home care would exceed the cost of providing the individual with home health, personal care and private–duty nursing services.

4. Any individual, if the department determines that nursing home care is not available for that individual.

SECTION 2989. 49.45 (8m) (intro.) of the statutes is amended to read:

49.45 **(8m)** RATES FOR RESPIRATORY CARE SERVICES. (intro.) Notwithstanding ~~a determination by the department of a maximum rate~~ the limits under ~~sub.~~ subs. (8) and (8e), the rates under sub. (8) and rates charged by providers under s. 49.46 (2) (a) 4. d. that are not home health agencies, for reimbursement for respiratory care services for ventilator–dependent individuals under ss. 49.46 (2) (b) 6. m. and 49.47 (6) (a) 1., shall be as follows:

SECTION 2989d. 49.45 (8v) of the statutes is created to read:

49.45 **(8v)** INCENTIVE–BASED PHARMACY PAYMENT SYSTEM. By January 1, 1996, the department shall establish a system of payment to pharmacies for legend and over–the–counter drugs provided to recipients of medical assistance that has financial incentives for pharmacists who perform services that result in savings to the medical assistance program. Under this system, the department shall establish a schedule of fees that is designed to ensure that any incentive payments made are equal to or less than the documented savings. The department may discontinue the system established under this subsection if the department determines, after performance of a study, that payments to pharmacists under the system exceed the documented savings under the system.

SECTION 2990. 49.45 (11) of the statutes is amended to read:

49.45 **(11)** PENALTY. Any person who receives or assists another in receiving assistance under this section, to which the recipient is not entitled, shall be subject to the penalties under s. ~~49.12~~ 49.95.

SECTION 2991. 49.45 (12) (c) of the statutes is amended to read:

49.45 **(12)** (c) The department shall request proposals for a system of machine–readable identification cards for medical assistance recipients and a computerized support system for the cards that will accept and respond to electronically conveyed requests from health care providers for information related to medical assistance recipients, such as eligibility, coverages and authorizations. The request for proposals shall specify that the systems are to be operating by January 1, ~~1996~~ 1997.

SECTION 2993. 49.45 (25) (am) of the statutes is renumbered 49.45 (25) (am) (intro.) and amended to read:

49.45 **(25)** (am) (intro.) Except as provided under pars. (be) and (bg) and sub. (24), case management services under s. 49.46 (2) (b) 9. and (bm) are reimbursable under medical assistance only if provided to a medical assistance beneficiary who receives case management services from or through a certified case management provider in a county, city, village or town that elects, under par. (b), to make the services available and who ~~has~~ meets at least one of the following conditions:

1. Has a developmental disability, as defined under s. 51.01 (5) (a)~~,~~.

2. Has a chronic mental illness, as defined under s. 51.01 (3g)~~, or~~.

3. Has Alzheimer's disease, as defined under s. 46.87 (1) (a)~~, is~~.

4. Is an alcoholic, as defined under s. 51.01 (1)~~, or~~.

5. Is drug dependent, as defined under s. 51.01 (8)~~, is~~.

6. Is physically disabled, as defined by the department~~, is~~.

7. Is a severely emotionally disturbed child~~, is~~.

8. Is age 65 or over ~~or, after December 31, 1991, has~~.

10. Has HIV infection, as defined in s. 252.01 (2).

SECTION 2994. 49.45 (25) (am) 9. of the statutes is created to read:

49.45 **(25)** (am) 9. Is a member of a family that has a child who is at risk of serious physical, mental or emotional dysfunction, as defined by the department.

SECTION 2995. 49.45 (25) (am) 11. of the statutes is created to read:

49.45 **(25)** (am) 11. Is a child who is eligible for early intervention services under s. 51.44.

SECTION 2996. 49.45 (25) (am) 12. of the statutes is created to read:

49.45 **(25**) (am) 12. Is infected with tuberculosis.

SECTION 2996m. 49.45 (25) (am) 13. of the statutes is created to read:

49.45 **(25)** (am) 13. Is a child with asthma.

SECTION 2997. 49.45 (25) (bg) of the statutes is amended to read:

49.45 **(25)** (bg) An independent living center, as defined in s. 46.96 (1) (a), that is a certified case management provider may elect to provide case management services to one or more of the categories of medical assistance beneficiaries specified under par. (am). The amount of allowable charges for the services under the medical assistance program that is not provided by the federal government shall be paid from nonfederal, public funds received by the independent living center from a county, city, village or town or from funds distributed ~~under the appropriation under s. 20.435 (5) (bm) or~~ as a grant under s. 46.96.

SECTION 2998. 49.45 (25) (bm) (intro.) of the statutes is amended to read:

49.45 **(25)** (bm) (intro.) Case management services under this subsection may not be provided to a person under ~~the category of severely emotionally disturbed child~~ par. (am) 7. unless any of the following is true:

SECTION 2999. 49.45 (34) of the statutes is amended to read:

49.45 **(34)** MEDICAL ASSISTANCE MANUAL. The department shall prepare a medical assistance manual that is clear, comprehensive and consistent with ~~ss. 49.43 to 49.47~~ this subchapter and 42 USC 1396a to 1396u and shall, no later than July 1, 1992, provide the manual to counties for use by county employes who administer the medical assistance program.

SECTION 3000. 49.45 (39) of the statutes is created to read:

49.45 **(39)** SCHOOL MEDICAL SERVICES. (a) *Definitions.* In this subsection:

1. "School" means a public school described under s. 115.01 (1) or a charter school, as defined in s. 115.001 (1). It includes school–operated early childhood programs for developmentally delayed and disabled 4–year–old and 5–year–old children.

2. "School medical services" means health care services that are provided in a school to children who are eligible for medical assistance and that are appropriate to a school setting, under rules promulgated by the department.

(b) *Payment for school medical services.* If a school district elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the school district for the federal share of allowable charges for the school medical services that it provides and for allowable administrative costs. The department shall promulgate rules establishing a methodology for making reimbursements under this paragraph. All other expenses for the school medical services shall be paid for by the school district with funds received from state or local

taxes. The school district shall comply with all requirements of the federal department of health and human services for receiving federal financial participation.

(c) *Certification and reporting requirements.* The department shall promulgate rules establishing specific certification and reporting requirements with respect to school medical services under this subsection.

SECTION 3001. 49.45 (40) of the statutes is created to read:

49.45 **(40)** PERIODIC RECORD MATCHES. The department shall cooperate with the department of industry, labor and human relations in matching records of medical assistance recipients under s. 49.32 (7).

SECTION 3002b. 49.45 (41) of the statutes is created to read:

49.45 **(41)** MENTAL HEALTH CRISIS INTERVENTION SERVICES. (a) In this subsection:

1. "Mental health crisis intervention services" means services that are provided by a mental health crisis intervention program operated by, or under contract with, a county or municipality, if the county or municipality is certified as a medical assistance provider.

2. "Municipality" means a city, village or town.

(b) If a county or municipality elects to become certified as a provider of mental health crisis intervention services, the county or municipality may provide mental health crisis intervention services under this subsection in the county or municipality to medical assistance recipients through the medical assistance program. A county or municipality that elects to provide the services shall pay the amount of the allowable charges for the services under the medical assistance program that is not provided by the federal government. The department shall reimburse the county or municipality under this subsection only for the amount of

the allowable charges for those services under the medical assistance program that is provided by the federal government.

SECTION 3002m. 49.45 (42) of the statutes is created to read:

49.45 **(42)** PERSONAL CARE SERVICES. Personal care services under s. 49.46 (2) (b) 6. j. provided to an individual are reimbursable under medical assistance only if all of the following conditions are met:

(a) The provider of the personal care services receives prior authorization from the department for all personal care services that are provided to the individual in excess of 50 hours in a calendar year.

(b) The individual is not eligible to receive home health aide services under medicare, as defined in sub. (3) (L) 1. b.

SECTION 3002r. 49.45 (43) of the statutes is created to read:

49.45 **(43)** CASE MANAGEMENT SERVICES FOR HIGH-COST RECIPIENTS. The department may establish a program to provide case management services for medical assistance recipients with high–cost chronic health conditions or high–cost catastrophic health conditions. If the department establishes a program to provide these case management services, the department shall provide reimbursement for providers of these case management services under the medical assistance program.

SECTION 3003. 49.455 (4) (c) of the statutes is repealed and recreated to read:

49.455 **(4)** (c) 1. For any year, the minimum monthly maintenance needs allowance equals the lesser of the amount determined under subd. 2., or the sum of the following:

a. One–twelfth of 200% of the poverty line for a family of 2 persons.

b. Any excess shelter allowance under par. (d).

2. The minimum monthly maintenance needs allowance in a year may not exceed $1,500 increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the year involved.

3. In making the calculation under subd. 1. a., when the poverty line is revised the department shall use the revised amount starting on the first day of the 2nd calendar quarter beginning after the date of publication of the revision.

SECTION 3004. 49.455 (4) (d) of the statutes is created to read:

49.455 **(4)** (d) The excess shelter allowance equals the amount by which 30% of the amount determined under par. (c) 1. a. is exceeded by the sum of the following:

1. The community spouse's expenses for rent or mortgage principal and interest, taxes and insurance for his or her principal residence and, if the community spouse lives in a condominium or cooperative, any required maintenance charge.

2. The standard utility allowance established under 7 USC 2014 (e), except that if the community spouse lives in a condominium or cooperative for which the maintenance charge includes utility expenses, the standard utility allowance under 7 USC 2014 (e) is reduced by the amount of the utility expenses included in the maintenance charge.

SECTION 3005b. 49.455 (6) (b) 1. of the statutes is amended to read:

49.455 **(6)** (b) 1. In ~~1989, $60,000; in a calendar year after 1989, $60,000~~ any year, $12,000 increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the calendar year involved.

SECTION 3005d. 49.455 (6) (b) 1m. of the statutes is created to read:

49.455 **(6)** (b) 1m. $50,000.

SECTION 3006. 49.455 (6) (b) 2. of the statutes is created to read:

49.455 **(6)** (b) 2. The lesser of the following:

a. The spousal share computed under sub. (5) (a) 1.

b. In any year, $60,000 increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the year involved.

SECTION 3007. 49.46 (1) (a) 4. of the statutes is amended to read:

49.46 **(1)** (a) 4. Any person receiving benefits under s. ~~49.177~~ 49.77 or federal Title XVI.

SECTION 3008. 49.46 (1) (a) 15. of the statutes is created to read:

49.46 **(1)** (a) 15. Any individual who is infected with tuberculosis and meets the income and resource eligibility requirements for the federal supplemental security program under 42 USC 1381 to 1383d.

SECTION 3009. 49.46 (1) (d) 4. of the statutes is amended to read:

49.46 **(1)** (d) 4. A child who meets the conditions under 42 USC 1396a (e) ~~3.~~ (3) shall be considered a recipient of benefits under s. ~~49.177~~ 49.77 or federal Title XVI.

SECTION 3010. 49.46 (1) (e) of the statutes is amended to read:

49.46 **(1)** (e) If an application under s. 49.47 (3) shows that the person has income and resources within the limitations of s. 49.19, federal Title XVI or s. ~~49.177~~ 49.77, or that the person is an essential person, an accommodated person or a patient in a public medical institution, the person shall be granted the benefits enumerated under sub. (2) whether or not the person requests or receives a grant of any of such aids.

SECTION 3011. 49.46 (2) (a) 2. of the statutes is amended to read:

49.46 **(2)** (a) 2. Early and periodic screening and diagnosis, including case management services, of persons under 21 years of age and all medical treatment and dentists' services ~~specified in par. (b) 1.~~ found necessary by this screening and diagnosis.

SECTION 3012. 49.46 (2) (a) 4. d. of the statutes is amended to read:

49.46 **(2)** (a) 4. d. Home health services, subject to the limitations under s. 49.45 (8) and (8e), or ~~nursing services~~, if a home health agency is unavailable, nursing services, subject to the limitation under s. 49.45 (8e).

SECTION 3013. 49.46 (2) (a) 4. g. of the statutes is renumbered 49.46 (2) (a) 4m. and amended to read:

49.46 **(2)** (a) 4m. ~~Nurse midwifery~~ Nurse–midwifery services.

SECTION 3019b. 49.46 (2) (b) 1. h. of the statutes is repealed.

SECTION 3019c. 49.46 (2) (b) 1. i. of the statutes is repealed.

SECTION 3020m. 49.46 (2) (b) 6. j. of the statutes is amended to read:

49.46 **(2)** (b) 6. j. Personal care services, subject to the limitations under s. 49.45 (8e) and (42).

SECTION 3021. 49.46 (2) (b) 6. k. of the statutes is amended to read:

49.46 **(2)** (b) 6. k. Alcohol and other drug abuse day treatment services. ~~This subd. 6. k. does not apply after June 30, 1995, or the day after publication of the 1995–97 biennial budget act, whichever is later.~~

SECTION 3022. 49.46 (2) (b) 14. of the statutes is created to read:

49.46 **(2)** (b) 14. School medical services under s. 49.45 (39).

SECTION 3023. 49.46 (2) (b) 15. of the statutes is created to read:

49.46 **(2)** (b) 15. Mental health crisis intervention services under s. 49.45 (41).

SECTION 3023m. 49.46 (2) (b) 16. of the statutes is created to read:

49.46 **(2)** (b) 16. Case management services for recipients with high–cost chronic health conditions or high–cost catastrophic health conditions, if the department operates a program under s. 49.45 (43).

SECTION 3024. 49.46 (2) (bm) of the statutes is created to read:

49.46 **(2)** (bm) Benefits for an individual who is eligible for medical assistance only under sub. (1) (a) 15. are limited to those services related to tuberculosis that are described in 42 USC 1396a (z) (2).

SECTION 3025. 49.46 (2) (d) of the statutes is amended to read:

49.46 **(2)** (d) Benefits authorized under this subsection may not include payment for that part of any service payable through 3rd party liability or any federal, state, county, municipal or private benefit system to which the beneficiary is entitled. "Benefit system" does not include any public assistance program such as, but not limited to, Hill–Burton benefits under 42 USC 291c (e), in effect on April 30, 1980, or ~~general~~ relief funded by a relief block grant.

SECTION 3026. 49.47 (4) (av) of the statutes is created to read:

49.47 **(4)** (av) 1. In this paragraph, "migrant worker" means any person who temporarily leaves a principal place of residence outside of this state and comes to this state for not more than 10 months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading or storing of any agricultural or horticultural commodity in its unmanufactured state. "Migrant worker" does not include any of the following:

a. A person who is employed only by a state resident if the resident or the resident's spouse is related to the person as the child, parent, grandchild,

grandparent, brother, sister, aunt, uncle, niece, nephew, or the spouse of any such relative.

b. A student who is enrolled or, during the past 6 months has been enrolled, in any school, college or university unless the student is a member of a family or household which contains a migrant worker.

c. Any other person qualifying for an exemption under rules promulgated by the department.

2. The department shall request a waiver from the secretary of the federal department of health and human services to allow the application of subd. 3. The waiver shall also seek a waiver from those federal quality control standards under the medical assistance program that the department determines to be necessary in order to make the application of subd. 3. feasible. Subdivision 3. applies only while the waiver under this subdivision is in effect.

3. In determining the eligibility for a migrant worker and his or her dependents for medical assistance under this section, the department shall do all of the following:

a. Grant the migrant worker and his or her dependents eligibility for medical assistance in this state, if the migrant worker and his or her dependents have a valid medical assistance identification card issued in another state and the migrant worker completes a Wisconsin medical assistance application provided by the department. Eligibility under this subd. 3. a. continues for the period specified on the identification card issued in the other state. The department shall notify the other state that the migrant worker and his or her dependents are eligible for medical assistance in Wisconsin.

b. Determine medical assistance eligibility using an income–averaging method described in the waiver under subd. 2., if the migrant worker and his or her

dependents do not meet the income limitations under par. (c) using prospective budgeting.

SECTION 3028. 49.47 (4) (c) 1. of the statutes is amended to read:

49.47 **(4)** (c) 1. Except as provided in par. (am) and as limited by subd. 3., eligibility exists if income does not exceed 133 1/3% of the maximum aid to families with dependent children payment under s. 49.19 (11) for the applicant's family size or the combined benefit amount available under supplemental security income under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.177~~ 49.77 whichever is higher. In this subdivision "income" includes earned or unearned income that would be included in determining eligibility for the individual or family under s. ~~49.177 or~~ 49.19 or 49.77, or for the aged, blind or disabled under 42 USC 1381 to 1385. "Income" does not include earned or unearned income which would be excluded in determining eligibility for the individual or family under s. ~~49.177 or~~ 49.19 or 49.77, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

SECTION 3035. 49.48 (title) of the statutes is renumbered 49.68 (title).

SECTION 3036. 49.48 (1) of the statutes is renumbered 49.68 (1).

SECTION 3037. 49.48 (1m) of the statutes is renumbered 49.68 (1m).

SECTION 3038. 49.48 (2) of the statutes is renumbered 49.68 (2).

SECTION 3039. 49.48 (3) (title) of the statutes is renumbered 49.68 (3) (title).

SECTION 3040. 49.48 (3) (a) of the statutes is renumbered 49.68 (3) (a) and amended to read:

49.68 **(3)** (a) Any permanent resident of this state who suffers from chronic renal disease may be accepted into the dialysis treatment phase of the renal disease

control program if the resident meets standards set by rule under sub. (2) and s. ~~49.487~~ 49.687.

SECTION 3041. 49.48 (3) (b) of the statutes is renumbered 49.68 (3) (b).

SECTION 3042. 49.48 (3) (c) of the statutes is renumbered 49.68 (3) (c).

SECTION 3043. 49.48 (3) (d) of the statutes is renumbered 49.68 (3) (d).

SECTION 3044. 49.48 (3) (e) of the statutes is renumbered 49.68 (3) (e).

SECTION 3044b. 49.482 of the statutes is created to read:

49.482 Recovery from estates. (1) In this section:

(a) "Client" means a person who receives or received aid under s. 49.48, 49.483 or 49.485.

(b) "Disabled" has the meaning given in s. 49.468 (1) (a) 1.

(c) "Home" means property in which a person has an ownership interest consisting of the person's dwelling and the land used and operated in connection with the dwelling.

(2) (a) Except as provided in par. (d), the department shall file a claim against the estate of a client or against the estate of the surviving spouse of a client for the amount of aid under s. 49.48, 49.483 or 49.485 paid to or on behalf of the client.

(b) The affidavit of a person designated by the secretary to administer this subsection is evidence of the amount of the claim.

(c) The court shall reduce the amount of a claim under par. (a) by up to $3,000 if necessary to allow the client's heirs or the beneficiaries of the client's will to retain the following personal property:

1. The decedent's wearing apparel and jewelry held for personal use.

2. Household furniture, furnishings and appliances.

3. Other tangible personal property not used in trade, agriculture or other business, not to exceed $1,000 in value.

(d) A claim under par. (a) is not allowable if the decedent has a surviving child who is under age 21 or disabled or a surviving spouse.

(e) If the department's claim is not allowable because of par. (d) and the estate includes an interest in a home, the court exercising probate jurisdiction shall, in the final judgment, assign the interest in the home subject to a lien in favor of the department for the amount described in par. (a). The personal representative shall record the final judgment as provided in s. 863.29.

(f) The department may not enforce the lien under par. (e) as long as any of the following survive the decedent:

1. A spouse.

2. A child who is under age 21 or disabled.

(g) The department may enforce a lien under par. (e) by foreclosure in the same manner as a mortgage on real property.

(3) The department shall administer the program under this section and may contract with an entity to administer all or a portion of the program, including gathering and providing the department with information needed to recover payment of aid provided under s. 49.48, 49.483 or 49.485. All funds received under this subsection, net of any amount claimed under s. 867.035 (3), shall be remitted for deposit in the general fund.

(4) (a) The department may recover amounts under this section for the provision of aid provided under s. 49.48, 49.483 or 49.485 paid on and after September 1, 1995.

(b) The department may file a claim under sub. (2) only with respect to a client who dies after September 1, 1995.

(5) The department shall promulgate rules establishing standards for determining whether the application of this section would work an undue hardship in individual cases. If the department determines that the application of this section would work an undue hardship in a particular case, the department shall waive application of this section in that case.

SECTION 3044c. 49.482 (title) and (1) (intro.) of the statutes, as created by 1995 Wisconsin Act .... (this act), are renumbered 49.682 (title) and (1) (intro.).

SECTION 3044d. 49.482 (1) (a) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.682 (1) (a) and amended to read:

49.462 **(1)** (a) "Client" means a person who receives or received aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685.

SECTION 3044e. 49.482 (1) (b) and (c) of the statutes, as created by 1995 Wisconsin Act .... (this act), are renumbered 49.682 (1) (b) and (c).

SECTION 3044f. 49.482 (2) (a) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.682 (2) (a) and amended to read:

49.682 **(2)** (a) Except as provided in par. (d), the department shall file a claim against the estate of a client or against the estate of the surviving spouse of a client for the amount of aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685 paid to or on behalf of the client.

SECTION 3044g. 49.482 (2) (b) to (f) of the statutes, as created by 1995 Wisconsin Act .... (this act), are renumbered 49.682 (2) (b) to (f).

SECTION 3044h. 49.482 (3) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.682 (3) and amended to read:

49.682 **(3)** The department shall administer the program under this section and may contract with an entity to administer all or a portion of the program, including gathering and providing the department with information needed to recover payment of aid provided under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685. All funds received under this subsection, net of any amount claimed under s. 867.035 (3), shall be remitted for deposit in the general fund.

SECTION 3044i. 49.482 (4) (a) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.682 (4) (a) and amended to read:

49.682 **(4)** (a) The department may recover amounts under this section for the provision of aid provided under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685 paid on or after September 1, 1995.

SECTION 3044j. 49.482 (4) (b) and (5) of the statutes, as created by 1995 Wisconsin Act .... (this act), are renumbered 49.682 (4) (b) and (5).

SECTION 3045. 49.483 (title) of the statutes is renumbered 49.683 (title).

SECTION 3046. 49.483 (1) of the statutes is renumbered 49.683 (1) and amended to read:

49.683 **(1)** The department may provide financial assistance for costs of medical care of persons over the age of 18 years with the diagnosis of cystic fibrosis who meet financial requirements established by the department by rule under s. ~~49.487 (1)~~ 49.687 (1).

SECTION 3047. 49.483 (2) of the statutes is renumbered 49.683 (2).

SECTION 3048. 49.485 (title) of the statutes is renumbered 49.685 (title).

SECTION 3049. 49.485 (1) of the statutes is renumbered 49.685 (1).

SECTION 3050. 49.485 (2) of the statutes is renumbered 49.685 (2).

SECTION 3051. 49.485 (4) of the statutes is renumbered 49.685 (4) and amended to read:

49.685 **(4)** ELIGIBILITY. Any permanent resident of this state who suffers from hemophilia or other related congenital bleeding disorder may participate in the program if that person meets the requirements of this section and s. ~~49.487~~ 49.687 and the standards set by rule under this section and s. ~~49.487~~ 49.687. The person shall enter into an agreement with the comprehensive hemophilia treatment center for a maintenance program to be followed by that person as a condition for continued eligibility. The physician director or a designee shall, at least once in each 6–month period, review the maintenance program and verify that the person is complying with the program.

SECTION 3052. 49.485 (5) of the statutes is renumbered 49.685 (5).

SECTION 3053. 49.485 (6) of the statutes is renumbered 49.685 (6).

SECTION 3054. 49.485 (7) (title) of the statutes is renumbered 49.685 (7) (title).

SECTION 3055. 49.485 (7) (a) 1. of the statutes is renumbered 49.685 (7) (a) 1. and amended to read:

49.685 **(7)** (a) 1. The percentage of the patient's liability for the reasonable costs for blood products and supplies which are determined to be eligible for reimbursement under sub. (6) shall be based upon the income and the size of the person's family unit, according to standards to be established by the department under s. ~~49.487~~ 49.687.

SECTION 3056. 49.485 (7) (a) 2. of the statutes is renumbered 49.685 (7) (a) 2.

SECTION 3057. 49.485 (7) (a) 4. of the statutes is renumbered 49.685 (7) (a) 4.

SECTION 3058. 49.485 (7) (a) 5. of the statutes is renumbered 49.685 (7) (a) 5.

SECTION 3059. 49.485 (7) (b) of the statutes is renumbered 49.685 (7) (b).

SECTION 3060. 49.485 (8) of the statutes is renumbered 49.685 (8).

SECTION 3061. 49.486 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.686.

SECTION 3062. 49.486 (2) of the statutes is amended to read:

49.486 **(2)** REIMBURSEMENT. From the appropriation under s. 20.435 (1) (am), the department ~~shall distribute not more than $375,600 in fiscal year 1993–94 and not more than $491,500 in fiscal year 1994–95 to~~ may reimburse or supplement the reimbursement of the cost of AZT, the drug pentamidine and any drug approved for reimbursement under sub. (4) (c) for an ~~applying~~ individual who ~~has HIV infection~~ is eligible under sub. (3).

SECTION 3062d. 49.486 (3) (f) of the statutes is amended to read:

49.486 **(3)** (f) Is an individual ~~with an~~ whose annual gross household income ~~of $40,000 or less~~ is at or below 200% of the poverty line.

SECTION 3063. 49.487 (title) of the statutes is renumbered 49.687 (title).

SECTION 3064. 49.487 (1) of the statutes is renumbered 49.687 (1) and amended to read:

49.687 **(1)** The department shall promulgate rules that require a person who is eligible for benefits under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685 and whose current income exceeds specified limits to obligate or expend specified portions of the income for medical care for treatment of kidney disease, cystic fibrosis or hemophilia before receiving benefits under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685.

SECTION 3065. 49.487 (2) of the statutes is renumbered 49.687 (2) and amended to read:

49.687 **(2)** The department shall develop and implement a sliding scale of patient liability for kidney disease aid under s. ~~49.48~~ 49.68, cystic fibrosis aid under s. ~~49.483~~ 49.683 and hemophilia treatment under s. ~~49.485~~ 49.685, based on the patient's ability to pay for treatment. To ensure that the needs for treatment of patients with lower incomes receive priority within the availability of funds under s. 20.435 (1) (e), the department shall revise the sliding scale for patient liability by January 1, 1994, and shall, every 3 years thereafter by January 1, review and, if necessary, revise the sliding scale.

SECTION 3066. 49.49 (6) of the statutes is created to read:

49.49 **(6)** RECOVERY. In addition to other remedies available under this section, the court may award the department of justice the costs of investigation, an amount reasonably necessary to remedy the harmful effects of the violation and the expenses of prosecution, including attorney fees, from any person who violates this section. The department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department or the state under this subsection. Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh). All of the money deposited in the general fund that was awarded under this subsection to remedy the harmful effects of the violation shall be credited to the appropriation account under s. 20.455 (1) (gm).

SECTION 3067. 49.493 (1) of the statutes is renumbered 49.493 (1) (intro.) and amended to read:

49.493 **(1)** (intro.) In this section~~, "uninsured~~:

(c) "Uninsured health plan" means a partially or wholly uninsured plan, including a plan that is subject to 29 USC 1001 to 1461, providing health care benefits.

SECTION 3068. 49.493 (1) (a) of the statutes is created to read:

49.493 **(1)** (a) "Department or contract provider" means the department, the county providing the medical benefits or assistance or a health maintenance organization that has contracted with the department to provide the medical benefits or assistance.

SECTION 3069. 49.493 (1) (b) of the statutes is created to read:

49.493 **(1)** (b) "Medical benefits or assistance" means medical benefits under s. 49.02 or 49.046 or medical assistance.

SECTION 3070. 49.493 (2) of the statutes is amended to read:

49.493 **(2)** The providing of medical benefits or assistance constitutes an assignment to the department or contract provider, to the extent of the medical benefits or assistance ~~benefits~~ provided, for benefits to which the recipient would be entitled under any uninsured health plan.

SECTION 3071. 49.493 (3) (d) of the statutes is amended to read:

49.493 **(3)** (d) Impose on the department or contract provider, as assignee of a person or a person's dependent who is covered under the uninsured health plan and who is eligible for medical benefits or assistance, requirements that are different from those imposed on any other agent or assignee of a person who is covered under the uninsured health plan.

SECTION 3072. 49.493 (4) of the statutes is amended to read:

49.493 **(4)** Benefits provided by an uninsured health plan shall be primary to ~~those benefits provided under~~ medical benefits or assistance.

SECTION 3073. 49.495 of the statutes is amended to read:

49.495 Jurisdiction of the department of justice. The department of justice or the district attorney may institute, manage, control and direct, in the proper county, any prosecution for violation of criminal laws affecting the medical assistance program including but not limited to laws relating to medical assistance contained in this ~~chapter~~ subchapter and laws affecting the health, safety and welfare of recipients of medical assistance. For this purpose the department of justice shall have and exercise all powers conferred upon district attorneys in such cases. The department of justice or district attorney shall notify the medical examining board or the interested affiliated credentialing board of any such prosecution of a person holding a license granted by the board or affiliated credentialing board.

SECTION 3074. 49.496 (3) (a) 2. a. of the statutes, as created by 1993 Wisconsin Act 437, is amended to read:

49.496 **(3)** (a) 2. a. Home–based or community–based services under 42 USC 1396d (7) and (8) and under any waiver granted under 42 USC 1396n (c) (4) (B) or 42 USC 1396u.

SECTION 3075. 49.496 (4) of the statutes is amended to read:

49.496 **(4)** ADMINISTRATION. The department may require a county department under s. 46.215 ~~or,~~ 46.22 or 46.23 or the governing body of a federally recognized American Indian tribe administering medical assistance to gather and provide the department with information needed to recover medical assistance under this section. The department shall pay to a county department or tribal governing body an amount equal to 5% of the recovery collected by the department relating to a beneficiary for whom the county department or tribal governing body made the last

determination of medical assistance eligibility. A county department or tribal governing body may use funds received under this subsection only to pay costs incurred under this subsection and, if any amount remains, to pay for improvements to functions required under s. ~~46.032~~ 49.33 (2). The department may withhold payments under this subsection for failure to comply with the department's requirements under this subsection. The department shall treat payments made under this subsection as costs of administration of the medical assistance program.

SECTION 3076. 49.496 (5) of the statutes is amended to read:

49.496 **(5)** USE OF FUNDS. From the appropriation under s. 20.435 (1) (im), the department shall pay the amount of the payments under sub. (4) that is not paid from federal funds, shall pay to the federal government the amount of the funds recovered under this section equal to the amount of federal funds used to pay the benefits recovered under this section and shall spend the remainder of the funds recovered under this section for medical assistance benefits ~~administered under s. 49.45~~ under this subchapter.

SECTION 3079m. 49.498 (16) (g) of the statutes is amended to read:

49.498 **(16)** (g) All forfeitures, penalty assessments and interest, if any, shall be paid to the department within 10 days of receipt of notice of assessment or, if the forfeiture, penalty assessment and interest, if any, are contested under par. (f), within 10 days of receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under sub. (19) (b). The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund. The department shall deposit all penalty assessments and interest in the appropriation under s. 20.435 (1) (g).

SECTION 3079r. 49.498 (16m) of the statutes is created to read:

49.498 **(16m)** APPEALS PROCEDURES. Appeals procedures under this section with respect to imposition of a remedy, as specified in 42 CFR 488.406 (a) (6), shall be consistent with appeals procedures in federal regulations promulgated to interpret 42 USC 1396r.

SECTION 3080. The unnumbered subchapter title preceding 49.50 of the statutes is repealed.

SECTION 3081. 49.50 (title) of the statutes is repealed.

SECTION 3082. 49.50 (1) (title) of the statutes is repealed.

SECTION 3083. 49.50 (1) of the statutes is renumbered 49.001 (1) and amended to read:

49.001 **(1)** ~~In this section, "child~~ "Child care provider" means a child care provider that is licensed under s. 48.65 (1), certified under s. 48.651 or established or contracted for under s. 120.13 (14).

SECTION 3084. 49.50 (2) of the statutes is renumbered 49.33 (4).

SECTION 3085. 49.50 (3) of the statutes is renumbered 49.33 (5).

SECTION 3086. 49.50 (4) of the statutes is renumbered 49.33 (6).

SECTION 3087. 49.50 (5) of the statutes is renumbered 49.33 (7) and amended to read:

49.33 **(7)** COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under sub. ~~(2)~~ (4), the department where requested by the county shall delegate to that county, without restriction because of enumeration, any or all of the department's authority under sub. ~~(2)~~ (4) to establish and maintain personnel standards including salary levels.

SECTION 3088. 49.50 (6) of the statutes is renumbered 49.82 (1) and amended to read:

49.82 **(1)** (title) ~~DEPARTMENT~~ DEPARTMENTS TO ADVISE COUNTIES. The department of health and social services and the department of industry, labor and human relations shall advise all county officers charged with the administration of ~~such laws of these~~ requirements relating to public assistance programs under this chapter and shall render all possible assistance in securing compliance therewith, including the preparation of necessary blanks and reports. The department of health and social services and the department of industry, labor and human relations shall also publish such information as it deems advisable to acquaint persons entitled to public assistance and the public generally with the laws governing ~~the same~~ public assistance under this chapter.

SECTION 3089c. 49.50 (6e) (title) of the statutes is renumbered 49.191 (1) (title) and amended to read:

49.191 **(1)** (title) ~~DAY~~ CHILD CARE FUNDS FOR CERTAIN RECIPIENTS OF AID TO FAMILIES ~~OF~~ WITH DEPENDENT CHILDREN.

SECTION 3090. 49.50 (6e) (a) of the statutes is renumbered 49.191 (1) (a).

SECTION 3091. 49.50 (6e) (b) of the statutes is amended to read:

49.50 **(6e)** (b) Within the limits of funds available under s. 20.435 (4) (cn) and (na) and (6) (jg), the department shall provide funds for individuals who are working and who receive aid to families with dependent children to pay child care costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) and child care costs incurred before the child care disregard under s. 49.19 (5) (a) becomes available if the child care is provided by a child care provider.

SECTION 3092. 49.50 (6e) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.191 (1) (b) and amended to read:

49.191 **(1)** (b) Within the limits of funds available under ~~s.~~ ss. 20.435 ~~(4) (cn) and (na) and (6)~~ (3) (jg) and 20.445 (3) (cn) and (na), the department shall provide funds for individuals who are working and who receive aid to families with dependent children to pay child care costs in excess of the amount of the child care disregard under s. 49.19 (5) (a) and child care costs incurred before the child care disregard under s. 49.19 (5) (a) becomes available if the child care is provided by a child care provider.

SECTION 3093c. 49.50 (6g) of the statutes is renumbered 49.191 (2), and 49.191 (2) (title), as renumbered, is amended to read:

49.191 **(2)** (title) ~~DAY~~ CHILD CARE FUNDS FOR FORMER RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN.

SECTION 3094. 49.50 (6k) (title) of the statutes is amended to read:

49.50 **(6k)** (title) ADMINISTRATION OF ~~DAY~~ CHILD CARE FUNDS UNDER THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM.

SECTION 3095. 49.50 (6k) (title) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.191 (3) (title).

SECTION 3096. 49.50 (6k) (a) of the statutes is renumbered 49.191 (3) (a) and amended to read:

49.191 **(3)** (a) County departments under ss. 46.215, 46.22 and 46.23 shall administer the funds appropriated for the purpose of providing child care under subs. ~~(6e) (b) and (6g)~~ (1) (b) and (2) for recipients and former recipients of aid under s. 49.19 and under ~~sub. (7) (e)~~ s. 49.26 (1) (e) for participants in the learnfare

program. The department shall allocate funds to county departments under ss. 46.215, 46.22 and 46.23 for the purposes of this paragraph.

SECTION 3097. 49.50 (6k) (b) of the statutes is renumbered 49.191 (3) (b) and amended to read:

49.191 **(3)** (b) Beginning on January 1, 1994, a county department under s. 46.215, 46.22 or 46.23 may, with the approval of the department, provide payment for, or reimbursement of, child care under sub. (1) (a) or s. 49.193 (8) ~~or 49.50 (6e) (a)~~ using funds allocated under par. (a). The department shall approve or disapprove this use of funds under criteria established to maximize state and federal funding available for child care.

SECTION 3098. 49.50 (6k) (c) of the statutes is created to read:

49.50 **(6k)** (c) Notwithstanding s. 49.41, the department shall promptly recover all overpayments made under subs. (6e), (6g) and (7) (e) and ss. 49.193 (8) and 49.27 (6) (c). The department shall promulgate rules establishing policies and procedures to administer this paragraph.

SECTION 3099. 49.50 (6k) (c) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.191 (3) (c) and amended to read:

49.191 **(3)** (c) Notwithstanding s. ~~49.41~~ 49.96, the department shall promptly recover all overpayments made under subs. ~~(6e), (6g), and (7) (e)~~ (1) and (2) and ss. 49.193 (8), 49.26 (1) (e) and 49.27 (6) (c). The department shall promulgate rules establishing policies and procedures to administer this paragraph.

SECTION 3100c. 49.50 (6n) of the statutes is renumbered 49.191 (4), and 49.191 (4) (title), as renumbered, is amended to read:

49.191 **(4)** (title) ~~DAY~~ CHILD CARE EXPENDITURE INFORMATION.

SECTION 3101. 49.50 (7) (title) of the statutes is renumbered 49.26 (title) and amended to read:

49.26 (title) LEARNFARE PILOT PROGRAM.

SECTION 3102b. 49.50 (7) (a) (intro.) of the statutes is renumbered 49.26 (1) (a) (intro.) and amended to read:

49.26 **(1)** (a) (intro.) In this subsection~~, "school"~~:

2. "School" means any one of the following:

SECTION 3102c. 49.50 (7) (a) 1. to 4. of the statutes are renumbered 49.26 (1) (a) 2. a. to d.

SECTION 3103b. 49.50 (7) (e) of the statutes is renumbered 49.26 (1) (e) and amended to read:

49.26 **(1)** (e) For an individual who is a recipient of aid under s. 49.19, who is the parent with whom a dependent child lives and who is either ~~required to attend~~ subject to the school attendance requirement under par. ~~(g)~~ (ge) or is under 20 years of age and wants to attend school, the department shall make a monthly payment to the individual or the child care provider for the month's child care costs in an amount based on need with the maximum amount per child equal to the lesser of the actual cost of the care or the rate established under s. 46.98 (4) (d) or, if a higher rate is established under s. 46.98 (4) (e) and if the child care meets the quality standards established under s. 46.98 (4) (e), in an amount based on need with the maximum amount per child equal to the lesser of the actual cost of the care or the rate established under s. 46.98 (4) (e), if the individual demonstrates the need to purchase child care services in order to attend school and those services are available from a child care provider.

SECTION 3105b. 49.50 (7) (g) of the statutes is renumbered 49.26 (1) (g), and 49.26 (1) (g) (intro.), as renumbered, is amended to read:

49.26 **(1)** (g) (intro.) An individual who is a recipient of aid under s. 49.19 ~~shall attend school to meet the participation requirements of the program under this subsection~~ is subject to the school attendance requirement under par. (ge) if all of the following apply:

SECTION 3109b. 49.50 (7) (gm) of the statutes is renumbered 49.26 (1) (gm) (intro.) and amended to read:

49.26 **(1)** (gm) (intro.) The first time that an individual fails to meet the ~~requirements~~ school attendance requirement under par. ~~(g)~~ (ge), the county department under s. 46.215, 46.22 or 46.23 shall ~~offer~~ do all of the following:

2. Offer case management services described in ~~s. 46.62~~ sub. (2) to the individual and his or her family.

SECTION 3111b. 49.50 (7) (h) of the statutes is renumbered 49.26 (1) (h), and 49.26 (1) (h) 1. (intro.) and c. and 1m., as renumbered, are amended to read:

49.26 **(1)** (h) 1. (intro.) An individual who is 6 to 12 years of age and who fails to meet the ~~requirements~~ school attendance requirement under par. ~~(g)~~ (ge) is subject to sanctions as provided by the department by rule only if all of the following apply:

c. The individual continues to fail to meet the ~~requirements~~ school attendance requirement under par. ~~(g)~~ (ge).

1m. An individual who is 13 to 19 years of age and who fails to meet the ~~requirements~~ school attendance requirement under par. ~~(g)~~ (ge) is subject to sanctions as provided by the department by rule~~.~~ only if all of the following apply:

SECTION 3115. 49.50 (7) (hm) of the statutes is renumbered 49.26 (1) (hm).

SECTION 3116b. 49.50 (7) (hr) of the statutes is renumbered 49.26 (1) (hr) and amended to read:

49.26 **(1)** (hr) If an individual ~~required to attend~~ subject to the school attendance requirement under par. ~~(g)~~ (ge) is enrolled in a public school, communications between the school district and the department or a county department under s. 46.215, 46.22 or 46.23 concerning the individual's school attendance may only be made by a school attendance officer, as defined under s. 118.16 (1) (a).

SECTION 3118b. 49.50 (7) (i) of the statutes is renumbered 49.26 (1) (i) and amended to read:

49.26 **(1)** (i) The department shall request a waiver from the secretary of the federal department of health and human services to permit the application of the school attendance requirement under par. ~~(g)~~ (ge). Paragraphs (e) and (g) to (hr) do not apply unless the federal waiver is in effect. If a waiver is received, the department shall implement par. (e) beginning with the fall 1987 school term, as defined under s. 115.001 (12), or on the date the waiver is effective, whichever is later.

SECTION 3120b. 49.50 (7) (j) of the statutes is renumbered 49.26 (1) (j) amended to read:

49.26 **(1)** (j) The department shall designate 4 counties in which the school attendance requirement under par. ~~(g)~~ (ge) will apply to individuals who are 6 to 12 years of age. The department may phase in the requirement by age, beginning on the first day of the fall 1994 school term, as defined in s. 115.001 (12). The department shall conduct or contract for an evaluation of the expansion of the school attendance requirement under this paragraph.

SECTION 3122. 49.50 (8) of the statutes is renumbered 49.21 (1).

SECTION 3124. 49.50 (9) of the statutes is renumbered 49.21 (2).

SECTION 3125. 49.50 (10) of the statutes is renumbered 49.82 (2) and amended to read:

49.82 **(2)** ELIGIBILITY VERIFICATION. Proof shall be provided for each person included in an application for public assistance under this chapter, except for a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42 USC 1396a (e) (4), of his or her social security number or that an application for a social security number has been made.

SECTION 3126. 49.50 (11) of the statutes is amended to read:

49.50 **(11)** PERIODIC EARNINGS CHECK BY DEPARTMENT. The department shall make a periodic check of the amounts earned by recipients of medical assistance under s. 49.46, 49.468 or 49.47, aid to families with dependent children under s. 49.19 and food stamps under 7 USC 2011 to 2029 through a check of the amounts credited to the recipient's social security number. The department shall make an investigation into any discrepancy between the amounts credited to a social security number and amounts reported as income on the declaration application and take appropriate action under s. ~~49.12~~ 49.95 when warranted. The department shall use the state wage reporting system developed by the department of industry, labor and human relations under 1985 Wisconsin Act 17, section 65 (1), when the system is implemented, to make periodic earnings checks. The department of industry, labor and human relations shall cooperate with the department in supplying this information.

SECTION 3127. 49.50 (11) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 3128. 49.51 of the statutes is repealed.

SECTION 3129. 49.52 (title) of the statutes is renumbered 46.495 (title) and amended to read:

46.495 (title) ~~**Reimbursement**~~ **Distribution of community aids funds to counties.**

SECTION 3130. 49.52 (1) (ad) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.33 (8) and amended to read:

49.33 **(8)** (title) REIMBURSEMENT FOR INCOME MAINTENANCE ADMINISTRATION. (a) The department shall reimburse each county for reasonable costs of income maintenance relating to the administration of the programs under this subchapter and subch. IV according to a formula based on workload within the limits of available state and federal funds under s. ~~20.435 (4) (de) and (nL)~~ 20.445 (3) (de) and (nL) by contract under s. ~~46.032~~ 49.33 (2). The amount of reimbursement calculated under this paragraph and par. (b) is in addition to any reimbursement provided to a county for fraud and error reduction under s. 49.197 (1m) and (4).

(b) The department may adjust the amounts determined under ~~subd. 1.~~ par. (a) for workload changes and computer network activities performed by counties.

SECTION 3131. 49.52 (1) (ad) 2. of the statutes is amended to read:

49.52 **(1)** (ad) 2. The department may adjust the amounts determined under subd. 1. for workload changes~~, administration of relief of needy Indian persons under s. 49.046~~ and computer network activities performed by counties.

SECTION 3132. 49.52 (1) (am) of the statutes is renumbered 46.495 (1) (am) and amended to read:

46.495 **(1)** (am) The department shall reimburse each county from the appropriations under s. 20.435 ~~(4) (d) and (p) and~~ (7) (b) and (o) ~~for 100% of the cost of aid to families with dependent children granted under s. 49.19,~~ for social services

as approved by the department under ss. 46.215 (1), (2) (c) 1. and (3) and 46.22 (1) (b) ~~8.~~ 1. d. and (e) 3.~~, and for funeral expenses paid for recipients of aid under s. 49.30,~~ a. except that no reimbursement may be made for the administration of or aid granted under s. 49.02.

SECTION 3133. 49.52 (1) (b) of the statutes is repealed.

SECTION 3134m. 49.52 (1) (d) of the statutes is amended to read:

49.52 **(1)** (d) From the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute the funding for social services, including funding for foster care or treatment foster care of a child receiving aid under s. 49.19, to county departments under ss. 46.215, 46.22 and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2), ~~(3), (3m), (4),~~ (4m) and (8)~~, (9) and (12)~~. Each county's required match for a year equals 9.89% of the total of the county's distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency–related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing funds or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 3135. 49.52 (1) (d) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 46.495 (1) (d).

SECTION 3136. 49.52 (1) (dc) of the statutes is renumbered 46.495 (1) (dc).

SECTION 3137. 49.52 (1) (f) of the statutes is renumbered 46.495 (1) (f).

SECTION 3138. 49.52 (1) (g) of the statutes is repealed.

SECTION 3139. 49.52 (2) of the statutes is renumbered 46.495 (2).

SECTION 3140. 49.52 (4) of the statutes is renumbered 49.124 (2).

SECTION 3141. 49.52 (5) of the statutes is renumbered 49.124 (3) and amended to read:

49.124 **(3)** The department shall withhold the value of food stamp losses for which a county or federally recognized American Indian tribe is liable under sub. ~~(4)~~ (2) from the payment to the county or tribe under s. ~~20.435 (4) (de) and (nL)~~ 20.445 (3) (de) and (nL) and reimburse the federal government from the funds withheld.

SECTION 3142. 49.53 (title) of the statutes is renumbered 49.83 (title).

SECTION 3143. 49.53 (1m) of the statutes is amended to read:

49.53 **(1m)** Except as provided under sub. (2)~~,~~ or (3) ~~or (4)~~, no person may use or disclose information concerning applicants and recipients of ~~general~~ relief ~~under s. 49.02~~ funded by a relief block grant, aid to families with dependent children, social services, child and spousal support and establishment of paternity services under s. 46.25, or supplemental payments under s. 49.177, for any purpose not connected with the administration of the programs. Any person violating this subsection may be fined not less than $25 nor more than $500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

SECTION 3144. 49.53 (1m) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.83 and amended to read:

49.83 Except as provided under ~~sub. (2) or (3)~~ s. 49.32 (9) and (10), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, social services, child

and spousal support and establishment of paternity services under s. ~~46.25~~ 49.143, or supplemental payments under s. ~~49.177~~ 49.77, for any purpose not connected with the administration of the programs. Any person violating this subsection may be fined not less than $25 nor more than $500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

SECTION 3145. 49.53 (2) (a) of the statutes is amended to read:

49.53 **(2)** (a) Each county department under s. 46.215 ~~or,~~ 46.22 or 46.23 administering aid to families with dependent children ~~and each official or agency administering general relief~~ shall maintain a monthly report at its office showing the names and addresses of all persons receiving such ~~aids~~ aid together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, addresses, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes or treatment foster homes under s. 49.19 (10).

SECTION 3146. 49.53 (2) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.32 (9) (a).

SECTION 3147. 49.53 (2) (b) of the statutes is renumbered 49.32 (9) (b) and amended to read:

49.32 **(9)** (b) ~~Such~~ The report under par. (a) shall be open to public inspection at all times during regular office hours and may be destroyed after the next succeeding report becomes available. Any person except any public officer, seeking permission to inspect such ~~book~~ report shall be required to prove his or her identity and to sign a statement setting forth his or her address and the reasons for making the request and indicating that he or she understands the provisions of par. (c) with respect to the use of the information obtained. The use of a fictitious name is a

violation of this section. Within 72 hours after any such record has been inspected, the ~~agency~~ county department shall mail to each person whose record was inspected a notification of that fact and the name and address of the person making such inspection. The ~~agency~~ county department shall keep a record of such requests.

SECTION 3148. 49.53 (2) (c) of the statutes is renumbered 49.32 (9) (c) and amended to read:

49.32 **(9)** (c) It is unlawful to use any information obtained through access to such report for political or commercial purposes. The violation of this provision is punishable upon conviction as provided in ~~sub. (1m)~~ s. 49.83.

SECTION 3149. 49.53 (3) of the statutes is renumbered 49.32 (10).

SECTION 3150. 49.53 (4) of the statutes is repealed.

SECTION 3151. 49.54 of the statutes is renumbered 49.77 (5) and amended to read:

49.77 **(5)** INCOME DETERMINATION. In determining the amount of aid to be granted a person applying for supplemental payments under ~~s. 49.177~~ this section, income shall be disregarded to the extent allowed by federal regulations.

SECTION 3152. 49.65 (title) of the statutes is renumbered 49.89 (title).

SECTION 3153. 49.65 (1) of the statutes is renumbered 49.89 (1).

SECTION 3154. 49.65 (2) of the statutes is renumbered 49.89 (2) and amended to read:

49.89 **(2)** SUBROGATION. The department of health and social services, the department of industry, labor and human relations, a county or an elected tribal governing body ~~providing~~ that provides any public assistance under this chapter as a result of the occurrence of an injury, sickness or death ~~which~~ that creates a claim or cause of action, whether in tort or contract, on the part of a public assistance

recipient or beneficiary or the estate of a recipient or beneficiary against a 3rd party, including an insurer, is subrogated to the rights of the recipient, beneficiary or estate and may make a claim or maintain an action or intervene in a claim or action by the recipient, beneficiary or estate against the 3rd party.

SECTION 3155. 49.65 (3) of the statutes is amended to read:

49.65 **(3)** ASSIGNMENT OF ACTIONS. ~~The department, county or elected tribal governing body providing any public assistance authorized under this chapter, including medical assistance,~~ By applying for assistance under this chapter, an applicant assigns to the department the right to make a claim to recover an indemnity from a 3rd party, including an insurer, if the assistance is provided as a result of the occurrence of injury, sickness or death ~~which~~ that results in a possible recovery of an indemnity from a ~~the~~ 3rd party~~, including an insurer, may require an assignment from the applicant, recipient or beneficiary of such public assistance or legally appointed representative of the incompetent or deceased applicant, recipient or beneficiary giving it the right to make a claim against the 3rd party~~.

SECTION 3156. 49.65 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.89 (3) and amended to read:

49.89 **(3)** ASSIGNMENT OF ACTIONS. By applying for assistance under this chapter, an applicant assigns to the state department, the county department or the tribal governing body that provided the assistance the right to make a claim to recover an indemnity from a 3rd party, including an insurer, if the assistance is provided as a result of the occurrence of injury, sickness or death that results in a possible recovery of an indemnity from the 3rd party.

SECTION 3157. 49.65 (3m) (title) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.89 (3m) (title).

SECTION 3158. 49.65 (3m) of the statutes is created to read:

49.65 **(3m)** NOTICE REQUIREMENTS. (a) An attorney retained to represent a current or former recipient of assistance under this chapter, or the recipient's estate, in asserting a claim that is subrogated under sub. (2) or assigned under sub. (3) shall provide notice under par. (c).

(b) If no attorney is retained to represent a current or former recipient of assistance under this chapter, or the recipient's estate, in asserting a claim that is subrogated under sub. (2) or assigned under sub. (3), the current or former recipient or his or her guardian or, if the recipient is deceased, the personal representative of the recipient's estate, shall provide notice under par. (c).

(c) If a person is required to provide notice under this paragraph, the person shall provide notice by certified mail to the department as soon as practicable after the occurrence of each of the following events for a claim under par. (a) or (b):

1. The filing of the action asserting the claim.

2. Intervention in the action asserting the claim.

3. Consolidation of the action asserting the claim.

4. An award or settlement of all or part of the claim.

SECTION 3159. 49.65 (3m) (a) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.89 (3m) (a).

SECTION 3160. 49.65 (3m) (b) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.89 (3m) (b).

SECTION 3161. 49.65 (3m) (c) (intro.) of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 49.89 (3m) (c) (intro.) and amended to read:

49.89 **(3m)** (c) (intro.) If a person is required to provide notice under this paragraph, the person shall provide notice by certified mail to the department that provided the assistance as soon as practicable after the occurrence of each of the following events for a claim under par. (a) or (b):

SECTION 3162. 49.65 (3m) (c) 1. to 4. of the statutes, as created by 1995 Wisconsin Act .... (this act), are renumbered 49.89 (3m) (c) 1. to 4.

SECTION 3163. 49.65 (4) of the statutes is renumbered 49.89 (4).

SECTION 3164. 49.65 (5) of the statutes is renumbered 49.89 (5).

SECTION 3165. 49.65 (6) of the statutes is renumbered 49.89 (6) and amended to read:

49.89 **(6)** (title) ~~DEPARTMENT'S~~ DEPARTMENTS' DUTIES AND POWERS. The department of health and social services and the department of industry, labor and human relations shall enforce ~~its~~ their rights under this section and may contract for the recovery of any claim or right of indemnity arising under this section.

SECTION 3166. 49.65 (7) (title) of the statutes is renumbered 49.89 (7) (title).

SECTION 3167. 49.65 (7) (a) of the statutes is renumbered 49.89 (7) (a).

SECTION 3168. 49.65 (7) (b) of the statutes is renumbered 49.89 (7) (b).

SECTION 3169. 49.65 (7) (c) of the statutes is amended to read:

49.65 **(7)** (c) The incentive payment shall be an amount equal to 15% of the amount recovered because of benefits paid under s. ~~49.046,~~ 49.19, 49.20 or 49.30 or as state supplemental payments under s. 49.177. The incentive payment shall be taken from the state share of the sum recovered, except that the incentive payment for an amount recovered because of benefits paid under s. 49.19 shall be considered an administrative cost under s. 49.19 for the purpose of claiming federal funding.

SECTION 3170. 49.65 (7) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.89 (7) (c) and amended to read:

49.89 **(7)** (c) The incentive payment shall be an amount equal to 15% of the amount recovered because of benefits paid under s. 49.19, 49.20 or 49.30 ~~or as state supplemental payments under s. 49.177~~. The incentive payment shall be taken from the state share of the sum recovered, except that the incentive payment for an amount recovered because of benefits paid under s. 49.19 shall be considered an administrative cost under s. 49.19 for the purpose of claiming federal funding.

SECTION 3171. 49.65 (7) (d) of the statutes is renumbered 49.89 (7) (d) 1. and amended to read:

49.89 **(7)** (d) 1. Any county or elected tribal governing body that has made a recovery under this section for which it is eligible to receive an incentive payment under par. (b) or ~~(c)~~ (bm) shall report such recovery to the department of health and social services within 30 days after the end of the month in which the recovery is made in a manner specified by the department of health and social services.

SECTION 3172. 49.65 (7) (e) of the statutes is renumbered 49.89 (7) (e) and amended to read:

49.89 **(7)** (e) The amount of the recovery remaining after payments are made under pars. (b) ~~and~~ to (c) shall be deposited in the state treasury and credited to the appropriation from which the assistance was originally paid.

SECTION 3173. 49.65 (8) of the statutes is renumbered 49.89 (8).

SECTION 3174. 49.65 (9) (intro.) of the statutes is renumbered 49.89 (9) (intro.) and amended to read:

49.89 **(9)** POWERS OF HEALTH MAINTENANCE ORGANIZATIONS. (intro.) A health maintenance organization or other prepaid health care plan has the powers of the

department of health and social services under subs. (2) to (5) to recover the costs which the organization or plan incurs in treating an individual if all of the following circumstances are present:

SECTION 3175. 49.65 (9) (a) of the statutes is renumbered 49.89 (9) (a).

SECTION 3176. 49.65 (9) (b) of the statutes is renumbered 49.89 (9) (b).

SECTION 3177. 49.65 (9) (c) of the statutes is renumbered 49.89 (9) (c) and amended to read:

49.89 **(9)** (c) The medical costs are incurred during a period for which the department of health and social services pays a capitation or enrollment fee for the recipient.

SECTION 3178. Subchapter V (title) of chapter 49 [precedes 49.66] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER V

OTHER MEDICALLY RELATED

SERVICES AND SUPPORT PROGRAMS

SECTION 3179. 49.66 of the statutes is created to read:

49.66 Definitions. In this subchapter:

(1) "Department" means the department of health and social services.

(2) "Secretary" means the secretary of health and social services.

SECTION 3180. 49.70 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 49.38.

SECTION 3181. 49.70 (2) of the statutes is amended to read:

49.70 **(2)** The department shall exercise the options to purchase such securities or accept an assignment of such securities when it finds that the owner of the

securities is a resident of this state and is in need of ~~general relief,~~ public assistance ~~or welfare aid~~, or who but for the ownership of such securities would qualify for ~~general relief,~~ public assistance ~~or other welfare aid~~. If the department exercises an option to purchase such security, the purchase price shall be paid out, at par value, as ~~general~~ a relief payment. Where the department accepts an assignment of such security as provided in this section it shall pay out as ~~general~~ relief an amount equal to the par value of the security assigned. The ~~general~~ relief furnished, whether by money or otherwise, shall be at such times and in such amounts as will in the discretion of the department meet the needs of the recipient and protect the public. The department is authorized to exercise the options to purchase assigned to it in whole or in part, or to accept an assignment of such securities in whole or in part. The department is granted such authority as may be necessary and convenient to enable it to exercise the functions and perform the duties required of it by this section, including without limitation because of enumeration the authority to promulgate rules governing eligibility and the furnishing and paying of ~~general~~ relief under this section, the authority to enter into suitable agreements with the owner of the security or other appropriate persons for the purpose of carrying out this section, and the authority to sell or transfer the securities or defend and prosecute all actions concerning it and pay all just claims against it and do all other things necessary for the protection, preservation and management of the securities.

SECTION 3182. 49.80 (title) of the statutes is renumbered 16.385 (title).

SECTION 3183. 49.80 (1) of the statutes is renumbered 16.385 (1).

SECTION 3184. 49.80 (2) (title) of the statutes is renumbered 16.385 (2) (title).

SECTION 3185. 49.80 (2) (a) of the statutes is renumbered 16.385 (2) (a).

SECTION 3186. 49.80 (2) (b) of the statutes is renumbered 16.385 (2) (b) and amended to read:

16.385 **(2)** (b) The department ~~of health and social services~~ shall administer a low–income warm room program to install low–income warm room program materials in the dwellings of low–income warm room program volunteers and to train the low–income warm room program volunteers and the members of each low–income warm room program volunteer's household in the operation of the low–income warm room program materials to achieve maximum health and heating efficiency.

SECTION 3187. 49.80 (3) (intro.) of the statutes is renumbered 16.385 (3) (intro.).

SECTION 3188. 49.80 (3) (b) of the statutes is renumbered 16.385 (3) (b) and amended to read:

16.385 **(3)** (b) By October 1 of every year from the appropriation under s. ~~20.435 (4) (md)~~ 20.505 (7) (o), determine the total amount available for payment of heating assistance under sub. (6) and determine the benefit schedule.

SECTION 3189. 49.80 (3) (c) of the statutes is renumbered 16.385 (3) (c) and amended to read:

16.385 **(3)** (c) From the appropriation under s. ~~20.435 (4) (mc)~~ 20.505 (7) (m), allocate $1,100,000 in each federal fiscal year for the department's expenses in administering the funds to provide low–income energy assistance.

SECTION 3190. 49.80 (3) (d) of the statutes is renumbered 16.385 (3) (d) and amended to read:

16.385 **(3)** (d) From the appropriation under s. ~~20.435 (4) (md)~~ 20.505 (7) (o), allocate $2,900,000 in each federal fiscal year for the expenses of a county

department, another local governmental agency or a private nonprofit organization in administering under sub. (4) the funds to provide low–income energy assistance.

SECTION 3191. 49.80 (3) (e) (intro.) of the statutes is renumbered 16.385 (3) (e) (intro.) and amended to read:

16.385 **(3)** (e) (intro.) From the appropriation under s. ~~20.435 (4) (md)~~ 20.505 (7) (o):

SECTION 3192. 49.80 (3) (e) 1. of the statutes is renumbered 16.385 (3) (e) 1. and amended to read:

16.385 **(3)** (e) 1. Allocate and transfer to the appropriation under s. 20.505 (7) (km), 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year under the priority of maintaining funding for the geographical areas on July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for the weatherization assistance program administered by the department ~~of administration~~ under s. 16.39.

SECTION 3193. 49.80 (3) (e) 2. of the statutes is amended to read:

49.80 **(3)** (e) 2. Allocate ~~$2,400,000~~ not more than $3,200,000 in each federal fiscal year for the payment of crisis assistance benefits to meet weather–related or fuel supply shortage emergencies under sub. (8).

SECTION 3194. 49.80 (3) (e) 2. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 16.385 (3) (e) 2.

SECTION 3195. 49.80 (3) (e) 3. of the statutes is renumbered 16.385 (3) (e) 3.

SECTION 3196. 49.80 (3) (e) 6. of the statutes is renumbered 16.385 (3) (e) 6.

SECTION 3197. 49.80 (3) (e) 7. of the statutes is renumbered 16.385 (3) (e) 7.

SECTION 3198. 49.80 (4) (title) of the statutes is renumbered 16.385 (4) (title).

SECTION 3199. 49.80 (4) (a) of the statutes is renumbered 16.385 (4) (a) and amended to read:

16.385 **(4)** (a) A household may apply after September 30 and before May 16 of any year for heating assistance from the county department under s. 46.215 (1) (n) or 46.22 (1) (b) ~~10.~~ 4. a. to e. or from another local governmental agency or a private nonprofit organization with which the department contracts to administer the heating assistance program, and shall have the opportunity to do so on a form prescribed by the department for that purpose.

SECTION 3200. 49.80 (4) (b) of the statutes is renumbered 16.385 (4) (b).

SECTION 3201. 49.80 (5) (intro.) of the statutes is renumbered 16.385 (5) (intro.).

SECTION 3202. 49.80 (5) (b) of the statutes is renumbered 16.385 (5) (b).

SECTION 3203. 49.80 (5) (c) of the statutes is renumbered 16.385 (5) (c) and amended to read:

16.385 **(5)** (c) A household entirely composed of persons receiving aid to families with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2029, or supplemental security income or state supplemental payments under 42 USC 1381 to 1383c or s. ~~49.177~~ 49.77.

SECTION 3204. 49.80 (5) (d) of the statutes is renumbered 16.385 (5) (d).

SECTION 3205. 49.80 (6) of the statutes is renumbered 16.385 (6).

SECTION 3206. 49.80 (7) of the statutes is renumbered 16.385 (7).

SECTION 3207. 49.80 (8) of the statutes is renumbered 16.385 (8).

SECTION 3208. Subchapter VI (title) of chapter 49 [precedes 49.81] of the statutes is created to read:

CHAPTER 49

SUBCHAPTER VI

GENERAL PROVISIONS

SECTION 3209. 49.82 (title) of the statutes is created to read:

49.82 (title) **Administration of public assistance programs.**

SECTION 3210. 49.84 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.84 **(2)** At the time of application, the agency administering the public assistance program shall apply to the department of health and social services for a certified copy of a birth certificate for the applicant if the applicant is required to provide a birth certificate or social security number as part of the application and for any person in the applicant's household who is required to provide a birth certificate or social security number. The department of health and social services shall provide without charge any copy for which application is made under this subsection.

SECTION 3211. 49.84 (5) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.84 **(5)** A person applying for aid to families with dependent children under s. 49.19, medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV or food stamp program benefits under 7 USC 2011 to 2029 shall, as a condition of eligibility, provide a declaration and other verification of citizenship or satisfactory immigration status as required in 42 USC 1320b–7 (d).

SECTION 3212. 49.85 (2) (b), (3) (b) and (4) (b) of the statutes are created to read:

49.85 **(2)** (b) At least annually, the department of industry, labor and human relations shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of industry, labor and human relations, the department of industry,

labor and human relations has determined that it may recover under ss. 49.125 and 49.195 (3), except that the department of industry, labor and human relations may not certify an amount under this subsection unless it has met the notice requirements under sub. (3) and unless it's determination has either not been appealed or is no longer under appeal.

(3) (b) At least 30 days before certification of an amount, the department of industry, labor and human relations shall send a notice to the last–known address of the person from whom that department intends to recover the amount. The notice shall do all of the following:

1. Inform the person that the department of industry, labor and human relations intends to certify to the department of revenue an amount that the department of industry, labor and human relations has determined to be due under s. 49.125 or 49.195 (3), for setoff from any state tax refund that may be due the person.

2. Inform the person that he or she may appeal the determination of the department of industry, labor and human relations to certify the amount by requesting a hearing under sub. (4) within 30 days after the date of the letter and inform the person of the manner in which he or she may request a hearing.

3. Inform the person that, if the determination of the department of industry, labor and human relations is appealed, that department will not certify the amount to the department of revenue while the determination of the department of industry, labor and human relations is under appeal.

4. Inform the person that, unless a contested case hearing is requested to appeal the determination of the department of industry, labor and human relations, the person may be precluded from challenging any subsequent setoff of the certified amount by the department of revenue, except on the grounds that the certified

amount has been partially or fully paid or otherwise discharged, since the date of the notice.

5. Request that the person inform the department of industry, labor and human relations if a bankruptcy stay is in effect with respect to the person or if the claim has been discharged in bankruptcy.

6. Inform the person that the person may need to contact the department of revenue in order to protect the refunds of spouses who are not liable for the claim.

(4) (b) If a person has requested a hearing under this subsection, the department of industry, labor and human relations shall hold a contested case hearing under s. 227.44, except that the department of industry, labor and human relations may limit the scope of the hearing to exclude issues that were presented at a prior hearing or that could have been presented at a prior opportunity for hearing.

SECTION 3213. 49.86 of the statutes is created to read:

49.86 Disbursement of funds and facsimile signatures. Withdrawal or disbursement of moneys deposited in a public depository, as defined in s. 34.01 (5), to the credit of the department of industry, labor and human relations or any of its divisions or agencies shall be by check, share draft or other draft signed by the secretary of industry, labor and human relations or by one or more persons in the department of industry, labor and human relations designated by written authorization of the secretary of industry, labor and human relations. Such checks, share drafts and other drafts shall be signed personally or by use of a mechanical device adopted by the secretary of industry, labor and human relations or his or her designees for affixing a facsimile signature. Any public depository shall be fully warranted and protected in making payment on any check, share draft or other draft bearing such facsimile signature notwithstanding that the facsimile may have been

placed thereon without the authority of the secretary of industry, labor and human relations or his or her designees.

SECTION 3214. 49.89 (7) (bm) of the statutes is created to read:

49.89 **(7)** (bm) The incentive payment shall be an amount equal to 15% of the amount recovered because of benefits paid as state supplemental payments under s. 49.77. The incentive payment shall be taken from the state share of the sum recovered.

SECTION 3215. 49.89 (7) (d) 2. of the statutes is created to read:

49.89 **(7)** (d) 2. Any county or elected tribal governing body that has made a recovery under this section for which it is eligible to receive an incentive payment under par. (c) shall report such recovery to the department of industry, labor and human relations within 30 days after the end of the month in which the recovery is made in a manner specified by the department of industry, labor and human relations.

SECTION 3216. 49.90 (1) (b) of the statutes is amended to read:

49.90 **(1)** (b) For purposes of this section those persons receiving benefits under federal Title XVI or under s. ~~49.177~~ 49.77 shall not be deemed dependent persons.

SECTION 3216m. 49.90 (2) of the statutes is amended to read:

49.90 **(2)** Upon failure of these relatives to provide maintenance the authorities or board shall submit to the corporation counsel a report of its findings. Upon receipt of the report the corporation counsel shall, within 60 days, apply to the circuit court for the county in which the dependent person under sub. (1) (a) 1. or the child of a dependent person under sub. (1) (a) 2. resides for an order to compel the maintenance. Upon such an application the corporation counsel shall make a written report to the county department under s. 46.215, 46.22 or 46.23, with a copy

to the chairperson of the county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department, and to the department of health and social services or the department of industry, labor and human relations, whichever is appropriate.

SECTION 3217. 49.90 (2g) of the statutes is amended to read:

49.90 **(2g)** In addition to the remedy specified in sub. (2), upon failure of a grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who is or may be required to provide maintenance under sub. (1) (a) 2., a child of a dependent minor or the child's parent may apply to the circuit court for the county in which the child resides for an order to compel the provision of maintenance. A county department under s. 46.215, 46.22 or 46.23, a county child support agency or the department of industry, labor and human relations may initiate an action to obtain maintenance of the child by the child's grandparent under sub. (1) (a) 2., regardless of whether the child receives public assistance.

SECTION 3218. 49.90 (4) of the statutes is amended to read:

49.90 **(4)** The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they have sufficient ability, considering their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age, in the following order: First the husband or wife; then the father and the mother; and then the grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify a sum which will be sufficient for the support of the dependent person under sub. (1) (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be paid weekly or monthly, during a period fixed by the order or until the further order

of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person or the child, but is able to contribute to the person's support or the child's maintenance, the court may direct 2 or more of the relatives to maintain the person or the child and prescribe the proportion each shall contribute. If the court is satisfied that these relatives are unable together wholly to maintain the dependent person or the child, but are able to contribute to the person's support or the child's maintenance, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of health and social services and distributed as required by state and federal law. An order under this subsection that relates to maintenance required under sub. (1) (a) 2. shall specifically assign responsibility for and direct the manner of payment of the child's health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon application of any party affected by the order and upon like notice and procedure, the court may modify such an order. Obedience to such an order may be enforced by proceedings for contempt.

SECTION 3219b. 49.90 (6) of the statutes is amended to read:

49.90 **(6)** If any relative who has been ordered to maintain an institutionalized dependent person or an institutionalized child of a dependent person under 18 years of age neglects to do as ordered, the authorities in charge of the dependent or child or in charge of the institution may recover in an action on behalf of the ~~general~~ relief agency or institution for ~~general~~ relief or support accorded the dependent person or child against such relative ~~the sum prescribed for each week~~ while the order was disobeyed and up to the time of judgment, with costs.

SECTION 3220. 49.95 (4m) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

49.95 **(4m)** (a) Without legal authority, sends or brings a person to a county, tribal governing body or municipality or advises a person to go to a county, tribal governing body or municipality for the purpose of obtaining relief funded by a relief block grant, aid to families with dependent children under s. 49.19, medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV or food stamps under 7 USC 2011 to 2029.

SECTION 3221b. 50.01 (1d) of the statutes is created to read:

50.01 **(1d)** "Assisted living facility" means a place where 5 or more adults reside that consists of independent apartments, each of which has an individual lockable entrance and exit, a kitchen, including a stove, and individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than 28 hours per week of services that are supportive, personal and nursing services. "Assisted living facility" does not include a nursing home or a community–based residential facility, but may be physically part of a structure that is a nursing home or community–based residential facility.

SECTION 3221e. 50.01 (1g) (f) of the statutes is created to read:

50.01 **(1g)** (f) An assisted living facility.

SECTION 3221g. 50.01 (3) (e) of the statutes is created to read:

50.01 **(3)** (e) An assisted living facility.

SECTION 3222. 50.02 (1) of the statutes is amended to read:

50.02 **(1)** DEPARTMENTAL AUTHORITY. The department may provide uniform, statewide licensing, inspection and regulation of community–based residential facilities and nursing homes as provided in this subchapter. The department shall

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

SECTION 3223. 50.02 (2) (a) of the statutes is amended to read:

50.02 **(2)** (a) The department, by rule, shall develop, establish and enforce regulations and standards for the care, treatment, health, safety, rights, welfare and comfort of residents in community–based residential facilities and nursing homes and for the construction, general hygiene, maintenance and operation of those facilities which, in the light of advancing knowledge, will promote safe and adequate accommodation, care and treatment of residents in those facilities; and promulgate and enforce rules consistent with this section. Such standards and rules shall provide that intermediate care facilities, which have 16 or fewer beds may, if exempted from meeting certain physical plant, staffing and other requirements of the federal regulations, be exempted from meeting the corresponding provisions of the department's standards and rules. The department shall consult with the

department of ~~industry, labor and human relations~~ development when developing exemptions relating to physical plant requirements.

SECTION 3225. 50.02 (2) (b) of the statutes is renumbered 50.02 (2) (b) 1. and amended to read:

50.02 **(2)** (b) 1. The department ~~may~~ shall conduct plan reviews of all capital construction and remodeling of nursing homes to ensure that the plans comply with building code requirements under ch. 101 and with life safety code and physical plant requirements under s. 49.498, this chapter or under rules promulgated under this chapter.

2. The department shall promulgate rules that establish a fee schedule for its services under subd. 1. in conducting the plan reviews. The schedule established under these rules shall set fees for nursing home plan reviews in amounts that are less than the sum of the amounts required on September 30, 1995, for fees under this paragraph and for fees for examination of nursing home plans under s. 101.19 (1) (a), 1993 stats.

SECTION 3227. 50.03 (4) (a) 1. b. of the statutes is amended to read:

50.03 **(4)** (a) 1. b. Except as provided in sub. (4m) (b), the department shall issue a license for a community–based residential facility if it finds the applicant to be fit and qualified, if it finds that the community–based residential facility meets the requirements established by this subchapter and if the community–based residential facility has paid the license fee under s. ~~140.85 (2) (a)~~ 50.037 (2) (a). In determining whether to issue a license for a community–based residential facility, the department may consider any action by the applicant or by an employe of the applicant that constitutes a substantial failure by the applicant or employe to protect and promote the health, safety or welfare of a resident. The department may deny

licensure to or not renew licensure for any person who conducted, maintained, operated or permitted to be maintained or operated a community–based residential facility for which licensure was revoked. The department, or its designee, shall make such inspections and investigations as are necessary to determine the conditions existing in each case and shall file written reports. Before renewing the license of any community–based residential facility, the department shall consider all complaints filed under sub. (2) (f) during the current license period and the disposition of each. The department shall promulgate rules defining "fit and qualified" for the purposes of this subd. 1. b.

SECTION 3228. 50.03 (4) (c) of the statutes is renumbered 50.03 (4) (c) 1. and amended to read:

50.03 **(4)** (c) 1. Unless sooner revoked or suspended, a community–based residential facility license ~~shall be~~ is valid for ~~one year. Unless sooner revoked or suspended, a nursing home license is valid for one year, but may be issued to a new licensee for less than one year to coincide with the date of federal medical assistance certification as a skilled nursing facility or intermediate care facility~~ 24 months. At least ~~120 days but not more than 150~~ 30 days prior to license expiration, the applicant shall submit ~~an annual~~ a biennial report and application for renewal of the license in ~~such~~ the form and containing ~~such~~ the information ~~as~~ that the department requires. If the report and application are approved, the license shall be renewed for an additional ~~one–year~~ 24–month period. If the application for renewal and a complete annual report are not timely filed, the department shall issue a warning to the licensee. Failure to make application for renewal within 30 days ~~there after may be~~ after receipt of the warning is grounds for nonrenewal of the license.

SECTION 3229. 50.03 (4) (c) 2. of the statutes is created to read:

50.03 **(4)** (c) 2. Unless sooner revoked or suspended, a nursing home license is valid for 12 months, but may be issued to a new licensee for less than 12 months to coincide with the date of federal medical assistance certification as a skilled nursing facility or intermediate care facility. At least 120 days but not more than 150 days prior to license expiration, the applicant shall submit an annual report and application for renewal of the license in the form and containing the information that the department requires. If the report and application are approved, the license shall be renewed for an additional 12–month period. If the application for renewal and a complete annual report are not timely filed, the department shall issue a warning to the licensee. Failure to make application for renewal within 30 days after receipt of the warning is grounds for nonrenewal of the license.

SECTION 3230. 50.03 (5g) (c) (intro.) of the statutes is amended to read:

50.03 **(5g)** (c) (intro.) If the department provides to a community–based residential facility written notice of the grounds for a sanction or penalty, an explanation of the types of sanctions or penalties that the department may impose under this subsection and an explanation of the process for appealing a sanction or penalty imposed under this subsection, the department may impose any of the following against a licensee or other person who violates the applicable provisions of this section or rules promulgated under the applicable provisions of this section or who fails to comply with an order issued under par. (b) by the time specified in the order:

SECTION 3231. 50.03 (5g) (c) 1. a. of the statutes is amended to read:

50.03 **(5g)** (c) 1. a. Within the limits specified in this subdivision, the department may, by rule, set daily forfeiture amounts and payment deadlines based on the size and type of community–based residential facility and the seriousness of

the violation. ~~As part of the order, the~~ The department may set daily forfeiture amounts that increase periodically within the statutory limits if there is continued failure to comply with an order issued under par. (b).

SECTION 3231m. 50.03 (5g) (c) 1. c. of the statutes is amended to read:

50.03 **(5g)** (c) 1. c. All forfeitures shall be paid to the department within 10 days after receipt of notice of assessment or, if the forfeiture is contested under par. (f), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under s. 50.03 (11). The department shall remit all forfeitures paid under this subdivision to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

SECTION 3232. 50.03 (14) (b) of the statutes is amended to read:

50.03 **(14)** (b) The county departments of the county in which the facility is located that are responsible for providing services under s. 46.215 (1) (L), 46.22 (1) (b) ~~7. a.~~ 1. c., 51.42 or 51.437 shall participate in the development and implementation of individual relocation plans. Any county department of another county shall participate in the development and implementation of individual relocation plans in place of the county departments of the county in which the facility is located, if the county department accepts responsibility for the resident or is delegated responsibility for the resident by the department or by a court.

SECTION 3233. 50.033 (2) of the statutes is amended to read:

50.033 **(2)** REGULATION. Standards for operation of licensed adult family homes and procedures for application for licensure, monitoring, inspection, revocation and appeal of revocation shall be under rules promulgated by the department under s. 50.02 (2) (am) 2. Licensure shall be for a term not to exceed ~~12~~ 24 months from the

date of issuance and is not transferable. The biennial licensure fee for a licensed adult family home is $75. The fee is payable to the county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family home under sub. (1m) (b), and is payable to the department if the department licenses the adult family home under sub. (1m) (b).

SECTION 3234b. 50.034 of the statutes is created to read:

50.034 Assisted living facilities. (1) CERTIFICATION OR REGISTRATION REQUIRED. (a) No person may operate an assisted living facility that provides living space for residents who are clients under s. 46.27 (11) or 46.277 and publicly funded services as a home health agency or under contract with a county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437 that is a home health agency unless the assisted living facility is certified by the department under this section. The department may charge a fee, in an amount determined by the department, for certification under this paragraph. The amount of any fee charged by the department for certification of an assisted living facility need not be promulgated as a rule under ch. 227.

(b) No person may operate an assisted living facility that is not certified as required under par. (a) unless the assisted living facility is registered by the department.

(2) RULES. The department shall promulgate all of the following rules for the regulation of certified assisted living facilities and for the registration of assisted living facilities under this section:

(a) Defining the term "kitchen, including a stove" for purposes of the definition of "assisted living facility" under s. 50.01 (1d).

(b) Establishing standards for operation of certified assisted living facilities.

(c) Establishing minimum information requirements for registration and registration application procedures and forms for assisted living facilities that are not certified.

(d) Establishing procedures for monitoring certified assisted living facilities.

(e) Establishing intermediate sanctions and penalties for and standards and procedures for imposing intermediate sanctions or penalties on certified assisted living facilities and for appeals of intermediate sanctions or penalties.

(f) Establishing standards and procedures for appeals of revocations of certification or refusal to issue or renew certification.

(3) REQUIREMENTS FOR OPERATION. A certified or registered assisted living facility shall do all of the following:

(a) Establish, with each resident of the assisted living facility, a mutually agreed–upon written service agreement that identifies the services to be provided to the resident, based on a comprehensive assessment of the resident's needs and preferences that is conducted by one of the following:

1. For residents for whom services are reimbursable under s. 46.27 (11), by the county department or aging unit designated under s. 46.27 (3) (b) in the county.

2. For residents for whom services are reimbursable under s. 46.277, by the county department under s. 46.277 (4) (a) in the county.

3. For residents who have private or 3rd–party funding, by the assisted living facility.

(b) Establish a schedule of fees for services to residents of the assisted living facility.

(c) Provide or ensure the provision of services that are sufficient and qualified to meet the needs identified in a resident's service agreement under par. (a), to meet unscheduled care needs and to provide emergency assistance 24 hours a day.

(d) Establish, with each resident of the assisted living facility, a signed, negotiated risk agreement that identifies situations that could put the resident at risk and for which the resident understands and accepts responsibility.

(4) LIMITATION ON NUMBER OF ASSISTED LIVING FACILITY UNITS. (a) The maximum number of individual units of assisted living facilities that the department may certify or register for operation is 1,500 units, which may be implemented only as follows:

1. In fiscal year 1996–97, not more than a total of 600 units.

2. In fiscal year 1997–98, not more than a total, in the aggregate, of 900 units.

3. In fiscal year 1998–99 and thereafter, not more than a total, in the aggregate, of 1,500 units.

(b) An assisted living facility may not be newly constructed and a nursing home or a community–based residential facility may not convert a separate area of its total area to an assisted living facility unless the department first approves the construction or conversion.

(c) If the department receives in a fiscal year applications for certification or registration of assisted living facilities that exceed the maximum number of individual units that may be registered or certified, as specified in par. (a), the department may select applications for approval, within the maximum limits specified, based on all of the following criteria:

1. The geographical distribution of the state's population of elderly persons.

2. Whether or not the assisted living facility proposes to serve both publicly funded residents and residents who pay privately for services.

3. Whether or not a closure of nursing home beds would result.

4. Whether or not certification or registration of the assisted living facility would alleviate a shortage of long–term care facilities in the area.

(d) The department may charge an application fee of $300 to any facility applying for certification or registration as an assisted living facility under par. (c). The amounts of fees received under this paragraph shall be credited to the appropriation under s. 20.435 (1) (gn).

(5) USE OF NAME PROHIBITED. An entity that does not meet the definition under s. 50.01 (1d) may not designate itself as an "assisted living facility" or use the word "assisted living facility" to represent or tend to represent the entity as an assisted living facility or services provided by the entity as services provided by an assisted living facility.

(6) FUNDING. Funding for supportive, personal or nursing services that a person who resides in an assisted living facility receives, other than private or 3rd–party funding, may be provided only under s. 46.27 (11) (c) 7. or 46.277 (5) (e), unless the provider of the services is a certified medical assistance provider under s. 49.45 (3) (a).

(7) REVOCATION OF CERTIFICATION. Certification for an assisted living facility may be revoked because of the substantial and intentional violation of this section or of rules promulgated by the department under sub. (2) or because of failure to meet the minimum requirements for certification. The operator of the certified assisted living facility shall be given written notice of any revocation of certification and the grounds for the revocation. Any assisted living facility certification applicant or

operator of a certified assisted living facility may, if aggrieved by the failure to issue or renew the certification or by revocation of certification, appeal under the procedures specified by the department by rule under sub. (2).

SECTION 3235. 50.035 (2) (a) 3. of the statutes is amended to read:

50.035 **(2)** (a) 3. The department or the department of ~~industry, labor and human relations~~ development may waive the requirement under subd. 1. or 2. for a community–based residential facility that has a smoke detection or sprinkler system in place that is at least as effective for fire protection as the type of system required under the relevant subdivision.

SECTION 3236. 50.035 (2) (b) (intro.) of the statutes is amended to read:

50.035 **(2)** (b) (intro.) No facility may install a smoke detection system that fails to receive the approval of the department or of the department of ~~industry, labor and human relations~~ development. At least one smoke detector shall be located at each of the following locations:

SECTION 3237. 50.035 (7) of the statutes is created to read:

50.035 **(7)** STATEMENT OF FINANCIAL CONDITION REQUIRED. (a) No community–based residential facility may initially admit as a resident an individual who applies for admission to the facility and who intends to pay for residence in the facility from private funds, unless the individual provides certain financial information to the community–based residential facility. From this information, the community–based residential facility shall prepare and provide to the individual a statement of financial condition to which all of the following apply:

1. The statement is pertinent to the individual.

2. The statement estimates a date, if any, by which the individual's assets and other private funding sources would be depleted if the individual resides continuously in the community–based residential facility.

3. The statement indicates that public funding may not be available when the individual's assets and other private funding sources, if any, are depleted and specifies options that may be available to the individual at that time.

(b) The individual shall waive his or her right to confidentiality for the information provided under par. (a), to the administrator of the community–based residential facility, to the preparer of the statement of financial condition and, if par. (c) applies, to the county department under s. 46.215 or 46.22.

(c) If the date estimated under par. (a) 2. is less than 24 months after the date of the individual's statement of financial condition, the community–based residential facility shall provide the statement to the county department under s. 46.215 or 46.22.

SECTION 3238m. 50.037 (2) (a) of the statutes is amended to read:

50.037 **(2)** (a) The ~~annual~~ biennial fee for a community–based residential facility is ~~$75~~ $170, plus an annual fee of ~~$10~~ $22 per resident, based on the number of residents that the facility is licensed to serve.

SECTION 3239. 50.037 (2) (c) of the statutes is amended to read:

50.037 **(2)** (c) A community–based residential facility that wishes to renew a license issued under s. 50.03 (4) (a) 1. b. and that fails to submit the ~~annual~~ biennial fee prior to the renewal date of the license, or a new community–based residential facility subject to this section that fails to submit the ~~annual~~ biennial fee by 30 days prior to the opening of the new community–based residential facility, shall pay an

additional fee of $10 per day for every day after the deadline that the facility does not pay the fee.

SECTION 3240. 50.037 (3) of the statutes is amended to read:

50.037 **(3)** EXEMPTION. Community–based residential facilities where the total monthly charges for each resident do not exceed the monthly state supplemental payment rate under s. ~~49.177 (3s)~~ 49.77 (3s) that is in effect at the time the fee under sub. (2) is assessed are exempt from this section.

SECTION 3240m. 50.04 (4) (e) 1. of the statutes is amended to read:

50.04 **(4)** (e) 1. If a nursing home desires to contest any department action under this subsection ~~or under federal law requiring the department, as the designated medical assistance agency, to notify the nursing home of deficiencies under federal regulations and report those deficiencies to the appropriate federal agency~~, it shall send a written request for a hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1) within 10 days of receipt of notice of the contested action. Department action that is subject to a hearing under this subsection includes ~~imposition~~ service of a notice of a ~~deficiency under federal regulations~~ violation of this subchapter or rules promulgated under this subchapter, a notation in the report under sub. (3) (b), imposition of a plan of correction and rejection of a nursing home's plan of correction, but does not include a correction order. Upon the request of the nursing home, the division shall grant a stay of the hearing under this paragraph until the department assesses a forfeiture, so that its hearing under this paragraph is consolidated with the forfeiture appeal hearing held under sub. (5) (e). All agency action under this subsection arising out of a violation, deficiency or rejection and imposition of a plan of correction shall be the subject of a single hearing. Unless a stay is granted under this paragraph, the division shall

commence the hearing within 30 days of the request for hearing, within 30 days of the department's acceptance of a nursing home's plan of correction or within 30 days of the department's imposition of a plan of correction, whichever is later. ~~If the department initiates decertification of a nursing home under federal regulations, a hearing on federal deficiencies that are the subject of that decertification may be held if informal reconsideration has been completed.~~ The division shall send notice to the nursing home in conformance with s. 227.44. Issues litigated at the hearing may not be relitigated at subsequent hearings under this paragraph arising out of the same violation or deficiency.

SECTION 3240p. 50.04 (5) (f) of the statutes is amended to read:

50.04 **(5)** (f) *Forfeitures paid within 10 days.* All forfeitures shall be paid to the department within 10 days of receipt of notice of assessment or, if the forfeiture is contested under par. (e), within 10 days of receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under s. 50.03 (11). The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

SECTION 3240y. 50.05 (3) of the statutes is amended to read:

50.05 **(3)** MONITOR. In any situation described in sub. (2), the department may place a person to act as monitor in the facility. The monitor shall observe operation of the facility, assist the facility by advising it on how to comply with state regulations, and shall submit a written report periodically to the department on the operation of the facility. The department may require payment by the operator or controlling person of the facility for the costs of placement of a person to act as

monitor in the facility, if, subsequently, a court appoints a receiver for the facility under sub. (4).

SECTION 3241d. 50.05 (10) of the statutes is amended to read:

50.05 **(10)** CONTINGENCY FUND. If funds collected under subs. (3), (7) and (8) are insufficient to meet the expenses of performing the powers and duties conferred on the receiver by this section, or if there are insufficient funds on hand to meet those expenses, the department may draw from the supplemental ~~funds~~ fund created under s. 20.435 (1) (dm) ~~and (6) (dm)~~ to pay ~~those~~ the expenses associated with the placement of a monitor, if any, in a nursing home and the receivership of a nursing home. Operating funds collected under this section and not applied to the expenses of the placement of a monitor, if any, and the receivership, except for the amount of a security, if any is required under sub. (14m), shall be used to reimburse the fund for advances made under this section.

SECTION 3241f. 50.05 (11) of the statutes is amended to read:

50.05 **(11)** (title) COMPENSATION OF MONITOR OR RECEIVER. The court shall set the compensation of a person placed as a monitor, if any, and of the receiver, which will be considered ~~a~~ necessary ~~expense~~ expenses of a receivership.

SECTION 3241h. 50.05 (14m) of the statutes is amended to read:

50.05 **(14m)** BOND UPON TERMINATION; REAPPOINTMENT. If the court terminates a receivership under sub. (14) and the department grants a license for the facility to the same applicant under which the facility was licensed immediately prior to appointment of a receiver under sub. (4) or (5), the court may require that person to post a bond for a period of not less than 120 days in an amount fixed by the court as security for maintaining compliance with this subchapter and the rules promulgated under this subchapter. If the court, after notice to the parties in the receivership

proceeding and after a hearing, finds that the standards for appointment under sub. (4) are met, the court may reappoint the receiver. If the court reappoints the receiver, the receiver may use the security, if any has been required under this subsection, in addition to funds under subs. (7), (8) and (10), for purposes of payment of the placement of a monitor, if any, and for the receivership.

SECTION 3241j. 50.05 (15) (a) of the statutes is amended to read:

50.05 **(15)** (a) Within 30 days after termination, the receiver shall give the court a complete accounting of all property of which the receiver has taken possession, of all funds collected under this section and of the expenses of the monitor, if any is placed in a nursing home, and the receivership.

SECTION 3241L. 50.05 (15) (b) of the statutes is amended to read:

50.05 **(15)** (b) If the operating funds collected by the receiver under subs. (7) and (8) exceed the reasonable expenses of the placement of a monitor in a nursing home, if any, and of the receivership, the court shall order payment of the surplus to the operator or controlling person, after reimbursement of funds drawn from the contingency fund under sub. (10). If the operating funds are insufficient to cover the reasonable expenses of the placement of a monitor in a nursing home, if any, and of the receivership, the operator or controlling person shall be liable for the deficiency. The operator or controlling person may apply to the court to determine the reasonableness of any expense of the placement of a monitor in a nursing home, if any, and of the receivership. The operator or controlling person shall not be responsible for expenses in excess of what the court finds to be reasonable. Payment recovered from the operator or controlling person shall be used to reimburse the contingency fund for amounts drawn by the receiver under sub. (10).

SECTION 3243. 50.135 (1) of the statutes is amended to read:

50.135 **(1)** DEFINITION. In this section, "inpatient health care facility" means any hospital, nursing home, county home, county mental hospital, tuberculosis sanatorium or other place licensed or approved by the department under ss. ~~49.14, 49.16, 49.171,~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 and 252.076, but does not include community–based residential facilities.

SECTION 3244. 50.135 (2) (c) of the statutes is amended to read:

50.135 **(2)** (c) The fees collected under par. (a) shall be credited to the appropriation under s. 20.435 (1) (gm) for ~~health planning and cost containment activities and to the appropriation under s. 20.488 (1) (g)~~ licensing, review and certifying activities.

SECTION 3245. 50.36 (1) of the statutes is amended to read:

50.36 **(1)** The department shall promulgate, adopt, amend and enforce such rules and standards for hospitals for the construction, maintenance and operation of the hospitals deemed necessary to provide safe and adequate care and treatment of the patients in the hospitals and to protect the health and safety of the patients and employes; and nothing contained herein shall pertain to a person licensed to practice medicine and surgery or dentistry. The building codes and construction standards of the department of ~~industry, labor and human relations~~ development shall apply to all hospitals and the department may adopt additional construction codes and standards for hospitals, provided they are not lower than the requirements of the department of ~~industry, labor and human relations~~ development. Except for the construction codes and standards of the department of ~~industry, labor and human relations~~ development and except as provided in s. 50.39 (3), the department shall be the sole agency to adopt and enforce rules and standards pertaining to hospitals.

SECTION 3246. 50.36 (2) of the statutes is renumbered 50.36 (2) (a) and amended to read:

50.36 **(2)** (a) The department ~~may~~ shall conduct plan reviews of all capital construction and remodeling projects of hospitals to ensure that the plans comply with building code requirements under ch. 101 and with physical plant requirements under this chapter or under rules promulgated under this chapter.

(b) The department shall promulgate rules that establish a fee schedule for its services in conducting the plan reviews under par. (a). The schedule established under these rules shall set fees for hospital plan reviews in amounts that are less than the sum of the amounts required on September 30, 1995, for fees under this subsection and for fees for examination of hospital plans under s. 101.19 (1) (a), 1993 stats.

SECTION 3247. 50.39 (3) of the statutes is amended to read:

50.39 **(3)** Facilities governed by ss. 45.365, 48.62, ~~49.14, 49.171,~~ 49.70, 49.72, 50.02, 51.09, 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s. 48.02 (15m), correctional institutions governed by the department of corrections under s. 301.02 and the offices and clinics of persons licensed to treat the sick under chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge the rights of the medical examining board, physical therapists affiliated credentialing board, dentistry examining board, pharmacy examining board, chiropractic examining board and board of nursing in carrying out their statutory duties and responsibilities.

SECTION 3248m. 50.98 (5) of the statutes is amended to read:

50.98 **(5)** All forfeitures shall be paid to the department within 10 days after receipt of notice of assessment or, if the forfeiture is contested under sub. (4), within

10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under the same terms and conditions as found in s. 50.03 (11). The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

SECTION 3249. 51.01 (14) of the statutes is amended to read:

51.01 **(14)** "Residence", "legal residency" or "county of residence" has the meaning given under s. ~~49.01 (8g)~~ 49.001 (6).

SECTION 3250. 51.02 (1) (b) of the statutes is amended to read:

51.02 **(1)** (b) Provide recommendations to the department on the expenditure of federal funds received under the community mental health block grant under 42 USC 300x to 300x–9 and participate in the development of and monitor and evaluate the implementation of, the community mental health block grant plan.

SECTION 3251. 51.04 of the statutes is amended to read:

51.04 (title) ~~**Outpatient treatment**~~ **Treatment facility** ~~**determination**~~ **certification.** Any treatment facility may apply to the department for ~~determination of whether such facility is an outpatient treatment facility established and maintained according to rules promulgated by the department under s. 51.42 (7) (b)~~ certification of the facility for the receipt of funds for services provided as a benefit to a medical assistance recipient under s. 49.46 (2) (b) 6. f. or to a community aids funding recipient under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The department shall annually charge a fee for each ~~such determination~~ certification.

SECTION 3258m. 51.35 (3) (a) of the statutes is amended to read:

51.35 **(3)** (a) A licensed psychologist of a juvenile correctional facility under s. ~~48.52~~ 48.557 or a licensed physician of the department of corrections, who has reason to believe that any individual confined in the facility is, in his or her opinion, in need of services for developmental disability, alcoholism or drug dependency or in need of psychiatric services, and who has obtained voluntary consent to make a transfer for treatment, shall make a report, in writing, to the superintendent of the facility, stating the nature and basis of the belief and verifying the consent. In the case of a minor age 14 and over, the minor and the minor's parent or guardian shall consent unless the minor is admitted under s. 51.13 (1) (c); and in the case of a minor under the age of 14, only the minor's parent or guardian need consent. The superintendent shall inform, orally and in writing, the minor and the minor's parent or guardian, that transfer is being considered and shall inform them of the basis for the request and their rights as provided in s. 51.13 (3). If the department of corrections, upon review of a request for transfer, determines that transfer is appropriate, ~~the~~ that department shall immediately notify the department of health and social services and, if the department of health and social services consents, the department of corrections may immediately transfer the individual. The department of corrections shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction under ch. 48 of the county where the treatment facility is located.

SECTION 3259m. 51.35 (3) (e) of the statutes is amended to read:

51.35 **(3)** (e) The department of corrections may authorize emergency transfer of an individual from a juvenile correctional facility to a state treatment facility if there is cause to believe that the individual is mentally ill, drug dependent or developmentally disabled and exhibits conduct which constitutes a danger as defined in s. 51.20 (1) (a) 2. to the individual or to others, or is an alcoholic and is

dangerous as provided in s. 51.45 (13) (a) 1. and 2. The correctional custodian of the sending institution shall execute a statement of emergency detention or petition for emergency commitment for the individual and deliver it to the receiving state treatment facility. The department of health and social services shall file the statement or petition with the court within 24 hours after the subject individual is received for detention or commitment. The statement or petition shall conform to s. 51.15 (4) or (5) or 51.45 (12) (b). After an emergency transfer is made, the director of the receiving facility may file a petition for continued commitment under s. 51.20 (1) or 51.45 (13) or may return the individual to the institution from which the transfer was made. As an alternative to this procedure, the procedure provided in s. 51.15 or 51.45 (12) may be used, except that no prisoner may be released without the approval of the court which directed confinement in the correctional facility.

SECTION 3260. 51.42 (3) (aw) 1. d. of the statutes is amended to read:

51.42 **(3)** (aw) 1. d. Provide treatment and services that are specified in a conditional release plan approved by a court for a person who is a county resident and is conditionally released under s. 971.17 (3) or (4). If the county department provides treatment and services under this subdivision, the department of health and social services shall, from the appropriation under s. 20.435 ~~(7)~~ (2) (bj), pay the county department for the costs of the treatment and services.

SECTION 3262. 51.42 (3) (e) of the statutes is amended to read:

51.42 **(3)** (e) *Exchange of information.* Notwithstanding ss. 49.45 (4), ~~49.53 (1m)~~ 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82 and 252.11 (7), any subunit of a county department of community programs acting under this section may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of community

programs or with any person providing services to the client under a purchase of services contract with the county department of community programs, if necessary to enable an employe or service provider to perform his or her duties, or to enable the county department of community programs to coordinate the delivery of services to the client.

SECTION 3263. 51.421 (1) of the statutes is amended to read:

51.421 **(1)** PURPOSE. In order to provide the least restrictive and most appropriate care and treatment for persons with chronic mental illness, community support programs should be available in all parts of the state. In order to integrate community support programs with other long–term care programs, community support programs shall be coordinated, to the greatest extent possible, with the community options program under s. 46.27, with the protective services system in a county, with the medical assistance program under ~~ss. 49.43 to 49.47~~ subch. IV of ch. 49 and with other care and treatment programs for persons with chronic mental illness.

SECTION 3264m. 51.423 (2) of the statutes is amended to read:

51.423 **(2)** From the appropriations under s. 20.435 (7) (b) and (o), the department shall distribute the funding for services provided or purchased by county departments under s. 46.23, 51.42 or 51.437 to such county departments as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2~~), (3), (5), (9) and (12)~~. Each county's required match for a year equals 9.89% of the total of the county's distributions for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency–related services from its distribution for 1987. Matching funds may be from county tax levies, federal and state revenue sharing

funds or private donations to the counties that meet the requirements specified in sub. (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 3265. 51.423 (5) (a) (intro.) of the statutes is amended to read:

51.423 **(5)** (a) (intro.) A private donation to a county may be used to match the state grant–in–aid under s. ~~49.52 (1) (d)~~ 46.495 (1) (d) or under sub. (2) only if the donation is both of the following:

SECTION 3266m. 51.437 (4rm) (a) of the statutes is amended to read:

51.437 **(4rm)** (a) A county department of developmental disabilities services shall authorize all care of any patient in a state, local or private facility under a contractual agreement between the county department of developmental disabilities services and the facility, unless the county department of developmental disabilities services governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the county department of developmental disabilities services or its contract agency prior to the admission of a patient to the facility except in the case of emergency services. In cases of emergency, a facility under contract with any county department of developmental disabilities services shall charge the county department of developmental disabilities services having jurisdiction in the county where the individual receiving care is found. The county department of developmental disabilities services shall reimburse the facility for the actual cost of all authorized care and services less

applicable collections under s. 46.036, unless the department of health and social services determines that a charge is administratively infeasible, or unless the department of health and social services, after individual review, determines that the charge is not attributable to the cost of basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs which are attributable to care and treatment of the client. County departments of developmental disabilities services may not reimburse any state institution or receive credit for collections for care received therein by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats. or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., or children placed in the guardianship ~~or legal custody~~ of the department of health and social services under s. ~~48.355,~~ 48.427 or 48.43 or under the supervision of the department of corrections under s. 48.355.

SECTION 3267. 51.44 (3) (a) of the statutes is amended to read:

51.44 **(3)** (a) From the appropriations under s. 20.435 ~~(7)~~ (3) (bt) and (nL) the department shall allocate and distribute funds to counties to provide or contract for the provision of early intervention services to individuals eligible to receive the early intervention services.

SECTION 3268. 51.45 (5) (title) of the statutes is amended to read:

51.45 **(5)** (title) COMMUNITY ALCOHOL AND OTHER DRUG ABUSE PREVENTION ~~PILOT~~ PROGRAM.

SECTION 3269. 51.45 (5) (b) (intro.) of the statutes is amended to read:

51.45 **(5)** (b) (intro.) The department shall select, upon application by counties, county departments under s. 46.215, 46.22, 46.23, 51.42 or 51.437 in up to 8 counties representing various geographical regions and populations and shall, from the

appropriation under s. 20.435 (7) (f), award a total of not more than ~~$500,000~~ $250,000 in grants in each fiscal year to the selected county departments to participate in a ~~pilot~~ program to implement and coordinate alcohol and other drug abuse programs and services relating to primary prevention. The county department in each county receiving funding under this paragraph shall appoint or contract with an alcohol and other drug abuse prevention specialist whose duties shall include all of the following:

SECTION 3270m. 51.62 (3m) of the statutes is created to read:

51.62 **(3m)** FUNDING. From the appropriation under s. 20.435 (7) (md), the department shall distribute $75,000 in each fiscal year to the protection and advocacy agency for performance of community mental health protection and advocacy services.

SECTION 3271. 55.06 (8) (intro.) of the statutes is amended to read:

55.06 **(8)** (intro.) Before ordering the protective placement of any individual, the court shall direct a comprehensive evaluation of the person in need of placement, if such an evaluation has not already been made. The court may utilize available multidisciplinary resources in the community in determining the need for placement. The board designated under s. 55.02 or an agency designated by it shall cooperate with the court in securing available resources. Where applicable by reason of the particular disability, the appropriate board designated under s. 55.02 or an agency designated by it having responsibility for the place of legal residence of the individual as provided in s. ~~49.01 (8g)~~ 49.001 (6) shall make a recommendation for placement. If the court is considering placement of the individual in a center for the developmentally disabled, the court shall request a statement from the department regarding whether the placement is appropriate for the person's needs and whether

it is consistent with the purpose of the center under s. 51.06 (1) unless testimony was provided by the department under sub. (5). A copy of the comprehensive evaluation shall be provided to the guardian, the guardian ad litem, and to the individual or attorney at least 96 hours in advance of the hearing to determine placement. The court or the cooperating agency obtaining the evaluation shall request appropriate information which shall include at least the following:

SECTION 3274s. 59.07 (97) of the statutes is amended to read:

59.07 **(97)** CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT LIABILITY PROGRAM. The county board shall contract with the department of ~~health and social services~~ industry, labor and human relations to implement and administer the child and spousal support and establishment of paternity and the medical support liability programs provided for by Title IV of the federal social security act. The board may designate by board resolution any office, officer, board, department or agency as the county designee. The board or its designee shall implement and administer the programs in accordance with the contract with the state department of ~~health and social services~~ industry, labor and human relations. The attorneys responsible for support enforcement under s. 59.458 (1), family court commissioner, clerk of court and all other county officials shall cooperate with the county and the department of industry, labor and human relations as necessary to provide the services required under the programs. The county shall charge the fee established by the department of industry, labor and human relations under s. ~~46.25~~ 49.143 for services provided under this subsection to persons not receiving assistance under s. 49.19 or 49.47.

SECTION 3275. 59.07 (98) of the statutes is amended to read:

59.07 **(98)** EMERGENCY ENERGY RELIEF. Regardless of ~~the type of general relief system used within~~ whether a county operates a relief program under sub. (154), appropriate money for making payments to individuals or providing grants to community action agencies, cities, villages and towns to assist persons and families in the purchase of emergency energy supplies.

SECTION 3276. 59.07 (109) of the statutes is amended to read:

59.07 **(109)** PUBLIC ASSISTANCE; FALSE REPRESENTATION. Enact and enforce an ordinance to prohibit conduct that is the same as or similar to conduct that is prohibited by s. ~~49.12~~ 49.95 (1) and provide a forfeiture for a violation of the ordinance.

SECTION 3277. 59.07 (153) (a) of the statutes is amended to read:

59.07 **(153)** (a) In counties having a population of 500,000 or more, determine policy for the operation, maintenance and improvement of the county hospital under s. ~~49.16 (2)~~ 49.71 (2) and, notwithstanding the powers and duties specified under s. 46.21 (2) (k), (3r) and (6) with respect to the county hospital and the administrator and specified under s. 46.21 (2) (b), (L), (m), (n), (nm), (o), (p) and (q) and (3g), provide for the management of the county hospital as the board considers appropriate, except that the employe positions at the hospital will be county employe positions. If the board acts under this subsection, the board may not discontinue operation, maintenance and improvement of the county hospital under s. ~~49.16~~ 49.71 (2) and shall exercise the duties under s. 46.21 (4m).

SECTION 3278. 59.07 (153) (b) of the statutes is amended to read:

59.07 **(153)** (b) This subsection does not apply if the board acts under s. 46.21 with respect to the county hospital under s. ~~49.16 (2)~~ 49.71 (2).

SECTION 3279. 59.07 (154) of the statutes is created to read:

59.07 **(154)** OPERATION OF RELIEF PROGRAMS. Operate a program of relief to dependent persons residing in a county. The program may provide dependent persons with such services, commodities or money as the county determines to be reasonable and necessary under the circumstances. The program may include work components. The county may enact any ordinances necessary or useful to the operation of a relief program under this subsection. Counties may use vehicle registration information from the department of transportation in determining eligibility for relief programs under this subsection.

SECTION 3279g. 59.07 (155) of the statutes is created to read:

59.07 **(155)** COLLECTION OF COURT IMPOSED PENALTIES. Adopt a resolution authorizing the clerk of circuit court, under s. 59.396, to contract with a collection agency for the collection of unpaid fines and forfeitures.

SECTION 3280. 59.145 (title) of the statutes is amended to read:

59.145 (title) **Optical disk and electronic storage.**

SECTION 3281. 59.145 (1) of the statutes is amended to read:

59.145 **(1)** Upon request of any office, department, commission, board or agency of the county, the board may authorize any county record that is in the custody of the office, department, commission, board or agency to be transferred to, or maintained in, optical disk or electronic storage in accordance with rules of the department of administration under s. 16.612. The board may thereafter authorize destruction of the original record, if appropriate, in accordance with ss. 16.61 (3) (e), 19.21 (5) and 59.715 to 59.717 unless preservation is required by law.

SECTION 3282. 59.145 (2) (intro.) of the statutes is amended to read:

59.145 **(2)** (intro.) Any copy of a county record generated from optical imaging or electronic formatting of an original record is deemed an original record if all of the following conditions are met:

SECTION 3283. 59.145 (2) (a) of the statutes is amended to read:

59.145 **(2)** (a) The devices used to transform the record to optical disk or electronic format and to generate a copy of the record from optical disk or electronic format are ones which accurately reproduce the content of the original.

SECTION 3284. 59.145 (2) (b) of the statutes is amended to read:

59.145 **(2)** (b) The optical disk or electronic copy and the copy generated from optical disk or electronic format comply with the minimum standards of quality for such copies, as established by the rule of the department of administration under s. 16.612.

SECTION 3285. 59.145 (2) (d) of the statutes is amended to read:

59.145 **(2)** (d) The legal custodian of the record executes a statement of intent and purpose describing the record to be transferred to optical disk or electronic format and the disposition of the original record, and executes a certificate verifying that the record was received or created and transferred to optical disk or electronic format in the normal course of business and that the statement of intent and purpose is properly recorded in his or her office.

SECTION 3286. 59.145 (4) of the statutes is amended to read:

59.145 **(4)** A copy of a record generated from an original record stored on an optical disk or in electronic format which conforms with the standards prescribed under sub. (2) shall be taken as and stand in lieu of and have all of the effect of the original record and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original

document is admissible. A transcript, exemplification or certified copy of such a record so generated, for the purposes specified in this subsection, is deemed to be a transcript, exemplification or certified copy of the original. An enlarged copy of any record so generated, made in accordance with the standards prescribed under sub. (2) and certified by the custodian as provided in s. 889.18 (2), has the same effect as an actual–size copy.

SECTION 3287. 59.15 (2) (c) of the statutes is amended to read:

59.15 **(2)** (c) The board may provide, fix or change the salary or compensation of any such office, board, commission, committee, position, employe or deputies to elective officers without regard to the tenure of the incumbent (except as provided in par. (d)) and also establish the number of employes in any department or office including deputies to elective officers, and may establish regulations of employment for any person paid from the county treasury, but no action of the board shall be contrary to or in derogation of the rules and regulations of the department of health and social services pursuant to s. ~~49.50 (2) to (5)~~ 49.33 (4) to (7) relating to employes administering old–age assistance, aid to dependent children, aid to the blind and aid to totally and permanently disabled persons or ss. 63.01 to 63.17.

SECTION 3287b. 59.175 of the statutes is amended to read:

59.175 Clerks of counties containing state institutions to make claims in certain cases. The county clerk of any county which is entitled to reimbursement under s. 16.51 (7) shall make a certified claim against the state, without direction from the county board, in all cases where the reimbursement is directed in that subsection, upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually ~~with the department of corrections~~ on or before June 1. If the claim is for reimbursement of

expenses involving a prisoner in a state prison, as defined in s. 302.01, the form shall be filed with the department of corrections. If the claim is for reimbursement of expenses involving a child in a secured correctional facility, as defined in s. 48.02 (15m), the form shall be filed with the department of health and social services. If the claims are approved by the department of corrections or the department of health and social services, they shall be certified to the department of administration and paid from the appropriation ~~made by~~ under s. 20.410 (1) (c) or 20.435 (3) (c).

SECTION 3287bm. 59.175 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

59.175 Clerks of counties containing state institutions to make claims in certain cases. The county clerk of any county which is entitled to reimbursement under s. 16.51 (7) shall make a certified claim against the state, without direction from the county board, in all cases where the reimbursement is directed in that subsection, upon forms prescribed by the department of administration. The forms shall contain information required by the clerk and shall be filed annually with the department of corrections on or before June 1. If the claims are approved by the department of corrections, they shall be certified to the department of administration and paid from the appropriation made by s. 20.410 (1) (c), if the claim is for reimbursement of expenses involving a prisoner in a state prison named in s. 302.01, or from the appropriation under s. 20.410 (3) (c), if the claim is for reimbursement of expenses involving a child in a secured correctional facility, as defined in s. 48.02 (15m).

SECTION 3287c. 59.20 (5) (a) of the statutes is amended to read:

59.20 **(5)** (a) Except as provided in par. (b), transmit to the ~~state treasurer~~ secretary of administration at the time required by law to pay the state taxes a

particular statement, certified by the treasurer's personal signature affixed or attached thereto, of all moneys received by him or her during the preceding year and which are payable to the ~~state treasurer~~ secretary of administration for licenses, fines, penalties, or on any other account, and at the same time pay to the ~~state treasurer~~ secretary of administration the amount thereof after deducting the legal fees.

SECTION 3287g. 59.20 (5) (b) of the statutes is amended to read:

59.20 **(5)** (b) For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 165.87 for the penalty assessment surcharge, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 161.41 (5) for the drug abuse program improvement surcharge, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 144.992 for the environmental assessment, the amounts required by s. 29.9965 for the wild animal protection assessment, the amounts required by s. 29.997 for the natural resources assessment surcharge, the amounts required by s. 29.9967 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile registration restitution payment and the amounts required by s. 29.998 for natural resources restitution payments, transmit to the ~~state treasurer~~ secretary of administration a statement of all moneys required by law to be paid on the actions so entered during the preceding month on or before the first

day of the next succeeding month, certified by the treasurer's personal signature affixed or attached thereto, and at the same time pay to the ~~state treasurer~~ secretary of administration the amount thereof.

SECTION 3287L. 59.20 (8m) of the statutes is amended to read:

59.20 **(8m)** Forward 40% of the state forfeitures, fines and penalties under ch. 348 to the ~~state treasurer~~ secretary of administration for deposit in the transportation fund under s. 25.40 (1) (ig).

SECTION 3287p. 59.20 (8n) of the statutes is amended to read:

59.20 **(8n)** Forward all moneys received under s. 66.12 (3) (c) to the ~~state treasurer~~ secretary of administration for deposit in the transportation fund under s. 25.40 (1) (ig).

SECTION 3287t. 59.20 (8r) of the statutes is amended to read:

59.20 **(8r)** Forward 50% of the fees received under s. 343.10 (6) to the ~~state treasurer~~ secretary of administration for deposit in the transportation fund under s. 25.40 (1) (im).

SECTION 3287x. 59.20 (11) of the statutes is amended to read:

59.20 **(11)** Pay to the ~~state treasurer~~ secretary of administration on his or her order the state percentage of fees received from the clerk of the circuit court under s. 59.395 (5) and if any such moneys remain in his or her hands when he or she is required to pay the state percentage of fees, pay such moneys therewith to the ~~state treasurer~~ secretary of administration.

SECTION 3288. 59.23 (8) of the statutes is amended to read:

59.23 **(8)** The sheriff is authorized to destroy all sheriff's dockets, daily jail records and cash books dated prior to 1901. It shall be the duty of the sheriff to hereafter retain and safely keep all such records for a period of 8 years, or a shorter

period authorized by the public records ~~and forms~~ board under s. 16.61 (3) (b), after which the records may be destroyed.

SECTION 3289. 59.23 (10) of the statutes is amended to read:

59.23 **(10)** To enforce in the county all general orders of the department of ~~industry, labor and human relations~~ development relating to the sale, transportation and storage of explosives.

SECTION 3290. 59.39 (1) of the statutes is amended to read:

59.39 **(1)** File and keep all papers properly deposited with him or her in every action or proceeding unless required to transmit such papers. Such papers may be microfilmed or microphotographed, or transferred to optical disks or electronic format if authorized under s. 59.145, and the originals may thereafter be destroyed upon compliance with SCR chapter 72.

SECTION 3291. 59.39 (2) of the statutes is amended to read:

59.39 **(2)** Keep a court record and write therein names of parties in every civil action or proceeding in the court, the names of attorneys representing the parties, a brief statement of the nature of the action or proceeding, the date of filing every paper therein and of each proceeding taken, the file wherein the papers can be found, the time when put on the calendar for trial, and when and how disposed of; the location where minutes in every case can be found and the place in the judgment record or microfilm or optical disk or electronic file where any judgment, order or report has been recorded, so as to make the court record a history in brief of each action or proceeding from beginning to final disposition; and a complete index of all proceedings therein.

SECTION 3291c. 59.395 (7) of the statutes is amended to read:

59.395 **(7)** Cooperate with the department of ~~health and social services~~ industry, labor and human relations with respect to the child and spousal support and establishment of paternity and medical liability support program under ss. ~~46.25~~ 49.143 and 59.07 (97), and provide that department with any information from court records which it requires to administer that program.

SECTION 3291g. 59.396 of the statutes is created to read:

59.396 Clerk of circuit court; collection agency contract. If authorized by the county board under s. 59.07 (155), the clerk of circuit court may contract with a collection agency for the collection of unpaid fines and forfeitures. Any contract entered into shall provide that the collection agency shall be paid from the proceeds recovered by the collection agency. The net proceeds received by the clerk of circuit court after the payment to the collection agency shall be considered the amount of fines and forfeitures collected for purposes of distribution to the state and county under s. 59.395 (5).

SECTION 3291m. 59.458 (2) of the statutes is amended to read:

59.458 **(2)** Attorneys responsible for support enforcement under sub. (1) shall institute, commence, appear in or perform other prescribed duties in actions or proceedings under ss. ~~46.25~~ 49.143 (7), 59.07 (97), 767.075, 767.08 and 767.45 and ch. 769.

SECTION 3292. 59.51 (1) of the statutes is amended to read:

59.51 **(1)** Record or cause to be recorded in suitable books to be kept in his or her office, correctly and legibly all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in his or her office and left with him or her for that purpose, provided such documents have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary. Any county, by board

resolution duly adopted, may combine the separate books or volumes for deeds, mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices, certificates of organization of corporations, plats or other recorded or filed instruments or classes of documents as long as separate indexes are maintained. Notwithstanding any other provisions of the statutes, any county adopting a system of microfilming or like process or a system of recording documents by optical imaging or electronic formatting pursuant to ch. 228 may substitute the headings, reel, ~~or~~ disk or electronic file name and microfilm image (frame) for volume and page where recorded and different classes of instruments may be recorded, reproduced or copied on or transferred to the same reel, ~~or~~ disk or electronic file or part of a reel or disk. All recordings made prior to June 28, 1961, which would have been valid under this paragraph, had this paragraph then been in effect, are hereby validated.

SECTION 3294. 59.512 (title) of the statutes is amended to read:

59.512 (title) **Register of deeds; microfilming and optical ~~imaging~~ disk and electronic storage.**

SECTION 3295. 59.512 (1) of the statutes is amended to read:

59.512 **(1)** Except as provided in sub. (2), upon the request of the register of deeds, any county, by board resolution, may authorize the register of deeds to photograph, microfilm or record on optical disks or in electronic format records of deeds, mortgages or other instruments relating to real property or may authorize the register of deeds to record on optical disks or in electronic format instruments relating to security interests in accordance with the requirements of s. 16.61 (7) or 59.145 and to store the original records within the county at a place designated by the board. The storage place for the original records shall be reasonably safe and shall provide for the preservation of the records authorized to be stored under this

subsection. The register of deeds shall keep a photograph, microfilm or optical disk or electronic copy of such records in conveniently accessible files in his or her office and shall provide for examination of such reproduction or examination of a copy generated from an optical disk or electronic file in enlarged, easily readable form upon request. Compliance with this subsection satisfies the requirement of s. 59.51 (1) that the register of deeds shall keep such records in his or her office. The register of deeds may make certified copies reproduced from an authorized photograph, from a copy generated from ~~an~~ optical disk or electronic storage or from the original records.

SECTION 3296. 59.512 (2) of the statutes is amended to read:

59.512 **(2)** The register of deeds may microfilm or record on optical disks or in electronic format notices of lis pendens that are at least one year old, in accordance with the requirements of s. 16.61 (7) or 59.145 (2) to (4). The register of deeds shall keep a microfilm or optical disk or electronic copy of notices of lis pendens in conveniently accessible files in his or her office and shall provide for examination of such reproduction or examination of a copy generated from ~~an~~ optical disk or electronic storage in enlarged, easily readable form upon request. Compliance with this subsection satisfies the requirement of s. 59.51 (1) that the register of deeds shall keep such records in his or her office. The register of deeds may make certified copies reproduced from a copy generated from microfilm or from ~~an~~ optical disk or electronic storage. The register of deeds may destroy or move to off–site storage any notice of lis pendens that has been microfilmed or recorded on optical disk or in electronic format under this subsection.

SECTION 3297. 59.57 (6) of the statutes is amended to read:

59.57 **(6)** For performing functions under s. 409.407 (1) and (2) (a) and (b), the register shall charge the fees stated in ~~that section~~ s. 409.407 (2) (a) or (b). A financing statement and an assignment or notice of assignment of the security interest, offered for filing at the same time, shall be considered as only one document for the purpose of this subsection. Whenever there is offered for filing any document that is not on a standard form prescribed by the secretary of state or that varies more than one–eighth of an inch from the approved size as prescribed by s. 59.51, the appropriate fee specified in ss. 409.403 to 409.406 or an additional filing fee of one–half the regular fee, whichever is applicable, shall be charged by the register.

SECTION 3300m. 60.23 (5) of the statutes is amended to read:

60.23 **(5)** COOPERATION IN COUNTY PLANNING. Cooperate with the county in rural planning under ss. ~~27.015~~ 27.019, 59.07 (65) and 59.97.

SECTION 3301. 60.33 (9) (a) of the statutes is amended to read:

60.33 **(9)** (a) Perform the clerk's duties under chs. 115 to 121, relating to ~~public instruction~~ education.

SECTION 3302. 60.71 (4) (b) of the statutes is amended to read:

60.71 **(4)** (b) The town board shall publish a class 2 notice, under ch. 985, of the hearing. The notice shall contain an announcement of the hearing and a description of the boundaries of the proposed town sanitary district. The town board shall mail the notice to the department of ~~industry, labor and human relations~~ development and the department of natural resources at least 10 days prior to the hearing.

SECTION 3303. 60.71 (4) (c) of the statutes is amended to read:

60.71 **(4)** (c) Any person may file written comments on the formation of the district with the town clerk. Any owner of property within the boundary of the proposed district may appear at the hearing and offer objections, criticisms or

suggestions as to the necessity of the proposed district and the question of whether his or her property will be benefited by the establishment of the district. A representative of the department of ~~industry, labor and human relations~~ development and of the department of natural resources may attend the hearing and advise the town board.

SECTION 3304. 61.34 (4) of the statutes is amended to read:

61.34 **(4)** VILLAGE FINANCES. The village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the village finances. The village board may loan money to any school district located within the village or within which the village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from such village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one–half of the estimated receipts for such district as certified by the ~~state superintendent~~ department of ~~public instruction~~ education and the local school clerk. The rate of interest on any such loan shall be determined by the village board.

SECTION 3305. 62.12 (9) of the statutes is amended to read:

62.12 **(9)** LOANS. The council may loan money to any school district located within the city, or within which the city is wholly or partially located, in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from such city accordingly and give its note therefor. No such loan shall be made to extend beyond

August 30 next following the making thereof or in an amount exceeding one–half of the estimated receipts for such district as certified by the ~~state superintendent~~ department of ~~public instruction~~ education and the local school clerk. The rate of interest on any such loan shall be determined by the city council.

SECTION 3305m. 65.07 (1) (e) of the statutes is amended to read:

65.07 **(1)** (e) A school operations fund, as constituted and for the purposes specified in s. 119.46 ~~(1)~~.

SECTION 3306. 66.013 (2) (a) of the statutes is amended to read:

66.013 **(2)** (a) "Department" means the department of ~~administration~~ development.

SECTION 3307. 66.02 of the statutes is amended to read:

66.02 Consolidation. Subject to s. 66.023 (7), any town, village or city may be consolidated with a contiguous town, village or city, by ordinance, passed by a two–thirds vote of all the members of each board or council, fixing the terms of the consolidation and ratified by the electors at a referendum held in each municipality. The ballots shall bear the words, "for consolidation", and "against consolidation", and if a majority of the votes cast thereon in each municipality are for consolidation, the ordinances shall then be in effect and have the force of a contract. The ordinance and the result of the referendum shall be certified as provided in s. 66.018 (5); if a town the certification shall be preserved as provided in ss. 60.03 and 66.018 (5), respectively. Consolidation shall not affect the preexisting rights or liabilities of any municipality and actions thereon may be commenced or completed as though no consolidation had been effected. Any consolidation ordinance proposing the consolidation of a town and another municipality shall, within 10 days after its adoption and prior to its submission to the voters for ratification at a referendum, be

submitted to the circuit court and the department of ~~administration~~ development for a determination whether such proposed consolidation is in the public interest. The circuit court shall determine whether the proposed ordinance meets the formal requirements of this section and shall then refer the matter to the department of ~~administration~~ development, which shall find as prescribed in s. 66.014 whether the proposed consolidation is in the public interest in accordance with the standards in s. 66.016. The department's findings shall have the same status as incorporation findings under ss. 66.014 to 66.019.

SECTION 3308. 66.021 (7) (a) of the statutes is amended to read:

66.021 **(7)** (a) An ordinance for the annexation of the territory described in the annexation petition may be enacted by a two–thirds vote of the elected members of the governing body not less than 20 days after the publication of the notice of intention to circulate the petition and not later than 120 days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to sub. (11) the governing body shall first review the reasons given by the department of ~~administration~~ development that the proposed annexation is against the public interest. Subject to s. 59.971 (7), such an ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing such temporary classification, the proposed classification shall be referred to and recommended by the plan commission. The authority to make such temporary classification shall not be effective when the county ordinance prevails during litigation as provided in s. 59.97 (7).

SECTION 3309. 66.021 (11) (a) of the statutes is amended to read:

66.021 **(11)** (a) *Annexations within populous counties.* No annexation proceeding within a county having a population of 50,000 or more shall be valid unless the person causing a notice of annexation to be published under sub. (3) shall within 5 days of the publication mail a copy of the notice, legal description and a scale map of the proposed annexation to the clerk of each municipality affected and the department of ~~administration~~ development. The department may within 20 days after receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that in its opinion the annexation is against the public interest. No later than 10 days after mailing the notice, the department shall advise the clerk of the town in which the territory is located and the clerk of the village or city to which the annexation is proposed of the reasons the annexation is against the public interest as defined in par. (c). The annexing municipality shall review the advice before final action is taken.

SECTION 3310. 66.021 (11) (c) (intro.) of the statutes is amended to read:

66.021 **(11)** (c) *Definition of public interest.* (intro.) For purposes of this subsection public interest is determined by the department of ~~administration~~ development after consideration of the following:

SECTION 3311. 66.021 (12) of the statutes is amended to read:

66.021 **(12)** UNANIMOUS APPROVAL. If a petition for direct annexation signed by all of the electors residing in the territory and the owners of all of the real property in the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two–thirds vote of the elected members of the governing body of the city or village without compliance with the

notice requirements of sub. (3). In such annexations, subject to sub. (11), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department of ~~administration~~ development and the governing body shall review the advice of the department, if any, before enacting the annexation ordinance.

SECTION 3312. 66.021 (15) of the statutes is amended to read:

66.021 **(15)** ANNEXATION OF TOWN ISLANDS. Upon its own motion, a city or village by a two–thirds vote of the entire membership of its governing body may enact an ordinance annexing territory which comprises a portion of a town or towns and which was completely surrounded by territory of the city or village on December 2, 1973. The ordinance shall include all surrounded town areas except those exempt by mutual agreement of all of the governing bodies involved. The annexation ordinance shall contain a legal description of the territory and the name of the town or towns from which the territory is detached. Upon enactment of the ordinance, the city or village clerk immediately shall file 6 certified copies of the ordinance in the office of the secretary of state, together with 6 copies of a scale map. The secretary of state shall forward 2 copies of the ordinance and scale map to the department of transportation, one copy to the department of natural resources, one copy to the department of revenue and one copy to the department of ~~administration~~ development. This subsection does not apply if the town island was created only by the annexation of a railroad right–of–way or drainage ditch. This subsection does not apply to land owned by a town government which has existing town government buildings located thereon. No town island may be annexed under this subsection if the island consists of over 65 acres or contains over 100 residents. After December

2, 1973, no city or village may, by annexation, create a town area which is completely surrounded by the city or village.

SECTION 3313. 66.03 (3) (c) of the statutes is amended to read:

66.03 **(3)** (c) When as a result of any annexation whereby a school district is left without a school building, any moneys are received by such school district as a result of the division of assets and liabilities required by s. 66.03, which are derived from values that were capital assets, such moneys and interest thereon shall be held in trust by such school district and dispensed only for procuring new capital assets or remitted to an operating district as the remainder of the suspended district becomes a part of such operating district, and shall in no case be used to meet current operating expenditures. This shall include any funds in the hands of any district officers on July 1, 1953, resulting from such action previously taken under s. 66.03. The boards involved shall, as part of their duties in division of assets and liabilities in school districts, make a written report of the allocation of assets and liabilities to the ~~state superintendent~~ department of ~~public instruction~~ education and any local superintendent of schools whose territory is involved in the division of assets.

SECTION 3314. 66.03 (5) of the statutes is amended to read:

66.03 **(5)** APPORTIONMENT BOARD. The boards or councils of the municipalities, or committees, thereof selected for that purpose, acting together, shall constitute an apportionment board. When any municipality is dissolved by reason of all of its territory being so transferred the board or council thereof existing at the time of such dissolution shall, for the purpose of this section, continue to exist as the governing body of such municipality until there has been an apportionment of assets by agreement of the interested municipalities or by an order of the circuit court. After an agreement for apportionment of assets has been entered into between the

interested municipalities, or an order of the circuit court becomes final, a copy of such apportionment agreement, or of such order, certified to by the clerks of the interested municipalities, shall be filed with the department of revenue, the department of natural resources, the department of transportation, the ~~state superintendent~~ department of ~~public instruction~~ education, the department of administration, and with any other department or agency of the state from which the town may be entitled by law to receive funds or certifications or orders relating to the distribution or disbursement of funds, with the county treasurer, with the treasurer of any municipality, or with any other entity from which payment would have become due if such dissolved municipality from which such territory was transferred had continued in existence. Thereafter payments from the shared revenue account made pursuant to ch. 79, payments of forest crop taxes under s. 77.05, of transportation aids under s. 20.395, of state aids for school purposes under ch. 121, payments for managed forest land under subch. VI of ch. 77 and all payments due from a department or agency of the state, from a county, from a municipality, or from any other entity from which payments would have become due if such dissolved municipality from which such territory was transferred had continued in existence, shall be paid to the interested municipality as provided by such agreement for apportionment of assets or by any order of apportionment by the circuit court and such payments shall have the same force and effect as if made to the dissolved municipality from which such territory was transferred.

SECTION 3315. 66.04 (2) (a) 3s. of the statutes is created to read:

66.04 **(2)** (a) 3s. Bonds issued by the University of Wisconsin Hospitals and Clinics Authority.

SECTION 3316m. 66.069 (1) (c) of the statutes is amended to read:

66.069 **(1)** (c) The income of a public utility owned by a municipality, shall first be used to make payments to meet operation, maintenance, depreciation, interest, and debt service fund requirements, local and school tax equivalents, additions and improvements, and other necessary disbursements or indebtedness. Beginning with taxes levied in 1995, payable in 1996, payments for local and school tax equivalents shall at least be equal to the payment made on the property for taxes levied in 1994, payable in 1995, unless a lower payment is authorized by the governing body of the municipality. Income in excess of these requirements may be used to purchase and hold interest bearing bonds, issued for the acquisition of the utility, or bonds issued by the United States or any municipal corporation of this state, or insurance upon the life of an officer or manager of such utility, or may be paid into the general fund.

SECTION 3316p. 66.12 (1) (b) of the statutes is amended to read:

66.12 **(1)** (b) Local ordinances, except as provided in this paragraph or ss. 345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any or all violations under those ordinances, and may designate the manner in which the stipulation is to be made and fix the penalty to be paid. When a person charged with a violation for which stipulation of guilt or no contest is authorized makes a timely stipulation and pays the required penalty and pays the penalty assessment imposed by s. 165.87, the jail assessment imposed by s. 302.46 (1) and any applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1). The official receiving the penalties shall remit all moneys collected to the treasurer of the city, village or public inland lake protection and rehabilitation district in whose behalf the sum was paid,

except that all jail assessments shall be remitted to the county treasurer, within 20 days after its receipt by him or her; and in case of any failure in the payment, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. In the case of the penalty assessment imposed by s. 165.87, the driver improvement surcharge imposed by s. 346.655 (1) and any applicable domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city, village or public inland lake protection and rehabilitation district shall remit to the ~~state treasurer~~ secretary of administration the sum required by law to be paid on the actions so entered during the preceding month on or before the first day of the next succeeding month. The governing body of the city, village or public inland lake protection and rehabilitation district shall by ordinance designate the official to receive the penalties and the terms under which the official shall qualify.

SECTION 3316r. 66.12 (3) (c) of the statutes is amended to read:

66.12 **(3)** (c) The entire amount in excess of $150 of any forfeiture imposed for the violation of any traffic regulation in conformity with ch. 348 shall be transmitted to the county treasurer if the violation occurred on an interstate highway, a state trunk highway or a highway over which the local highway authority does not have primary maintenance responsibility. The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (8n).

SECTION 3317. 66.122 (2) of the statutes is amended to read:

66.122 **(2)** Except in cases of emergency where no special inspection warrant shall be required, special inspection warrants shall be issued for inspection of personal or real properties which are not public buildings or for inspection of portions

of public buildings which are not open to the public only upon showing that consent to entry for inspection purposes has been refused. The definition of "public building" under s. 101.01 ~~(2) (g)~~ (12) applies to this section.

SECTION 3318. 66.293 (3) (i) of the statutes is amended to read:

66.293 **(3)** (i) The department of industry, labor and human relations or the contracting municipality may demand and examine copies of any payrolls and other records and information relating to the wages paid laborers, workmen or mechanics on work to which this subsection applies. The department may inspect records in the manner provided in ~~ch. 101~~ chs. 103 to 106. Every contractor, subcontractor or agent is subject to the requirements of ~~ch. 101~~ chs. 103 to 106 relating to examination of records.

SECTION 3319. 66.293 (3) (k) of the statutes is amended to read:

66.293 **(3)** (k) The provisions of s. ~~101.02~~ 103.005 (5) (f), (11), (12)~~,~~ and (13) ~~and (14)~~ apply to this subsection. Section 111.322 (2m) applies to discharge or other discriminatory acts arising in connection with any proceeding under this subsection, including proceedings under par. (a).

SECTION 3320. 66.30 (6) (g) of the statutes is amended to read:

66.30 **(6)** (g) At least 30 days prior to entering into a contract under this subsection or a modification or extension of the contract, the school boards of the districts involved or their designated agent shall file the proposed agreement with the ~~state superintendent~~ department of education to enable the ~~state superintendent or state superintendent's designee~~ department to assist and advise the school boards involved in regard to the applicable recognized accounting procedure for the administration of the school aid programs. The ~~state~~

~~superintendent~~ department of education shall review the terms of the proposed contract to ensure that each participating district's interests are protected.

SECTION 3320m. 66.365 of the statutes is amended to read:

66.365 Aids to municipalities; environmental damage compensation. The department of natural resources may make grants to any county, city, village or town for the acquisition or development of recreational lands and facilities from moneys appropriated under s. 20.370 (2) ~~(fq)~~ (dv). Use and administration of the grant shall be consistent with any court order issued under s. 147.23 (3). A county, city, village or town which receives a grant under this section is not required to share in the cost of a project under this section.

SECTION 3321. 66.40 (9) (v) of the statutes is amended to read:

66.40 **(9)** (v) To establish a procedure for preservation of the records of the authority by the use of microfilm, another reproductive device, ~~or~~ optical imaging, or electronic formatting if authorized under s. 19.21 (4) (c). Any such procedure shall assure that copies of such records that are open to public inspection continue to be available to members of the public requesting them. A photographic reproduction of a record or copy of a record generated from optical disk or electronic storage is deemed the same as an original record for all purposes if it meets the applicable standards established in ss. 16.61 and 16.612.

SECTION 3321m. 66.407 (2) (b) 3. of the statutes is amended to read:

66.407 **(2)** (b) 3. ~~Apply~~ Subject to s. 44.65, apply for a grant or loan under s. 44.60 in connection with an arts incubator.

SECTION 3322. 66.412 of the statutes is amended to read:

66.412 Urban redevelopment; transfer of land. Notwithstanding any requirement of law to the contrary or the absence of direct provision therefor in the

instrument under which a fiduciary is acting, every executor, administrator, trustee, guardian or other person, holding trust funds or acting in a fiduciary capacity, unless the instrument under which such fiduciary is acting expressly forbids, the state, its subdivisions, cities, all other public bodies, all public officers, corporations organized under or subject to the provisions of the banking law, the ~~commissioner~~ division of banking as conservator, liquidator or rehabilitator of any such person, partnership or corporation, persons, partnerships and corporations organized under or subject to the provisions of the banking law, the commissioner of insurance as conservator, liquidator or rehabilitator of any such person, partnership or corporation, any of which owns or holds any real property within a development area, may grant, sell, lease or otherwise transfer any such real property to a redevelopment corporation, and receive and hold any cash, stocks, income debentures, mortgages, or other securities or obligations, secured or unsecured, exchanged therefor by such redevelopment corporation, and may execute such instruments and do such acts as may be deemed necessary or desirable by them or it and by the redevelopment corporation in connection with the development and the development plan.

SECTION 3323. 66.416 (2) of the statutes is amended to read:

66.416 **(2)** Certificates, bonds and notes, or part interests therein, or any part of an issue thereof, which are issued by a redevelopment corporation and secured by a first mortgage on the real property of the redevelopment corporation, or any part thereof, shall be securities in which all the following persons, partnerships or corporations and public bodies or public officers may legally invest the funds within their control, but the principal amount thereof shall not exceed the limits, if any, imposed by law for such investments by the person, partnership, corporation, public body or public officer making the investment: Every executor, administrator, trustee,

guardian, committee or other person or corporation holding trust funds or acting in a fiduciary capacity; the state, its subdivisions, cities, all other public bodies, all public officers; persons, partnerships and corporations organized under or subject to the provisions of the banking law (including savings banks, savings and loan associations, trust companies, bankers and private banking corporations); the ~~commissioner~~ division of banking as conservator, liquidator or rehabilitator of any such person, partnership or corporation; persons, partnerships or corporations organized under or subject to chs. 600 to 646; and the commissioner of insurance as conservator, liquidator or rehabilitator of any such person, partnership or corporation.

SECTION 3323m. 66.431 (4) (d) 7. of the statutes is amended to read:

66.431 **(4)** (d) 7. Studying the feasibility of and initial design for an arts incubator, developing and operating an arts incubator and, subject to s. 44.65, applying for a grant or loan under s. 44.60 in connection with an arts incubator.

SECTION 3324. 66.431 (5) (a) 5. of the statutes is amended to read:

66.431 **(5)** (a) 5. To establish a procedure for preservation of the records of the authority by the use of microfilm, another reproductive device, ~~or~~ optical imaging or electronic formatting, if authorized under s. 19.21 (4) (c). Any such procedure shall assure that copies of such records that are open to public inspection continue to be available to members of the public requesting them. A photographic reproduction of a record or copy of a record generated from optical disk or electronic storage is deemed the same as an original record for all purposes if it meets the applicable standards established in ss. 16.61 and 16.612.

SECTION 3325. 66.432 (1) of the statutes is amended to read:

66.432 **(1)** DECLARATION OF POLICY. The right of all persons to have equal opportunities for housing regardless of their sex, race, color, physical condition, disability as defined in s. ~~101.22~~ 106.04 (1m) (g), sexual orientation as defined in s. 111.32 (13m), religion, national origin, marital status, family status as defined in s. ~~101.22~~ 106.04 (1m) (k), lawful source of income, age or ancestry is a matter both of statewide concern under s. ~~101.22~~ 106.04 and also of local interest under this section and s. 66.433. The enactment of s. ~~101.22~~ 106.04 by the legislature shall not preempt the subject matter of equal opportunities in housing from consideration by political subdivisions, and shall not exempt political subdivisions from their duty, nor deprive them of their right, to enact ordinances which prohibit discrimination in any type of housing solely on the basis of an individual being a member of a protected class.

SECTION 3326. 66.432 (1m) (a) of the statutes is amended to read:

66.432 **(1m)** (a) "Aggrieved person" has the meaning given in s. ~~101.22~~ 106.04 (1m) (b).

SECTION 3327. 66.432 (1m) (b) of the statutes is amended to read:

66.432 **(1m)** (b) "Complainant" has the meaning given in s. ~~101.22~~ 106.04 (1m) (c).

SECTION 3328. 66.432 (1m) (c) of the statutes is amended to read:

66.432 **(1m)** (c) "Discriminate" has the meaning given in s. ~~101.22~~ 106.04 (1m) (h).

SECTION 3329. 66.432 (1m) (d) of the statutes is amended to read:

66.432 **(1m)** (d) "Member of a protected class" has the meaning given in s. ~~101.22~~ 106.04 (1m) (nm).

SECTION 3330. 66.432 (2) of the statutes is amended to read:

66.432 **(2)** ANTIDISCRIMINATION HOUSING ORDINANCES. Political subdivisions may enact ordinances prohibiting discrimination in housing within their respective boundaries solely on the basis of an individual being a member of a protected class. Such an ordinance may be similar to s. ~~101.22~~ 106.04 (1) to (8) or may be more inclusive in its terms or in respect to the different types of housing subject to its provisions, but any such ordinance establishing a forfeiture as a penalty for violation shall not be for an amount that is less than the statutory forfeitures under s. ~~101.22~~ 106.04. Such an ordinance may permit a complainant, aggrieved person or respondent to elect to remove the action to circuit court after a finding has been made that there is reasonable cause to believe that a violation of the ordinance has occurred. Such an ordinance may also authorize the political subdivision, at any time after a complaint has been filed alleging an ordinance violation, to file a complaint in circuit court seeking a temporary injunction or restraining order pending final disposition of the complaint.

SECTION 3330c. 66.46 (2) (f) 3. of the statutes is created to read:

66.46 **(2)** (f) 3. Notwithstanding subd. 1., project costs may not include any expenditures made or estimated to be made or monetary obligations incurred or estimated to be incurred by the city for newly platted residential development for any tax incremental district for which a project plan is approved after September 30, 1995.

SECTION 3330e. 66.46 (4) (h) of the statutes is renumbered 66.46 (4) (h) 1. and amended to read:

66.46 **(4)** (h) 1. ~~The~~ Subject to subd. 2., the planning commission may at any time, by resolution, adopt an amendment to a project plan, which amendment shall be subject to approval by the local legislative body and approval of the amendment

shall require the same findings as provided in par. (g). Any amendment to a project plan is also subject to review by a joint review board, acting under sub. (4m). Adoption of an amendment to a project plan shall be preceded by a public hearing held by the plan commission at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment. Notice of the hearing shall be published as a class 2 notice, under ch. 985. The notice shall include a statement of the purpose and cost of the amendment and shall advise that a copy of the amendment will be provided on request. Prior to such publication, a copy of the notice shall be sent by 1st class mail to the chief executive officer or administrator of all local governmental entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district. For any county with no chief executive officer or administrator, this notice shall be sent to the county board chairperson.

SECTION 3330g. 66.46 (4) (h) 2. of the statutes is created to read:

66.46 **(4)** (h) 2. Not more than once during the 7 years after the tax incremental district is created, the planning commission may adopt an amendment to a project plan under subd. 1. to modify the district's boundaries by adding territory to the district that is contiguous to the district and that is served by public works or improvements that were created as part of the district's project plan. Expenditures for project costs that are incurred because of an amendment to a project plan to which this subdivision applies may be made for not more than 3 years after the date on which the local legislative body adopts a resolution amending the project plan.

SECTION 3330i. 66.46 (4m) (a) of the statutes is amended to read:

66.46 **(4m)** (a) Any city that seeks to create a tax incremental district or amend a project plan shall convene a joint review board to review the proposal. The board

shall consist of one representative chosen by the school district that has power to levy taxes on the property within the tax incremental district, one representative chosen by the technical college district that has power to levy taxes on the property within the tax incremental district, one representative chosen by the county that has power to levy taxes on the property within the tax incremental district, one representative chosen by the city and one public member. If more than one school district, more than one technical college district or more than one county has the power to levy taxes on the property within the tax incremental district, the unit in which is located property of the tax incremental district that has the greatest value shall choose that representative to the board. The public member and the board's chairperson shall be selected by a majority of the other board members before the public hearing under sub. (4) (a) or (h) 1. is held. All board members shall be appointed and the first board meeting held within 14 days after the notice is published under sub. (4) (a) or (h) 1. Additional meetings of the board shall be held upon the call of any member. The city that seeks to create the tax incremental district or to amend its project plan shall provide administrative support for the board. By majority vote, the board may disband following approval or rejection of the proposal.

SECTION 3330k. 66.46 (4m) (b) 1. of the statutes is amended to read:

66.46 **(4m)** (b) 1. The board shall review the public record, planning documents and the resolution passed by the local legislative body or planning commission under sub. (4) (gm) or (h) 1. As part of its deliberations the board may hold additional hearings on the proposal.

SECTION 3330L. 66.46 (4m) (b) 2. of the statutes is amended to read:

66.46 **(4m)** (b) 2. No tax incremental district may be created and no project plan may be amended unless the board approves the resolution adopted under sub. (4)

(gm) or (h) 1. by a majority vote not less than 10 days nor more than 30 days after receiving the resolution.

SECTION 3330n. 66.46 (5) (ce) of the statutes is created to read:

66.46 **(5)** (ce) If the city adopts an amendment, to which sub. (4) (h) 2. applies, to the original project plan for any district which includes additional project costs, none of which will be incurred after the period specified in sub. (6) (am) 1., the tax incremental base for the district shall be redetermined under par. (b) as of the January 1 following the effective date of the amendment, except that if the effective date of the amendment is January 1 of any year, the redetermination shall be made on that date. The tax incremental base as redetermined under this paragraph is effective for the purposes of this section only if it exceeds the original tax incremental base determined under par. (b).

SECTION 3331. 66.46 (6) (a) of the statutes is amended to read:

66.46 **(6)** (a) If the joint review board approves the creation of the tax incremental district under sub. (4m), positive tax increments with respect to a tax incremental district are allocated to the city which created the district for each year commencing after the date when a project plan is adopted under sub. (4) (g). The department of revenue shall not authorize allocation of tax increments until it determines from timely evidence submitted by the city that each of the procedures and documents required under sub. (4) (d) to (f) have been completed and all related notices given in a timely manner. The department of revenue may authorize allocation of tax increments for any tax incremental district only if the city clerk and assessor annually submit to the department all required information on or before the 2nd Monday in June. The facts supporting any document adopted or action taken to comply with sub. (4) (d) to (f) shall not be subject to review by the department of

revenue under this paragraph. Thereafter, the department of revenue shall annually authorize allocation of the tax increment to the city that created such a district until the department of revenue receives a notice under sub. (8) and the notice has taken effect under sub. (8) (b), 27 years after the tax incremental district is created if the district is created before October 1, 1995, or 23 years after the tax incremental district is created if the district is created after September 30, 1995, whichever is sooner.

SECTION 3331m. 66.46 (6) (am) 1. of the statutes is amended to read:

66.46 **(6)** (am) 1. ~~No~~ For a tax incremental district that is created after September 30, 1995, no expenditure may be made later than 7 years after the tax incremental district is created, and for a tax incremental district that is created before October 1, 1995, no expenditure may be made later than 10 years after the tax incremental district is created.

SECTION 3332. 66.46 (6) (c) of the statutes is amended to read:

66.46 **(6)** (c) Except for tax increments allocated under par. (d) or (e), all tax increments received with respect to a tax incremental district shall, upon receipt by the city treasurer, be deposited into a special fund for that district. The city treasurer may deposit additional moneys into such fund pursuant to an appropriation by the common council. No moneys may be paid out of such fund except to pay project costs with respect to that district, to reimburse the city for such payments, to pay project costs of a district under par. (d) or (e) or to satisfy claims of holders of bonds or notes issued with respect to such district. Subject to par. (d) or (e), moneys paid out of the fund to pay project costs with respect to a district may be paid out before or after the district is terminated under sub. (7). Subject to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other city

funds if any investment earnings are applied to reduce project costs. After all project costs and all bonds and notes with respect to the district have been paid or the payment thereof provided for, subject to any agreement with bondholders, if there remain in the fund any moneys that are not allocated under par. (d) or (e), they shall be paid over to the treasurer of each county, school district or other tax levying municipality or to the general fund of the city in the amounts that belong to each respectively, having due regard for that portion of the moneys, if any, that represents tax increments not allocated to the city and that portion, if any, that represents voluntary deposits of the city into the fund.

SECTION 3332m. 66.46 (6) (d) 1. of the statutes is amended to read:

66.46 **(6)** (d) 1. After the date on which a tax incremental district pays off the aggregate of all of its project costs under its project plan, but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) 1. the project plan of such a tax incremental district to allocate positive tax increments generated by that tax incremental district to another tax incremental district created by that planning commission in which soil affected by environmental pollution exists to the extent that development has not been able to proceed according to the project plan because of the environmental pollution.

SECTION 3333. 66.46 (6) (d) 2. of the statutes is amended to read:

66.46 **(6)** (d) 2. ~~No~~ Except as provided in subd. 2m., no tax increments may be allocated under this paragraph later than 16 years after the last expenditure identified in the project plan of the tax incremental district, the positive tax increments of which are to be allocated, is made.

SECTION 3334. 66.46 (6) (d) 2m. of the statutes is created to read:

66.46 **(6)** (d) 2m. No tax increments may be allocated under this paragraph later than 20 years after the last expenditure identified in the project plan of the tax incremental district, the positive tax increments of which are to be allocated, is made if the district is created before October 1, 1995, except that in no case may the total number of years during which expenditures are made under par. (am) 1. plus the total number of years during which tax increments are allocated under this paragraph exceed 27 years.

SECTION 3335. 66.46 (6) (e) of the statutes is created to read:

66.46 **(6)** (e) 1. Before the date on which a tax incremental district terminates under sub. (7) (a), but not later than the date on which a tax incremental district terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h) the project plan of such a tax incremental district to allocate positive tax increments generated by that tax incremental district to another tax incremental district created by that planning commission if all of the following conditions are met:

a. The donor tax incremental district, the positive tax increments of which are to be allocated, and the recipient tax incremental district have the same overlying taxing jurisdictions.

b. The donor tax incremental district and the recipient tax incremental district have been created before October 1, 1995.

2. Each year, the city that created the tax incremental districts may determine the portion of the donor tax incremental district's positive tax increment that is in excess of the tax increment that is necessary to pay the donor's project costs in that year that shall be allocated to the recipient tax incremental district and shall inform the department of revenue of these amounts.

3. A project plan that is amended under sub. (4) (h) to authorize the allocation of positive tax increments under subd. 1. may authorize such an allocation for a period not to exceed 5 years, except that if the planning commission determines that the allocation may be needed for a period longer than 5 years, the planning commission may authorize such an allocation for up to an additional 5 years if the project plan is amended under sub. (4) (h) during the 4th year of the allocation. In no case may positive tax increments under subd. 1. be allocated from one donor tax incremental district for a period longer than 10 years.

SECTION 3336. 66.46 (7) (a) of the statutes is amended to read:

66.46 **(7)** (a) That time when the city has received aggregate tax increments with respect to such district in an amount equal to the aggregate of all project costs under the project plan and any amendments to the project plan for such district, except that this paragraph does not apply to a district whose positive tax increments have been allocated under sub. (6) (d) or (e) until the district to which the allocation is made has paid off the aggregate of all of its project costs under its project plan.

SECTION 3337. 66.46 (7) (am) of the statutes is amended to read:

66.46 **(7)** (am) Sixteen years after the last expenditure identified in the project plan is made if the district to which the plan relates is created after September 30, 1995, or 20 years after the last expenditure identified in the project plan is made if the district to which the plan relates is created before October 1, 1995, except that in no case may the total number of years during which expenditures are made under par. (am) 1. plus the total number of years during which tax increments are allocated under this paragraph exceed 27 years.

SECTION 3337e. 66.77 (title) of the statutes is amended to read:

66.77 (title) **Tax levy ~~rate~~ limit.**

SECTION 3337f. 66.77 (1) (c) of the statutes is amended to read:

66.77 **(1)** (c) "Excess over the limit" means the ~~amount~~ greater of the amounts of revenue received by a county that results from the county exceeding the limit under sub. (2) or (2m).

SECTION 3337g. 66.77 (2) (title) of the statutes is amended to read:

66.77 **(2)** (title) ~~LIMIT~~ LEVY RATE LIMIT.

SECTION 3337i. 66.77 (2m) of the statutes is created to read:

66.77 **(2m)** LEVY LIMIT. Except as provided in sub. (3), beginning in 1995, no county may impose an operating levy that exceeds the amount calculated as follows:

(a) Determine the operating levy for the previous year.

(b) Multiply the amount determined under par. (a) by 3%.

(c) Multiply the amount determined under par. (a) by the percentage change in the county's population between the previous year and the current year, as estimated by the department of administration under s. 16.96 (1), if the percentage change in the county's population is greater than zero.

(d) Add the results obtained under pars. (a), (b) and (c).

SECTION 3337k. 66.77 (3) (a) 1. of the statutes is amended to read:

66.77 **(3)** (a) 1. If the governing body of a county wishes to exceed the operating levy rate limit or the levy limit otherwise applicable to the county under this section, it shall adopt a resolution to that effect. The resolution shall specify either the operating levy rate or the operating levy that the governing body wishes to impose for either a specified number of years or an indefinite period. The governing body shall call a special referendum for the purpose of submitting the resolution to the electors of the county for approval or rejection. In lieu of a special referendum, the governing body may specify that the referendum be held at the next succeeding

spring primary or election or September primary or general election to be held not earlier than 30 days after the adoption of the resolution of the governing body.

SECTION 3337m. 66.77 (3) (a) 3. of the statutes is amended to read:

66.77 **(3)** (a) 3. The referendum shall be held in accordance with chs. 5 to 12. The governing body shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the operating levy rate, the question shall be submitted as follows: "Under state law, the operating levy rate for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to $.... per $1,000 of equalized value. Shall the .... (name of county) be allowed to exceed this rate limit for .... (a specified number of years) (an indefinite period) by $.... per $1,000 of equalized value that results in an operating levy rate of $.... per $1,000 of equalized value?" If the resolution under subd. 1. specifies the operating levy, the question shall be submitted as ~~follows~~ one of the following: "Under state law, the operating levy rate for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to $.... per $1,000 of equalized value. Notwithstanding the operating levy rate limit, shall the .... (name of county) be allowed to levy an amount not to exceed $.... (operating levy) for operating purposes for the year .... (year), which may increase the operating levy rate for .... (a specified number of years) (an indefinite period)? This would allow a ....% increase above the levy of $.... (preceding year operating levy) for the year .... (preceding year)~~.~~", or "Under state law, the operating levy for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to $.... , and the increase in the operating levy, compared to last year's levy, is limited to 3% plus the percentage increase in the county's population

since last year. Notwithstanding the operating levy limit, shall the .... (name of county) be allowed to levy an amount not to exceed $.... (operating levy) for operating purposes for the year .... (year), which may increase the operating levy rate for .... (a specified number of years) (an indefinite period)? This would allow a ....% increase above the levy of $.... (preceding year operating levy) for the year .... (preceding year)."

SECTION 3337n. 66.77 (3) (a) 4. of the statutes is amended to read:

66.77 **(3)** (a) 4. Within 14 days after the referendum, the clerk of the county shall certify the results of the referendum to the department of revenue. A county may exceed the operating levy rate limit or operating levy limit otherwise applicable to it under this section in that year by an amount not exceeding the amount approved by a majority of those voting on the question.

SECTION 3337o. 66.77 (3) (b) 1. of the statutes is amended to read:

66.77 **(3)** (b) 1. If an increased operating levy rate or operating levy is approved by a referendum under par. (a) for a specified number of years, the increased operating levy rate or operating levy shall be the operating levy rate limit or operating levy for that number of years for purposes of this section. If an increased operating levy rate or operating levy is approved by a referendum under par. (a) for an indefinite period, the increased operating levy rate or operating levy shall be the operating levy rate or operating levy limit for purposes of this section.

SECTION 3337p. 66.77 (3) (b) 2. of the statutes is amended to read:

66.77 **(3)** (b) 2. If an increased operating levy is approved by a referendum under par. (a), the increased operating levy shall be used to calculate the operating levy rate, or the operating levy ~~rate~~ limit, for the approved year for purposes of this section. After the approved year, the operating levy rate or the operating levy ~~rate~~

limit in the approved year, or the operating levy rate or the operating levy ~~rate~~ limit that would have been applicable if there had been no referendum, whichever is greater, shall be the rate or the limit for the specified number of years or for an indefinite period for purposes of this section.

SECTION 3337q. 66.77 (3) (c) of the statutes is amended to read:

66.77 **(3)** (c) 1. If a county transfers to another governmental unit responsibility for providing any service that the county provided in the preceding year, the levy rate limit or the operating levy limit otherwise applicable under this section to the county in the current year is decreased to reflect the cost that the county would have incurred to provide that service, as determined by the department of revenue.

2. If a county increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit in any year, the levy rate limit or the operating levy limit otherwise applicable under this section to the county in the current year is increased to reflect the cost of that service, as determined by the department of revenue.

SECTION 3337s. 66.77 (5) of the statutes is amended to read:

66.77 **(5)** RATE COMPARISON. Annually, the department of revenue shall compare the operating levy rate limit and the operating levy limit of each county under this section to the actual operating levy rate and the actual operating levy imposed by the county.

SECTION 3337x. 66.94 (5) (c) of the statutes is amended to read:

66.94 **(5)** (c) *Tax equivalent.* In lieu of the property taxes levied under subch. I of ch. 76, and in lieu of the income or franchise taxes levied under ch. 71 which, but for par. (b), would be due and payable, there shall be paid to the ~~state treasurer~~

secretary of administration, as a tax equivalent but not in excess of property taxes and income or franchise taxes, the net revenues of the next preceding year, after the payment of: 1) all operating costs, including all charges which may be incurred pursuant to subs. (29) and (34) and all other costs and charges incidental to the operation of the transportation system; 2) interest on and principal of all bonds payable from said revenues and to meet all other charges upon such revenues as provided by any trust agreement executed by the authority in connection with the issuance of bonds or certificates; 3) all costs and charges incurred pursuant to subs. (32) and (33) and any other costs and charges for acquisition, installation, construction or replacement or reconstruction of equipment, structures or rights–of–way not financed through the issuance of bonds or certificates under sub. (15) or s. 66.935; and 4) any compensation required to be paid to any municipality for the use of streets, viaducts, bridges, subways and other public ways. Deficiencies in any annual tax equivalent shall not be cumulative.

SECTION 3338m. 66.949 of the statutes is created to read:

66.949 Energy savings performance contracting. (1) DEFINITIONS. In this section:

(a) "Energy conservation measure" means a facility alteration or training, service or operations program designed to reduce energy consumption or operating costs or ensure state or local building code compliance.

(b) "Local governmental unit" has the meaning given in s. 19.42 (7u).

(c) "Performance contract" means a contract for the evaluation and recommendation of energy conservation and facility improvement measures, and for the implementation of one or more such measures.

(d) "Qualified provider" means a person who is experienced in the design, implementation and installation of energy conservation and facility improvement measures and who has the ability to provide labor and material payment and performance bonds equal to the maximum amount of any payments due under a performance contract entered into by the person.

(2) AUTHORIZATION; REPORT. (a) Any local governmental unit may, in accordance with this section, enter into a performance contract with a qualified provider to reduce energy or operating costs, ensure state or local building code compliance or enhance the protection of property of the local governmental unit.

(b) Prior to entering into a performance contract for the implementation of any energy conservation or facility improvement measure, a local governmental unit shall obtain a report from a qualified provider containing recommendations concerning the amount the local governmental unit should spend on energy conservation and facility improvement measures. The report shall contain estimates of all costs of installation, modifications, or remodeling, including costs of design, engineering, maintenance, repairs and financing. In addition, the report shall contain a guarantee specifying a minimum amount by which energy or operating costs of the local governmental unit will be reduced, if the installation, modification or remodeling is performed by that qualified provider.

(c) If, after review of the report under par. (b), the local governmental unit finds that the amount it would spend on the energy conservation and facility improvement measures recommended in the report is not likely to exceed the amount to be saved in energy and operation costs over the remaining useful life of the facility to which the measures apply, the local governmental unit may enter into the contract.

(3) NOTICE. Before entering into a performance contract under this section, a local governmental unit shall publish a class 1 notice of its intent to award the performance contract, the names of the parties to the proposed performance contract, and a description of the energy conservation and facility improvement measures included in the performance contract.

(4) INSTALMENT PAYMENT AND LEASE–PURCHASE AGREEMENTS. A local governmental unit may enter into an instalment payment contract or lease–purchase agreement for the purchase and installation of energy conservation or facility improvement measures.

(5) PAYMENT SCHEDULE; SAVINGS. Each performance contract shall provide that all payments, except obligations on termination of the contract before its expiration, shall be made over time as energy savings are achieved. Energy savings shall be guaranteed by the qualified provider for the entire term of the performance contract.

(6) TERMS OF CONTRACTS. A performance contract may extend beyond the fiscal year in which it becomes effective, subject to appropriation of moneys for costs incurred in future fiscal years, if required by law.

(7) ALLOCATION OF OBLIGATIONS. Each local governmental unit shall allocate sufficient moneys for each fiscal year to make payment of any amounts payable by the local governmental unit under performance contracts during that fiscal year.

(8) BONDS. Each qualified provider under a performance contract shall provide labor and material payment and performance bonds in an amount equivalent to the maximum amount of any payments due under the contract.

(9) USE OF MONEYS. Unless otherwise provided by law or ordinance, if a local governmental unit has funding designated for operating and capital expenditures, the local governmental unit may use moneys designated for operating or capital

expenditures to make payments under any performance contract, including instalment payments or payments under lease–purchase agreements.

(10) MONITORING; REPORTS. During the entire term of each performance contract, the qualified provider entering into the contract shall monitor the reductions in energy consumption and cost savings attributable to the energy conservation and facility improvement measures installed under the contract, and shall periodically prepare and provide a report to the local governmental unit entering into the contract documenting the reductions in energy consumption and cost savings to the local governmental unit.

(11) ENERGY CONSERVATION MEASURES. Energy conservation measures under this section may include the following:

(a) Insulation of a building structure or systems within a building.

(b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat–absorbing or heat–reflective glazed and coated window or door systems, additional glazing, reductions in glass area, or other window and door system modifications that reduce energy consumption.

(c) Automated or computerized energy control and facility management systems or computerized maintenance management systems.

(d) Heating, ventilating or air conditioning system modifications or replacements.

(e) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the applicable state or local building code for the lighting system after the proposed modifications are made.

(f) Energy recovery systems.

(g) Utility management systems and services.

(h) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.

(i) Lifesafety systems.

(j) Any other facility improvement measure that is designed to provide long–term energy or operating cost reductions or compliance with state or local building codes.

(12) APPLICATION. No local governmental unit may enter into a performance contract except in accordance with this section.

SECTION 3339m. 66.98 (1) of the statutes is amended to read:

66.98 **(1)** Every weed commissioner shall carefully investigate concerning the existence of noxious weeds in the district; and if any person in the district neglects to destroy any weeds as required by s. 66.96, the weed commissioner shall destroy or cause all such weeds to be destroyed, in the manner considered to be the most economical method, and for each day devoted to doing so the weed commissioner shall receive such compensation as is determined by the town board, village board or city council upon presenting to the proper treasurer the account therefor, verified by oath and approved by the appointing officer. Such account shall specify by separate items the amount chargeable to each piece of land, describing the same, and shall, after being paid by the treasurer, be filed with town, city or village clerk, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "For the Destruction of Weeds", as a tax on the lands upon which such weeds were destroyed, which tax shall be collected under ch. 74, except in case of lands which are exempt from taxation in the usual way. A delinquent tax may be collected

as is a delinquent real property tax under chs. 74 and 75 or as is a delinquent personal property tax under ch. 74. In case of railroad or other lands not taxed in the usual way the amount chargeable against the same shall be certified by the town, city or village clerk to the ~~state treasurer~~ secretary of administration who shall add the amount designated therein to the sum due from the company owning, occupying or controlling the lands specified, and the treasurer shall collect the same therefrom as prescribed in subch. I of ch. 76, and return the amount collected to the town, city or village from which such certificate was received. Any such commissioner may enter upon any lands that are not exempt under s. 66.96 (5) and upon which any of the weeds mentioned in s. 66.96 are growing, and cut or otherwise destroy them, without being liable to an action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty hereby imposed.

SECTION 3340. 67.03 (1) (b) of the statutes is amended to read:

67.03 **(1)** (b) For any school district which offers no less than grades 1 to 12 and which at the time of incurring such debt is eligible ~~for the highest level of school aids~~ to receive state aid under s. 121.08, 10% of such equalized value shall be permitted. ~~Any school district which at the time of incurring indebtedness is eligible to receive state aids under s. 121.08 is eligible for the highest level of school aids for purposes of school district borrowing and indebtedness limitations.~~ Any school district about to incur indebtedness may apply to the ~~state superintendent~~ department of education for, and the ~~superintendent~~ department may issue, a certificate as to the eligibility of the school district ~~for the highest level of school aids~~ to receive state aid under s. 121.08, which certificate shall be conclusive as to such eligibility for 30 days, but not beyond the next June 30.

SECTION 3340r. 69.03 (14) of the statutes is amended to read:

69.03 **(14)** Provide hospitals with a pamphlet containing information for parents about birth certificates including how to add the name of the father of a child whose parents were not married at any time from the conception to the birth of the child to the birth certificate under s. 69.15 (3) (b) or, if the father will not sign an affidavit, through a paternity action; the legal significance and future medical advantages to the child of having the father's name inserted on the birth certificate; and the availability of services under s. ~~46.25~~ 49.143.

SECTION 3341r. 69.15 (3) (b) 3. of the statutes is amended to read:

69.15 **(3)** (b) 3. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents, along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. The state registrar shall mark the certificate to show that the form is on file. The form shall be available to the department of industry, labor and human relations or its designee under s. 59.07 (97) pursuant to the program responsibilities under s. ~~46.25~~ 49.143 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment a notice of the information in ss. 767.458 (1) (a) to (e) and 767.62.

SECTION 3343g 69.22 (1) (c) of the statutes is amended to read:

69.22 **(1)** (c) Twelve dollars for issuing a copy of a birth certificate, $7 of which shall be forwarded to the ~~state treasurer~~ secretary of administration as provided in sub. (1m) and credited to the appropriations under s. 20.433 (1) (g) and (h).

SECTION 3343r. 69.22 (1m) of the statutes is amended to read:

69.22 **(1m)** The state registrar and any local registrar acting under this subchapter shall forward to the ~~state treasurer~~ secretary of administration the amount specified in sub. (1) (c) for each copy of a birth certificate issued during a calendar quarter by the 15th day of the first month following the end of the calendar quarter.

SECTION 3343u. 69.30 (1) (bm) of the statutes is created to read:

69.30 **(1)** (bm) "Service office" has the meaning given in s. 45.36 (1) (c).

SECTION 3343w. 69.30 (2) of the statutes is amended to read:

69.30 **(2)** A financial institution, state agency ~~or,~~ county department or service office or an employe of a financial institution, state agency ~~or,~~ county department or service office is not subject to s. 69.24 (1) (a) for copying a certified copy of a vital record for use by the financial institution, state agency ~~or,~~ county department or service office, including use under s. 45.36 (4m), if the copy is marked "FOR ADMINISTRATIVE USE".

SECTION 3344. 70.11 (4) of the statutes is amended to read:

70.11 **(4)** EDUCATIONAL, RELIGIOUS AND BENEVOLENT INSTITUTIONS; WOMEN'S CLUBS; HISTORICAL SOCIETIES; FRATERNITIES; LIBRARIES. Property owned and used exclusively by educational institutions offering regular courses 6 months in the year; or by churches or religious, educational or benevolent associations, including benevolent nursing homes and retirement homes for the aged but not including an organization that is organized under s. 185.981 or ch. 611, 613 or 614 and that offers a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) or an organization that is issued a certificate of authority under ch. 618 and that offers a health maintenance organization or a limited service health organization and not including property owned by any

nonstock, nonprofit corporation which services guaranteed student loans for others or on its own account, and also including property owned and used for housing for pastors and their ordained assistants, members of religious orders and communities, and ordained teachers, whether or not contiguous to and a part of other property owned and used by such associations or churches; or by women's clubs; or by domestic, incorporated historical societies; or by domestic, incorporated, free public library associations; or by fraternal societies operating under the lodge system (except university, college and high school fraternities and sororities), but not exceeding 10 acres of land necessary for location and convenience of buildings while such property is not used for profit. Property owned by churches or religious associations necessary for location and convenience of buildings, used for educational purposes and not for profit, shall not be subject to the 10–acre limitation but shall be subject to a 30–acre limitation. Property that is exempt from taxation under this subsection and is leased remains exempt from taxation only if, in addition to the requirements specified in the introductory phrase of this section, the lessee does not discriminate on the basis of race.

SECTION 3345. 70.11 (4m) of the statutes is amended to read:

70.11 **(4m)** NONPROFIT HOSPITALS. (a) Real property owned and used and personal property used exclusively for the purposes of any hospital of 10 beds or more devoted primarily to the diagnosis, treatment or care of the sick, injured, or disabled, which hospital is owned and operated by a corporation, voluntary association, foundation or trust, except an organization that is organized under s. 185.981 or ch. 611, 613 or 614 and that offers a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) or an organization that is issued a certificate of authority under ch. 618 and that offers a

health maintenance organization or a limited service health organization, no part of the net earnings of which inures to the benefit of any shareholder, member, director or officer, and which hospital is not operated principally for the benefit of or principally as an adjunct of the private practice of a doctor or group of doctors. This exemption does not apply to property used for commercial purposes or as a doctor's office. The exemption for residential property shall be limited to dormitories of 12 or more units which house student nurses enrolled in a state accredited school of nursing affiliated with the hospital.

(b) Real property leased by and used exclusively for the purposes of any hospital that has 10 beds or more, is devoted primarily to the diagnosis, treatment or care of the sick, injured or disabled and is owned and operated by a corporation, voluntary association, foundation or trust, except an organization that is organized under s. 185.981 or ch. 611, 613 or 614 and that offers a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) or an organization that is issued a certificate of authority under ch. 618 and that offers a health maintenance organization or a limited service health organization, no part of the net earnings of which inures to the benefit of any shareholder, member, director or officer and is not operated principally for the benefit of or principally as an adjunct to the private practice of a doctor or group of doctors. This exemption applies only to real property leased from a nonprofit organization or nonprofit hospital that is exempt from taxation under this chapter and that uses the income derived from the lease only for maintenance of the leased property or construction debt retirement of the leased property or both. This exemption does not apply to property used for commercial purposes or as a doctor's office.

SECTION 3346. 70.11 (19) of the statutes is repealed and recreated to read:

70.11 **(19)** INSTITUTIONS FOR DEPENDENT CHILDREN AND PERSONS WHO HAVE DEVELOPMENTAL DISABILITIES. The property of any institution that is licensed under s. 48.60 for the care of dependent, neglected or delinquent children if that property is used for that purpose and the property of any nonprofit institution that is subject to examination under s. 46.03 (5) and that has a full–time population of at least 150 individuals who have developmental disabilities, as defined in s. 51.01 (5), if that property is used for that purpose.

SECTION 3347. 70.11 (34) (a) 2. of the statutes is amended to read:

70.11 **(34)** (a) 2. Is a public building, as defined in s. 101.01 ~~(2) (g)~~ (12).

SECTION 3348m. 70.11 (38) of the statutes is created to read:

70.11 **(38)** UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Notwithstanding the provisions of s. 70.11 (intro.) that relate to leased property, all property owned by the University of Wisconsin Hospitals and Clinics Authority and all property leased to the University of Wisconsin Hospitals and Clinics Authority that is owned by the state, provided that use of the property is primarily related to the purposes of the authority.

SECTION 3348n. 70.111 (18) of the statutes is amended to read:

70.111 **(18)** SOLAR AND WIND ENERGY SYSTEMS. Solar energy systems and wind energy systems. In this subsection, "solar energy system" means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy, but does not include equipment or components that would be present as part of a conventional energy system or a system that operates without mechanical means. In this subsection, "wind energy system" means equipment which converts and then transfers or stores energy from the wind into usable forms of energy, but does not include equipment or components that would be

present as part of a conventional energy system. ~~The exemption under this subsection is effective until December 31, 1995.~~

SECTION 3349. 70.113 (1) of the statutes is amended to read:

70.113 **(1)** As soon after April 20 of each year as is feasible the department of natural resources shall pay to the city, village, or town treasurer the sum of 80 cents per acre as a grant out of the appropriation made by s. 20.370 ~~(4) (ea)~~ (5) (da) and ~~(eq)~~ (dq) on each acre situated in the municipality of state forest lands, as defined in s. 28.02 (1), state parks under s. 27.01 and state public shooting, trapping or fishing grounds and reserves or refuges operated thereon, acquired at any time under s. 23.09 (2) (d), 29.10, 1943 stats., 29.571 (1) or from the appropriations made by s. 20.866 (2) (tp) by the department of natural resources or leased from the federal government by the department of natural resources.

SECTION 3351. 70.113 (2) (a) of the statutes is amended to read:

70.113 **(2)** (a) Towns, cities or villages shall be paid for forest lands as defined in s. 28.02 (1), state parks under s. 27.01 and other lands acquired under s. 23.09 (2) (d), 23.27, 23.29, 23.293, 23.31 or 29.571 (1) located within such municipality and acquired after June 30, 1969. Such payments shall be made from the appropriation under s. 20.370 ~~(4) (ea)~~ (5) (da) or ~~(eq)~~ (dq) and remitted by the department of natural resources in the amounts certified by the department of revenue according to par. (b).

SECTION 3355. 70.119 (1) of the statutes is amended to read:

70.119 **(1)** The state and the University of Wisconsin Hospitals and Clinics Authority shall make reasonable payments at established rates for water, sewer and electrical services and all other services directly provided by a municipality to state facilities ~~by a municipality~~ and facilities of the University of Wisconsin Hospitals and Clinics Authority described in s. 70.11 (38), including garbage and trash disposal and

collection, which are financed in whole or in part by special charges or fees. Such payments for services provided to state facilities shall be made from the appropriations to state agencies for the operation of ~~state~~ the facilities. Each state agency making such payments shall annually report the payments to the department.

SECTION 3356. 70.119 (3) (d) of the statutes is amended to read:

70.119 **(3)** (d) "Municipal services" means police and fire protection, garbage and trash disposal and collection not paid for under sub. (1) and, subject to approval by the committee, any other direct general government service provided by municipalities to state facilities ~~by municipalities~~ and facilities of the University of Wisconsin Hospitals and Clinics Authority described in s. 70.11 (38).

SECTION 3357. 70.119 (4) of the statutes is amended to read:

70.119 **(4)** The department shall be responsible for negotiating with municipalities on payments for municipal services and may delegate certain responsibilities of negotiation to other state agencies or to the University of Wisconsin Hospitals and Clinics Authority. Prior to negotiating with municipalities the department shall submit guidelines for negotiation to the committee for approval.

SECTION 3358. 70.119 (5) of the statutes is amended to read:

70.119 **(5)** Upon approval of guidelines by the committee, the department shall proceed with negotiations. In no case may a municipality withhold services to the state or to the University of Wisconsin Hospitals and Clinics Authority during negotiations.

SECTION 3359. 70.119 (6) (a) of the statutes is amended to read:

70.119 **(6)** (a) No later than November 15 annually, the department shall report to the cochairpersons of the committee the results of its negotiations and the total payments proposed to be made in the subsequent calendar year. In computing the proposed payments to a municipality, the department shall base its calculations on the values of state facilities and facilities of the University of Wisconsin Hospitals and Clinics Authority described in s. 70.11 (38), as determined by the department for January 1 of the year preceding the year of the report, and the values of improvements to property in the municipality as determined under s. 70.57 (1) for January 1 of the year preceding the year of the report, and shall also base its calculations on revenues and expenditures of the municipality as reported under s. 73.10 (2) for the year preceding the year of the report.

SECTION 3360. 70.119 (7) (a) of the statutes is amended to read:

70.119 **(7)** (a) The department shall make payment from the appropriation under s. 20.835 (5) (a) for municipal services provided by municipalities to state facilities. If the appropriation under s. 20.835 (5) (a) is insufficient to pay the full amount under sub. (6) in any one year, the department shall prorate payments among the municipalities entitled thereto. The University of Wisconsin Hospitals and Clinics Authority shall make payment for municipal services provided by municipalities to facilities of the authority described in s. 70.11 (38).

SECTION 3361. 70.27 (5) of the statutes is amended to read:

70.27 **(5)** SURVEYS, RECONCILIATIONS. The surveyor making the plat shall survey and lay out the boundaries of each parcel, street, alley, lane, roadway, or dedication to public or private use, according to the records of the register of deeds, and whatever evidence that may be available to show the intent of the buyer and seller, in the chronological order of their conveyance or dedication, and set temporary

monuments to show the results of such survey which shall be made permanent upon recording of the plat as provided for in this section. The map shall be at a scale of not more than 100 feet per inch, unless waived in writing by the department of ~~agriculture, trade and consumer protection~~ development under s. 236.20 (2) (L). The owners of record of lands in the plat shall be notified by certified letter mailed to their last–known address, in order that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown by the temporary monuments. It is the duty of the surveyor making the plat to reconcile any discrepancies that may be revealed, so that the plat as certified to the governing body is in conformity with the records of the register of deeds as nearly as is practicable. When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the owners of record, such lines shall be the true boundaries for all purposes thereafter, even though they may vary from the metes and bounds descriptions previously of record. Such written agreements shall be recorded in the office of the register of deeds. On every assessor's plat, as certified to the governing body, shall appear the volume, page and document number of the metes and bounds description of each parcel, as recorded in the office of the register of deeds, which shall be identified with the number by which such parcel is designated on the plat, except that lots which have been conveyed or otherwise acquired but upon which no deed is recorded in the office of register of deeds may be shown on an assessor's plat and when so shown shall contain a full metes and bounds description.

SECTION 3362. 70.27 (8) of the statutes is amended to read:

70.27 **(8)** PLAT FILED WITH GOVERNING BODY. Within 2 days after the assessor's plat is filed with the governing body, it shall be transmitted to the department of

~~agriculture, trade and consumer protection~~ development by the clerk of the governing body which ordered the plat. The department of ~~agriculture, trade and consumer protection~~ development shall review the plat within 30 days of its receipt. No such plat may be given final approval by the local governing body until the department of ~~agriculture, trade and consumer protection~~ development has certified on the face of the original plat that it complies with the applicable provisions of ss. 236.15 and 236.20. After the plat has been so certified the clerk shall promptly publish a class 3 notice thereof, under ch. 985. The plat shall remain on file in the clerk's office for 30 days after the first publication. At any time within the 30–day period any person or public body having an interest in any lands affected by the plat may bring a suit to have the plat corrected. If no suit is brought within the 30–day period, the plat may be approved by the governing body, and filed for record. If a suit is brought, approval shall be withheld until the suit is decided. The plat shall then be revised in accordance with the decision if necessary, and, without rereferral to the department of ~~agriculture, trade and consumer protection~~ development unless rereferral is ordered by the court. The plat may then be approved by the governing body and filed for record. When so filed the plat shall carry on its face the certificate of the clerk that all provisions of this section have been complied with. When recorded after approval by the governing body, the plat shall have the same effect for all purposes as if it were a land division plat made by the owners in full compliance with ch. 236. Before January 1 of each year, the register of deeds shall notify the town clerks of the recording of any assessors' plats made or amended during the preceding year, affecting lands in their towns.

SECTION 3363. 70.375 (1) (intro.) of the statutes is amended to read:

70.375 **(1)** DEFINITIONS. (intro.) In ss. 70.37 to ~~70.395~~ 70.3965:

SECTION 3364. 70.375 (4) (r) of the statutes is created to read:

70.375 **(4)** (r) Administrative fees under s. 70.3965.

SECTION 3364m. 70.385 of the statutes is amended to read:

70.385 Collection of the tax. All taxes as evidenced by the report under s. 70.38 (1) are due and payable to the department on or before June 15, and shall be deposited by the department with the ~~state treasurer~~ secretary of administration.

SECTION 3365. 70.39 (4) of the statutes is amended to read:

70.39 **(4)** Within 5 days after the receipt of the warrant the sheriff shall file a copy of it with the clerk of the circuit court of the county, unless the person makes satisfactory arrangements for payment with the department, in which case, the sheriff shall, at the direction of the department, return the warrant to it. The clerk shall docket the warrant as a delinquent income or franchise tax warrant is docketed under s. 806.11. The clerk shall accept, file and docket the warrant without prepayment of any fee, but shall submit a statement of the proper fees within 30 days to the department of revenue. ~~The fees shall be paid by the state treasurer upon~~ Upon audit by the ~~department~~ secretary of administration on the certificate of the secretary of revenue, the secretary of administration shall pay the fees and the fees shall be charged to the proper appropriation for the department of revenue. The sheriff shall be entitled to the same fees for executing upon the warrant as upon an execution against property issued out of a court of record, to be collected in the same manner. Upon the sale of any real estate the sheriff shall execute a deed of the real estate, and the person may redeem the real estate as from a sale under an execution against property upon a judgment of a court of record. No public official may demand prepayment of any fee for the performance of any official act required in carrying out this section.

SECTION 3366. 70.395 (2) (i) of the statutes is amended to read:

70.395 **(2)** (i) The board may require financial audits of all recipients of payments made under pars. (d) to (g). The board shall require that all funds received under pars. (d) to (g) be placed in a segregated account. The financial audit may be conducted as part of a municipality's or county's annual audit, if one is conducted. The cost of the audits shall be paid by the board from the appropriation under s. 20.566 (7) ~~(a)~~ (g).

SECTION 3367. 70.3965 of the statutes is created to read:

70.3965 Fund administrative fee. There is imposed an investment and local impact fund administrative fee on each person that has gross proceeds. On or before July 31 the department shall calculate the fee imposed on each such person by dividing the person's gross proceeds for the previous year by the total gross proceeds of all persons for that year and by multiplying the resulting fraction by the amount expended under s. 20.566 (7) (g) for the previous fiscal year. Each person who is subject to a fee under this section shall pay that fee on or before August 15.

SECTION 3367d. 70.99 (12) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 3367g. 70.99 (12) (a) of the statutes is amended to read:

70.99 **(12)** (a) ~~Under~~ Except as provided in par. (am), under a county assessor system, the state shall pay the lesser of 75% of the actual cost of the operation of the county assessment system or 75% of the sum of two–tenths of one mill multiplied by the full value of a county and $3.95 multiplied by the total number of all land parcels in the county as reported by the county assessor and reviewed by the department of revenue (but in either case not including any expense of any municipal civil service examination, any examination given by the division of merit recruitment and

selection in the department of employment relations, any expense of the municipal board of review or any expense of developing basic computer programs available from the state free of charge).

SECTION 3367r. 70.99 (12) (am) of the statutes is created to read:

70.99 **(12)** (am) On July 1, 1996, the state shall pay for the operation of a county assessment system 50% of the amount calculated under par. (a).

SECTION 3369. 70.99 (13) (a) 1. of the statutes is amended to read:

70.99 **(13)** (a) 1. The department of revenue shall prescribe the due dates, the blanks and forms and the format of information transmitted by the county assessor to the department as to the assessment of property and such other information as may be needed in its work as well as the forms of assessment rolls, blanks, books and returns required for the assessment and collection of general property taxes by county. The county shall submit material on or before the due dates that the department prescribes and shall use all of the material that the department prescribes.

SECTION 3370. 70.99 (13) (a) 3. of the statutes is repealed.

SECTION 3371. 70.99 (13) (b) of the statutes is amended to read:

70.99 **(13)** (b) The department of revenue shall prescribe minimum specifications for assessment maps. Any county whose assessment maps do not meet the department's specifications at the time of converting to the county assessment system shall have 4 years from the first countywide January 1 assessment date to bring its maps in conformance with the department's specifications. ~~If a county fails to bring its maps in conformance with the department's specifications within the 4–year period, or fails to maintain them at that level thereafter, the county shall be ineligible to receive any payment under sub. (12).~~

SECTION 3372. 70.99 (13) (c) 1. of the statutes is renumbered 70.99 (13) (c) and amended to read:

70.99 **(13)** (c) The department of revenue shall determine the minimum number of staff members required for each county assessor's office and the level of certification under sub. (3) required for each position.

SECTION 3373. 70.99 (13) (c) 2. of the statutes is repealed.

SECTION 3373am. 70.99 (14) of the statutes is amended to read:

70.99 **(14)** A county may discontinue a county assessor system by passage of a resolution or ordinance by an approving vote of ~~60%~~ a majority of the entire membership of the county board. The effective date of the resolution or ordinance shall be December 31. A county shall, on or before ~~December 1~~ October 31 of the year ~~preceding the year~~ when the resolution or ordinance is effective, notify all municipalities in the county of its intent to discontinue its county assessor system. As soon as practicable after the effective date of the resolution or ordinance, the county shall transfer to the proper municipality all assessment records, books, maps, aerial photographs, appraisal cards and other assessment data in its possession.

SECTION 3373b. 71.01 (6) (b) of the statutes is repealed.

SECTION 3373h. 71.01 (6) (h) of the statutes is amended to read:

71.01 **(6)** (h) For taxable years that begin after December 31, 1992, and before January 1, 1994, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73,

P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 and P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–66 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3373i. 71.01 (6) (i) of the statutes is amended to read:

71.01 **(6)** (i) For taxable years that begin after December 31, 1993, and before January 1, 1995, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66 and as amended by P.L. 103–296, P.L. 103–337 and P.L. 103–465, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and,~~ P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted

after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–276, P.L. 103–337 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3373j. 71.01 (6) (j) of the statutes is created to read:

71.01 **(6)** (j) For taxable years that begin after December 31, 1994, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, "internal revenue code" means the federal internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 and P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 and "internal revenue code" means amendments to section 162 of the federal internal revenue code made by P.L. 104–7. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1994, except amendments to section 162 of the federal internal revenue code made by P.L. 104–7, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994.

SECTION 3373k. 71.01 (7r) of the statutes is amended to read:

71.01 **(7r)** Notwithstanding sub. (6), for purposes of computing amortization or depreciation, "internal revenue code" means either the federal internal revenue code as amended to December 31, ~~1993~~ 1994, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property that, under s. 71.02 (2) (d) 12., 1985 stats., is required to be depreciated for taxable year 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 3373n. 71.02 (1) of the statutes is amended to read:

71.02 **(1)** For the purpose of raising revenue for the state and the counties, cities, villages and towns, there shall be assessed, levied, collected and paid a tax on all net incomes of individuals and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds subject to the tax under s. 71.23 (2), by every natural person residing within the state or by his or her personal representative in case of death, and trusts administered within the state; by every nonresident natural person and trust of this state, upon such income as is derived from property located or business transacted within the state including, but not limited by enumeration, income derived from a limited partner's distributive share of partnership income, income derived from a limited liability company member's distributive share of limited liability company income, the state lottery under ch. 565, any multistate lottery under ch. 565 if the winning lottery ticket or lottery share was purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the ~~gaming commission~~ department and pari–mutuel wager winnings or purses under ch. 562, and also by every nonresident natural person upon such income as is derived from the performance of personal services within the state, except as exempted under s.

71.05 (1) to (3). Every natural person domiciled in the state shall be deemed to be residing within the state for the purposes of determining liability for income taxes and surtaxes.

SECTION 3373r. 71.04 (1) (a) of the statutes is amended to read:

71.04 **(1)** (a) All income or loss of resident individuals and resident estates and trusts shall follow the residence of the individual, estate or trust. Income or loss of nonresident individuals and nonresident estates and trusts from business, not requiring apportionment under sub. (4), (10) or (11), shall follow the situs of the business from which derived. All items of income, loss and deductions of nonresident individuals and nonresident estates and trusts derived from a tax–option corporation not requiring apportionment under sub. (9) shall follow the situs of the business of the corporation from which derived. Income or loss of nonresident individuals and nonresident estates and trusts derived from rentals and royalties from real estate or tangible personal property, or from the operation of any farm, mine or quarry, or from the sale of real property or tangible personal property shall follow the situs of the property from which derived. Income from personal services of nonresident individuals, including income from professions, shall follow the situs of the services. A nonresident limited partner's distributive share of partnership income shall follow the situs of the business. A nonresident limited liability company member's distributive share of limited liability company income shall follow the situs of the business. Income of nonresident individuals, estates and trusts from the state lottery under ch. 565 is taxable by this state. Income of nonresident individuals, estates and trusts from any multistate lottery under ch. 565 is taxable by this state, but only if the winning lottery ticket or lottery share was purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the ~~gaming commission~~

department. Income of nonresident individuals, nonresident trusts and nonresident estates from pari–mutuel winnings or purses under ch. 562 is taxable by this state. All other income or loss of nonresident individuals and nonresident estates and trusts, including income or loss derived from land contracts, mortgages, stocks, bonds and securities or from the sale of similar intangible personal property, shall follow the residence of such persons, except as provided in par. (b) and sub. (9).

SECTION 3373s. 71.05 (3) of the statutes is amended to read:

71.05 **(3)** MENOMINEE INDIAN TRIBE; DISTRIBUTION OF ASSETS. No distribution of assets from the United States to the members of the Menominee Indian tribe as defined in s. ~~49.085~~ 49.385 or their lawful distributees, or to any corporation, or organization, created by the tribe or at its direction pursuant to section 8, P.L. 83–399, as amended, and no issuance of stocks, bonds, certificates of indebtedness, voting trust certificates or other securities by any such corporation or organization, or voting trust, to such members of the tribe or their lawful distributees shall be subject to income taxes under this chapter; provided, that so much of any cash distribution made under said P.L. 83–399 as consists of a share of any interest earned on funds deposited in the treasury of the United States pursuant to the supplemental appropriation act, 1952, (65 Stat. 736, 754) shall not by virtue of this subsection be exempt from the individual income tax of this state in the hands of the recipients for the year in which paid. For the purpose of ascertaining the gain or loss resulting from the sale or other disposition of such assets and stocks, bonds, certificates of indebtedness and other securities under this chapter, the fair market value of such property, on termination date as defined in s. 70.057 (1), 1967 stats., shall be the basis for determining the amount of such gain or loss.

SECTION 3373t. 71.05 (6) (a) 15. of the statutes is amended to read:

71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL) and (2ds) and not passed through by a partnership, limited liability company or tax–option corporation that has added that amount to the partnership's, company's or tax–option corporation's income under s. 71.21 (4) or 71.34 (1) (g).

SECTION 3373w. 71.05 (6) (b) 21. of the statutes is created to read:

71.05 **(6)** (b) 21. The difference between the amount of social security benefits included in federal adjusted gross income for the current year and the amount calculated under section 86 of the internal revenue code as that section existed on December 31, 1992.

SECTION 3377m. 71.07 (2dd) of the statutes is created to read:

71.07 **(2dd)** DEVELOPMENT ZONES DAY CARE CREDIT. (a) In this subsection:

1. "Day care center benefits" means benefits provided at a day care facility that is licensed under s. 48.65 or 48.69 and that for compensation provides care for at least 6 children.

2. "Employment–related day care expenses" means amounts paid or incurred by a claimant for providing or making day care center benefits available to a qualifying child in order to enable a member of a targeted group to be employed by the claimant.

3. "Qualifying child" means a child of a member of a targeted group who is employed by a claimant.

4. "Member of a targeted group" means a person under sub. (2dj) (am) 1.

(b) Except as provided in s. 73.03 (35), for any taxable year for which that person is certified under s. 560.765 (3) and begins business operations in a zone under s. 560.71 after the effective date of this paragraph .... [revisor inserts date], entitled under s. 560.795 (3) (a) and begins business operations in a zone under s.

560.795 after the effective date of this paragraph .... [revisor inserts date], or certified under s. 560.797 (4) (a) for each zone for which the person is certified or entitled a person may credit against taxes otherwise due under this subchapter employment–related day care expenses, up to $1,200 for each qualifying child.

(c) Subsection (2di) (b), (d), (f) and (g), as it applies to the credit under sub. (2di), applies to the credit under this subsection.

(d) Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

(e) The credit under this subsection, as it applies to a person certified under s. 560.765 (3), applies to a person who conducts economic activity in a zone under s. 560.795 (1) and who is entitled to tax benefits under s. 560.795 (3), subject to the limits under s. 560.795 (2). A credit under this subsection may be credited using expenses incurred by a claimant on the effective date of this paragraph .... [revisor inserts date].

SECTION 3377r. 71.07 (2de) of the statutes is created to read:

71.07 **(2de)** DEVELOPMENT ZONES ENVIRONMENTAL REMEDIATION CREDIT. (a) Except as provided in s. 73.03 (35), for any taxable year for which a person is certified under s. 560.765 (3) and begins business operations in a zone under s. 560.71 after the effective date of this paragraph .... [revisor inserts date], entitled under s. 560.795 (3) (a) and begins business operations in a zone under s. 560.795 after the effective date of this paragraph .... [revisor inserts date], or certified under s. 560.797 (4) (a), for each zone for which the person is certified or entitled the person may claim as a credit against taxes otherwise due under this subchapter an amount equal to 7.5% of the amount that the person expends to remove or contain environmental pollution, as defined in s. 144.01 (3), in the zone or to restore soil or groundwater that

is affected by environmental pollution, as defined in s. 144.01 (3), in the zone if the person fulfills all of the following requirements:

1. Begins the work, other than planning and investigating, for which the credit is claimed after the area that includes the site where the work is done is designated a development zone under s. 560.71, a development opportunity zone under s. 560.795 or an enterprise development zone under s. 560.797.

2. Completes the project for which the credit is claimed after the claimant is certified under s. 560.765 (3), entitled under s. 560.795 (3) (a) or certified under s. 560.797 (4) (a).

(b) Subsection (2di), (b), (d), (f) and (g), as it applies to the credit under sub. (2di), applies to the credit under this subsection.

(c) Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

(d) The credit under this subsection, as it applies to a person certified under s. 560.765 (3), applies to a person who conducts economic activity in a zone under s. 560.795 (1) and who is entitled to tax benefits under s. 560.795 (3), subject to the limits under s. 560.795 (2). A credit under this subsection may be credited using expenses incurred by a claimant on the effective date of this paragraph .... [revisor inserts date].

SECTION 3378g. 71.07 (2dj) (am) 4b. of the statutes is created to read:

71.07 **(2dj)** (am) 4b. Modify "qualified wages", as defined in section 51 (b) of the internal revenue code, to include up to $2,500 in day care center benefits, as defined in sub. (2dd) (a) 1., if the claimant begins operations in a zone under s. 560.71 or 560.795 after the effective date of this subdivision .... [revisor inserts date], or if the claimant conducts economic activity in a zone under s. 560.797.

SECTION 3378m. 71.07 (2dj) (d) of the statutes is amended to read:

71.07 **(2dj)** (d) If the allowable amount of the credit under par. (am) exceeds the taxes otherwise due under this chapter on or measured by the claimant's income, the amount of the credit not used as an offset against those taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft unless the claimant does not fulfill the requirements under sub. (2di) (b) 2. and bases the claim on activity in a zone under s. 560.797.

SECTION 3380g. 71.07 (2dj) (f) of the statutes is amended to read:

71.07 **(2dj)** (f) The rules under sub. (2di) (b), (f) and (g) as they apply to the credit under that subsection apply to the credit under this subsection.

SECTION 3380r. 71.07 (2ds) (c) of the statutes is amended to read:

71.07 **(2ds)** (c) If the allowable amount of the credit under par. (b) exceeds the taxes otherwise due under this chapter on or measured by the claimant's income, the amount of the credit not used as an offset against those taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft unless the claimant does not fulfill the requirements under sub. (2di) (b) 2. and bases the claim on activity in a zone under s. 560.797.

SECTION 3381m. 71.07 (2ds) (e) of the statutes is amended to read:

71.07 **(2ds)** (e) The rules under sub. (2di) (b), (f) and (g) as they apply to the credit under that subsection apply to the credit under this subsection.

SECTION 3382. 71.07 (9) (b) of the statutes is amended to read:

71.07 **(9)** (b) Subject to the limitations under this subsection, a claimant may claim as a credit against, but not to exceed the amount of, taxes under s. 71.02, ~~10% of~~ a percentage equal to the top marginal tax rate under s. 71.06 multiplied by the first $2,000 of property taxes or rent constituting property taxes, or ~~10% of~~ a

percentage equal to the top marginal tax rate under s. 71.06 multiplied by the first $1,000 of property taxes or rent constituting property taxes of a married person filing separately.

SECTION 3382m. 71.07 (9e) (ac) of the statutes is created to read:

71.07 **(9e)** (ac) For taxable years beginning after December 31, 1994, and before January 1, 1996, any natural person may credit against the tax imposed under s. 71.02 an amount equal to one of the following percentages of the federal basic earned income credit for which the person is eligible for the taxable year under section 32 (b) (1) (A) to (C) of the internal revenue code:

1. If the person has one qualifying child who has the same principal place of abode as the person, 4%.

2. If the person has 2 qualifying children who have the same principal place of abode as the person, 16%.

3. If the person has 3 or more qualifying children who have the same principal place of abode as the person, 50%.

SECTION 3383. 71.07 (9e) (ad) (intro.) of the statutes is amended to read:

71.07 **(9e)** (ad) (intro.) For taxable years beginning ~~on or after January 1, 1994~~ after December 31, 1993, and before January 1, 1995, a person who has one qualifying child who has the same principal place of abode as the person may credit against the tax imposed under s. 71.02 an amount equal to the amount calculated by one of the following methods, based on the person's earned income or federal adjusted gross income:

SECTION 3383m. 71.07 (9e) (af) of the statutes is created to read:

71.07 **(9e)** (af) For taxable years beginning after December 31, 1995, any natural person may credit against the tax imposed under s. 71.02 an amount equal

to one of the following percentages of the federal basic earned income credit for which the person is eligible for the taxable year under section 32 (b) (1) (A) to (C) of the internal revenue code:

1. If the person has one qualifying child who has the same principal place of abode as the person, 4%.

2. If the person has 2 qualifying children who have the same principal place of abode as the person, 14%.

3. If the person has 3 or more qualifying children who have the same principal place of abode as the person, 43%.

SECTION 3384. 71.07 (9e) (ah) (intro.) of the statutes is amended to read:

71.07 **(9e)** (ah) (intro.) For taxable years beginning ~~on or after January 1, 1994~~ after December 31, 1993, and before January 1, 1995, a person who has 2 qualifying children who have the same principal place of abode as the person may credit against the tax imposed under s. 71.02 an amount equal to the amount calculated by one of the following methods, based on the person's earned income or federal adjusted gross income:

SECTION 3388. 71.07 (9e) (ap) (intro.) of the statutes is amended to read:

71.07 **(9e)** (ap) (intro.) For taxable years beginning ~~on or after January 1, 1994~~ after December 31, 1993, and before January 1, 1995, a person who has more than 2 qualifying children who have the same principal place of abode as the person may credit against the tax imposed under s. 71.02 an amount equal to the amount calculated by one of the following methods, based on the person's earned income or federal adjusted gross income:

SECTION 3391. 71.07 (9e) (at) 1. (intro.) of the statutes is amended to read:

71.07 **(9e)** (at) 1. (intro.) For taxable years beginning ~~on or after January 1, 1994, and subject to subd. 2.~~ after December 31, 1993, and before January 1, 1995:

SECTION 3392. 71.07 (9e) (at) 2. of the statutes is repealed.

SECTION 3393. 71.07 (9e) (at) 3. (intro.) of the statutes is amended to read:

71.07 **(9e)** (at) 3. (intro.) For taxable years beginning ~~on or after January 1, 1994~~ after December 31, 1993, and before January 1, 1995, the maximum credit is one of the following amounts:

SECTION 3393m. 71.07 (9m) (a) of the statutes is amended to read:

71.07 **(9m)** (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section ~~48 (g) (2)~~ 47 (c) (2) of the internal revenue code, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, and the rehabilitated property is placed in service after June 30, 1989.

SECTION 3393r. 71.08 (1) (intro.) of the statutes is amended to read:

71.08 **(1)** IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2ds), (2fd), (3m), (6) and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1fd) and (2m) and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1fd) and (2m) and subchs. VIII and IX and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

SECTION 3394. 71.10 (3) (b) of the statutes is amended to read:

71.10 **(3)** (b) The secretary of revenue shall provide a place for those designations on the face of the individual income tax return and shall provide next to that place a statement that a designation will not increase tax liability. Annually on August 15, the secretary of revenue shall certify to the elections board, the ~~department~~ secretary of administration and the state treasurer under s. 11.50 the total amount of designations made during the preceding fiscal year. If any individual attempts to place any condition or restriction upon a designation, that individual is deemed not to have made a designation on his or her tax return.

SECTION 3394m. 71.10 (4) (gh) and (gi) of the statutes are created to read:

71.10 **(4)** (gh) Development zones day care credit under s. 71.07 (2dd).

(gi) Development zones environmental remediation credit under s. 71.07 (2de).

SECTION 3395. 71.10 (5) (h) (intro.) of the statutes is amended to read:

71.10 **(5)** (h) *Certification of amounts.* (intro.) Annually, on or before September 15, the secretary of revenue shall certify to the department of natural resources~~,~~ and the ~~department~~ secretary of administration ~~and the state treasurer~~:

SECTION 3395e. 71.10 (5m) of the statutes is created to read:

71.10 **(5m)** DOMESTIC ABUSE AWARENESS AND PREVENTION. (a) *Definitions.* In this subsection, "domestic abuse program" means the program described under s. 46.95 (4).

(b) *Voluntary payments.* 1. 'Designation on return'. Any individual filing an income tax return may designate on the return any amount of additional payment or any amount of a refund due that individual for the domestic abuse program.

2. 'Designation added to tax owed'. If the individual owes any tax, the individual shall remit in full the tax due and the amount designated on the return for the domestic abuse program when the individual files a tax return.

3. 'Designation deducted from refund'. Except as provided under par. (d) if the individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80 (3), the department of revenue shall deduct the amount designated on the return for the domestic abuse program from the amount of the refund.

(c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails to remit an amount equal to or in excess of the total of the actual tax due, after error corrections, and the amount designated on the return for the domestic abuse program:

1. The department shall reduce the designation for the domestic abuse program to reflect the amount remitted in excess of the actual tax due, after error corrections, if the individual remitted an amount in excess of the actual tax due, after error corrections, but less than the total of the actual tax due, after error corrections, and the amount originally designated on the return for the domestic abuse program.

2. The designation for the domestic abuse program is void if the individual remitted an amount equal to or less than the actual tax due, after error corrections.

(d) *Errors; insufficient refund.* If an individual who is owed a refund which does not equal or exceed the amount designated on the return for the domestic abuse program, after crediting under ss. 71.75 (9) and 71.80 (3) and after error corrections, the department shall reduce the designation for the domestic abuse program to reflect the actual amount of the refund the individual is otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and after error corrections.

(e) *Conditions.* If an individual places any conditions on a designation for the domestic abuse program, the designation is void.

(f) *Void designation.* If a designation for the domestic abuse program is void, the department of revenue shall disregard the designation and determine amounts due, owed, refunded and received without regard to the void designation.

(g) *Tax return.* The secretary of revenue shall provide a place for the designations under this subsection on the individual income tax return and the secretary shall highlight that place on the return by a symbol chosen by the department of revenue that relates to domestic abuse prevention and awareness.

(h) *Certification of amounts.* Annually, on or before September 15, the secretary of revenue shall certify to the department of health and social services and the secretary of administration, and on or before September 15, 1995, the secretary of revenue shall also certify to the state treasurer:

1. The total amount of the administrative costs, including data processing costs, incurred by the department of revenue in administering this subsection during the previous fiscal year.

2. The total amount received from all designations for the domestic abuse program made by taxpayers during the previous fiscal year.

3. The net amount remaining after the administrative costs, including data processing costs, under subd. 1. are subtracted from the total received under subd. 2.

4. From the moneys received from designations for the domestic abuse program, an amount equal to the sum of administrative expenses, including data processing costs, certified under subd. 1. shall be deposited in the general fund and credited to the appropriation under s. 20.566 (1) (hp), and the net amount remaining certified under subd. 3. shall be credited to the appropriation under s. 20.435 (1) (hk).

5. Amounts designated for the domestic abuse program under this subsection are not subject to refund to the taxpayer unless the taxpayer submits information to the satisfaction of the department within 18 months after the date taxes are due or the date the return is filed, whichever is later, that the amount designated is clearly in error. Any refund granted by the department of revenue under this subdivision shall be deducted from the moneys received under this subsection in the fiscal year that the refund is certified.

SECTION 3396b. 71.22 (4) (b) of the statutes is repealed.

SECTION 3396h. 71.22 (4) (h) of the statutes is amended to read:

71.22 **(4)** (h) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "internal revenue code", for taxable years that begin after December 31, 1992, and before January 1, 1994, means the federal internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66 and P.L. 103–465. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and

before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–66 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3396i. 71.22 (4) (i) of the statutes is amended to read:

71.22 **(4)** (i) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "internal revenue code", for taxable years that begin after December 31, 1993, and before January 1, 1995, means the federal internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66 and P.L. 103–296, P.L. 103–337 and P.L. 103–465. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296,

P.L. 103–337 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3396j. 71.22 (4) (j) of the statutes is created to read:

71.22 **(4)** (j) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g) and 71.42 (2), "internal revenue code", for taxable years that begin after December 31, 1994, means the federal internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66 and P.L. 103–296, P.L. 103–337 and P.L. 103–465. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994.

SECTION 3396p. 71.22 (4m) (f) of the statutes is amended to read:

71.22 **(4m)** (f) For taxable years that begin after December 31, 1992, and before January 1, 1994, "internal revenue code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 and as

indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66 and P.L. 103–465. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–66 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3396q. 71.22 (4m) (g) of the statutes is amended to read:

71.22 **(4m)** (g) For taxable years that begin after December 31, 1993, and before January 1, 1995, "internal revenue code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465. The internal revenue code applies for Wisconsin purposes at the same time

as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3396r. 71.22 (4m) (h) of the statutes is created to read:

71.22 **(4m)** (h) For taxable years that begin after December 31, 1994, "internal revenue code", for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994.

SECTION 3397. 71.26 (1) (a) of the statutes is amended to read:

71.26 **(1)** (a) *Certain corporations.* Income of corporations organized under ch. 185, except income of a cooperative sickness care association organized under s.

185.981, or of a service insurance corporation organized under ch. 613, that is derived from a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3), or operating under subch. I of ch. 616 which are bona fide cooperatives operated without pecuniary profit to any shareholder or member, or operated on a cooperative plan pursuant to which they determine and distribute their proceeds in substantial compliance with s. 185.45, and the income, except the unrelated business taxable income as defined in section 512 of the internal revenue code and except income that is derived from a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3), of all religious, scientific, educational, benevolent or other corporations or associations of individuals not organized or conducted for pecuniary profit. This paragraph does not apply to the income of savings banks, mutual loan corporations or savings and loan associations. This paragraph applies to the income of credit unions except to the income of any credit union that is derived from public deposits for any taxable year in which the credit union is approved as a public depository under ch. 34 and acts as a depository of state or local funds under s. 186.113 (20). For purposes of this paragraph, the income of a credit union that is derived from public deposits is the product of the credit union's gross annual income for the taxable year multiplied by a fraction, the numerator of which is the average monthly balance of public deposits in the credit union during the taxable year, and the denominator of which is the average monthly balance of all deposits in the credit union during the taxable year.

SECTION 3398. 71.26 (1) (be) of the statutes is created to read:

71.26 **(1)** (be) *Certain authorities.* Income of the University of Wisconsin Hospitals and Clinics Authority.

SECTION 3399. 71.26 (1) (d) of the statutes is amended to read:

71.26 **(1)** (d) *Bank in liquidation.* Income of any bank placed in the hands of the ~~commissioner~~ division of banking for liquidation under s. 220.08, if the tax levied, assessed or collected under this chapter on account of such bank diminishes the assets thereof so that full payment of all depositors cannot be made. Whenever the ~~commissioner~~ division of banking certifies to the department of revenue that the tax or any part thereof levied and assessed under this chapter against any such bank will so diminish the assets thereof that full payment of all depositors cannot be made, the department of revenue shall cancel and abate such tax or part thereof, together with any penalty thereon. This paragraph shall apply to unpaid taxes which were levied and assessed subsequent to the time the bank was taken over by the ~~commissioner~~ division of banking.

SECTION 3399e. 71.26 (1) (e) of the statutes is amended to read:

71.26 **(1)** (e) *Menominee Indian tribe; distribution of assets.* No distribution of assets from the United States to the members of the Menominee Indian tribe as defined in s. ~~49.085~~ 49.385 or their lawful distributees, or to any corporation, or organization, created by the tribe or at its direction pursuant to section 8 of P.L. 83–399, as amended, and no issuance of stocks, bonds, certificates of indebtedness, voting trust certificates or other securities by any such corporation or organization, or voting trust, to such members of the tribe or their lawful distributees shall be subject to income or franchise taxes under this chapter; provided that so much of any cash distribution made under said P.L. 83–399 as consists of a share of any interest earned on funds deposited in the treasury of the United States pursuant to the supplemental appropriation act, 1952, (65 Stat. 736, 754) shall not by virtue of this paragraph be exempt from the individual income tax of this state in the hands of the

recipients for the year in which paid. For the purpose of ascertaining the gain or loss resulting from the sale or other disposition of such assets and stocks, bonds, certificates of indebtedness and other securities under this chapter, the fair market value of such property, on termination date as defined in s. 70.057 (1), 1967 stats., shall be the basis for determining the amount of such gain or loss.

SECTION 3399f. 71.26 (2) (a) of the statutes is amended to read:

71.26 **(2)** (a) *Corporations in general.* The "net income" of a corporation means the gross income as computed under the internal revenue code as modified under sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit computed under s. 71.28 (1) and (3) to (5) plus the amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL) and (1ds) and not passed through by a partnership, limited liability company or tax–option corporation that has added that amount to the partnership's, limited liability company's or tax–option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus the amount of losses from the sale or other disposition of assets the gain from which would be wholly exempt income, as defined in sub. (3) (L), if the assets were sold or otherwise disposed of at a gain and minus deductions, as computed under the internal revenue code as modified under sub. (3), plus or minus, as appropriate, an amount equal to the difference between the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned or otherwise disposed of in a taxable transaction during the taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

SECTION 3399g. 71.26 (2) (b) 2. of the statutes is repealed.

SECTION 3399h. 71.26 (2) (b) 8. of the statutes is amended to read:

71.26 **(2)** (b) 8. For taxable years that begin after December 31, 1992, and before January 1, 1994, for a corporation, conduit or common law trust which qualifies as

a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1., 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, and P.L. 103–465 excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 and P.L. 103–66, excluding sections 13101 (a) and (c) 1., 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980, and except that the appropriate amount shall be added or

subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1992, do not apply to this subdivision with respect to taxable years that begin after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–66 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3399i. 71.26 (2) (b) 9. of the statutes is amended to read:

71.26 **(2)** (b) 9. For taxable years that begin after December 31, 1993, and before January 1, 1995, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by

P.L. 103–296, P.L. 103–337 and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and,~~ P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1993, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and,~~ P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The internal revenue code as amended to December 31, 1993,

excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1993, do not apply to this subdivision with respect to taxable years that begin after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3399j. 71.26 (2) (b) 10. of the statutes is created to read:

71.26 **(2)** (b) 10. For taxable years that begin after December 31, 1994, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit or real estate investment trust under the internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 and

P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 "net income" means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income or federal real estate investment trust taxable income of the corporation, conduit or trust as determined under the internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.

103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the internal revenue code enacted after December 31, 1994, do not apply to this subdivision with respect to taxable years that begin after December 31, 1994.

SECTION 3399k. 71.26 (3) (y) of the statutes is amended to read:

71.26 **(3)** (y) A corporation may compute amortization and depreciation under either the federal internal revenue code as amended to December 31, ~~1993~~ 1994, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 3399r. 71.28 (1dd) of the statutes is created to read:

71.28 **(1dd)** DEVELOPMENT ZONES DAY CARE CREDIT. (a) In this subsection:

1. "Day care center benefits" means benefits provided at a day care facility that is licensed under s. 48.65 or 48.69 and that for compensation provides care for at least 6 children.

2. "Employment–related day care expenses" means amounts paid or incurred by a claimant for providing or making day care center benefits available to a

qualifying child in order to enable a member of a targeted group to be employed by the claimant.

3. "Qualifying child" means a child of a member of a targeted group who is employed by a claimant.

4. "Member of a targeted group" means a person under sub. (1dj) (am) 1.

(b) Except as provided in s. 73.03 (35), for any taxable year for which that person is certified under s. 560.765 (3) and begins business operations in a zone under s. 560.71 after the effective date of this paragraph .... [revisor inserts date], entitled under s. 560.795 (3) (a) and begins business operations in a zone under s. 560.795 after the effective date of this paragraph .... [revisor inserts date], or certified under s. 560.797 (4) (a), for each zone for which the person is certified or entitled a person may credit against taxes otherwise due under this subchapter employment–related day care expenses, up to $1,200 for each qualifying child.

(c) Subsection (1di) (b), (d), (f) and (g), as it applies to the credit under sub. (1di), applies to the credit under this subsection.

(d) Subsection (4) (e) to (h), as it applies to the credit under sub. (4), applies to the credit under this subsection.

(e) The credit under this subsection, as it applies to a person certified under s. 560.765 (3), applies to a corporation that conducts economic activity in a zone under s. 560.795 (1) and that is entitled to tax benefits under s. 560.795 (3), subject to the limits under s. 560.795 (2). A credit under this subsection may be credited using expenses incurred by a claimant on the effective date of this paragraph .... [revisor inserts date].

SECTION 3399t. 71.28 (1de) of the statutes is created to read:

71.28 **(1de)** DEVELOPMENT ZONES ENVIRONMENTAL REMEDIATION CREDIT. (a) Except as provided in s. 73.03 (35), for any taxable year for which a person is certified under s. 560.765 (3) and begins business operations in a zone under s. 560.71 after the effective date of this paragraph .... [revisor inserts date], entitled under s. 560.795 (3) (a) and begins business operations in a zone under s. 560.795 after the effective date of this paragraph .... [revisor inserts date], or certified under s. 560.797 (4) (a), for each zone for which the person is certified or entitled the person may claim as a credit against taxes otherwise due under this subchapter an amount equal to 7.5% of the amount that the person expends to remove or contain environmental pollution, as defined in s. 144.01 (3), in the zone or to restore soil or groundwater that is affected by environmental pollution, as defined in s. 144.01 (3), in the zone or to restore soil or groundwater that is affected by environmental pollution, as defined in s. 144.01 (3), in the zone if the person fulfills all of the following requirements:

1. Begins the work, other than planning and investigating, for which the credit is claimed after the area that includes the site where the work is done is designated a development zone under s. 560.71, a development opportunity zone under s. 560.795 or an enterprise development zone under s. 560.797.

2. Completes the project for which the credit is claimed after the claimant is certified under s. 560.765 (3), entitled under s. 560.795 (3) (a) or certified under s. 560.797 (4) (a).

(b) Subsection (1di) (b), (d), (f) and (g), as it applies to the credit under sub. (1di), applies to the credit under this subsection.

(c) Subsection (4) (e) to (h), as it applies to the credit under sub. (4), applies to the credit under this subsection.

(d) The credit under this subsection, as it applies to a person certified under s. 560.765 (3), applies to a corporation that conducts economic activity in a zone under s. 560.795 (1) and that is entitled to tax benefits under s. 560.795 (3), subject to the limits under s. 560.795 (2). A credit under this subsection may be credited using expenses incurred by a claimant on the effective date of this paragraph .... [revisor inserts date].

SECTION 3400f. 71.28 (1dj) (am) 4b. of the statutes is created to read:

71.28 **(1dj)** (am) 4b. Modify "qualified wages", as defined in section 51 (b) of the internal revenue code, to include up to $2,500 in day care center benefits, as defined in sub. (1dd) (a) 1., if the claimant begins operations in a zone under s. 560.71 or 560.795 after the effective date of this subdivision .... [revisor inserts date], or if the claimant conducts economic activity in a zone under s. 560.797.

SECTION 3400g. 71.28 (1dj) (d) of the statutes is amended to read:

71.28 **(1dj)** (d) If the allowable amount of the credit under par. (am) exceeds the taxes otherwise due under this chapter on or measured by the claimant's income, the amount of the credit not used as an offset against those taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft unless the claimant does not fulfill the requirements under sub. (1di) (b) 2. and bases the claim on activity in a zone under s. 560.797.

SECTION 3402m. 71.28 (1dj) (f) of the statutes is amended to read:

71.28 **(1dj)** (f) The rules under sub. (1di) (b), (f) and (g) as they apply to the credit under that subsection apply to the credit under this subsection.

SECTION 3402r. 71.28 (1ds) (c) of the statutes is amended to read:

71.28 **(1ds)** (c) If the allowable amount of the credit under par. (b) exceeds the taxes otherwise due under this chapter on or measured by the claimant's income, the

amount of the credit not used as an offset against those taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft unless the claimant does not fulfill the requirements under sub. (1di) (b) 2. and bases the claim on activity in a zone under s. 560.797.

SECTION 3403m. 71.28 (1ds) (e) of the statutes is amended to read:

71.28 **(1ds)** (e) The rules under sub. (1di) (b), (f) and (g) as they apply to the credit under that subsection apply to the credit under this subsection.

SECTION 3404c. 71.28 (6) (a) of the statutes is amended to read:

71.28 **(6)** (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section ~~48 (g) (2)~~ 47 (c) (2) of the internal revenue code, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, and the rehabilitated property is placed in service after June 30, 1989.

SECTION 3404cg. 71.30 (3) (eo) and (ep) of the statutes are created to read:

71.30 **(3)** (eo) Development zones day care credit under s. 71.28 (1dd).

(ep) Development zones environmental remediation credit under s. 71.28 (1de).

SECTION 3404cm. 71.34 (1) (g) of the statutes is amended to read:

71.34 **(1)** (g) An addition shall be made for credits computed by a tax–option corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL) and (1ds) and passed through to shareholders.

SECTION 3404e. 71.34 (1g) (b) of the statutes is repealed.

SECTION 3404h. 71.34 (1g) (h) of the statutes is amended to read:

71.34 **(1g)** (h) "Internal revenue code" for tax–option corporations, for taxable years that begin after December 31, 1992, and before January 1, 1994, means the federal internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and~~, P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 except that section 1366 (f) (relating to pass–through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–66 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3404i. 71.34 (1g) (i) of the statutes is amended to read:

71.34 **(1g)** (i) "Internal revenue code" for tax–option corporations, for taxable years that begin after December 31, 1993, and before January 1, 1995, means the federal internal revenue code as amended to December 31, 1993, excluding sections

103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and,~~ P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 except that section 1366 (f) (relating to pass–through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3404j. 71.34 (1g) (j) of the statutes is created to read:

71.34 **(1g)** (j) "Internal revenue code" for tax–option corporations, for taxable years that begin after December 31, 1994, means the federal internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as indirectly affected in the provisions applicable to this subchapter by P.L.

99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465, except that section 1366 (f) (relating to pass–through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994.

SECTION 3404k. 71.365 (1m) of the statutes is amended to read:

71.365 **(1m)** TAX–OPTION CORPORATIONS; DEPRECIATION. A tax–option corporation may compute amortization and depreciation under either the federal internal revenue code as amended to December 31, ~~1993~~ 1994, or the federal internal revenue code in effect for the taxable year for which the return is filed, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980. Any difference between the adjusted basis for federal income tax purposes and the adjusted basis

under this chapter shall be taken into account in determining net income or loss in the year or years for which the gain or loss is reportable under this chapter. If that property was placed in service by the taxpayer during taxable year 1986 and thereafter but before the property is used in the production of income subject to taxation under this chapter, the property's adjusted basis and the depreciation or other deduction schedule are not required to be changed from the amount allowable on the owner's federal income tax returns for any year because the property is used in the production of income subject to taxation under this chapter. If that property was acquired in a transaction in taxable year 1986 or thereafter in which the adjusted basis of the property in the hands of the transferee is the same as the adjusted basis of the property in the hands of the transferor, the Wisconsin adjusted basis of that property on the date of transfer is the adjusted basis allowable under the internal revenue code as defined for Wisconsin purposes for the property in the hands of the transferor.

SECTION 3404q. 71.42 (2) (g) of the statutes is amended to read:

71.42 **(2)** (g) For taxable years that begin after December 31, 1992, and before January 1, 1994, "internal revenue code" means the federal internal revenue code as amended to December 31, 1992, excluding sections 103, 104 and 110 of P.L. 102–227, and as amended by P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 ~~and,~~ P.L. 103–66, excluding sections 13101 (a) and (c) 1, 13113, 13150, 13171, 13174 and 13203 of P.L. 103–66, and P.L. 103–465 except that "internal revenue code" does not include section 847 of the federal

internal revenue code. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1992, do not apply to this paragraph with respect to taxable years beginning after December 31, 1992, and before January 1, 1994, except that changes to the internal revenue code made by P.L. 103–66 and P.L. 103–465 and changes that indirectly affect the federal internal revenue code made by P.L. 103–66 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3404r. 71.42 (2) (h) of the statutes is amended to read:

71.42 **(2)** (h) For taxable years that begin after December 31, 1993, and before January 1, 1995, "internal revenue code" means the federal internal revenue code as amended to December 31, 1993 excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, and as amended by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486 and P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, 13203 (d) and 13215 of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 except that "internal revenue code" does not include section 847 of the federal internal revenue code. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1993, do not apply to this paragraph with respect to taxable years beginning after December 31, 1993, and before January 1, 1995, except that changes to the internal revenue code made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 and changes that indirectly affect the

provisions applicable to this subchapter made by P.L. 103–296, P.L. 103–337 and P.L. 103–465 apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 3404s. 71.42 (2) (i) of the statutes is created to read:

71.42 **(2)** (i) For taxable years that begin after December 31, 1994, "internal revenue code" means the federal internal revenue code as amended to December 31, 1994, excluding sections 103, 104 and 110 of P.L. 102–227 and sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337 and P.L. 103–465 except that "internal revenue code" does not include section 847 of the federal internal revenue code. The internal revenue code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal internal revenue code enacted after December 31, 1994, do not apply to this paragraph with respect to taxable years beginning after December 31, 1994.

SECTION 3405. 71.45 (1) of the statutes is amended to read:

71.45 **(1)** EXEMPT AND EXCLUDABLE INCOME. There shall be exempt from taxation under this subchapter income of insurers exempt from federal income taxation pursuant to section 501 (c) (15) of the internal revenue code, town mutuals organized under or subject to ch. 612, foreign insurers, and domestic insurers engaged exclusively in life insurance business, domestic insurers insuring against financial loss by reason of nonpayment of principal, interest and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust or other instrument constituting a lien or charge on real

estate and corporations organized under ch. 185, but not including income of cooperative sickness care associations organized under s. 185.981, or of a service insurance corporation organized under ch. 613, that is derived from a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3), or operating under subch. I of ch. 616 which are bona fide cooperatives operated without pecuniary profit to any shareholder or member, or operated on a cooperative plan pursuant to which they determine and distribute their proceeds in substantial compliance with s. 185.45.

SECTION 3406. 71.45 (2) (a) (intro.) of the statutes is amended to read:

71.45 **(2)** (a) (intro.) Insurers subject to taxation under this chapter shall pay a tax according to or measured by net income. Such tax is payable under s. 71.44 (1). ~~"Net~~ Except as provided in sub. (5), "net income" of an insurer subject to taxation under this chapter means federal taxable income as determined in accordance with the provisions of the internal revenue code adjusted as follows:

SECTION 3406r. 71.45 (2) (a) 10. of the statutes is amended to read:

71.45 **(2)** (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 ~~(1di)~~ (1dd) to (1ds) and not passed through by a partnership, limited liability company or tax–option corporation that has added that amount to the partnership's, limited liability company's or tax–option corporation's income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under s. 71.47 (1), (3), (4) and (5).

SECTION 3406v. 71.45 (2) (a) 13. of the statutes is amended to read:

71.45 **(2)** (a) 13. By adding or subtracting, as appropriate, the difference between the depreciation deduction under the federal internal revenue code as amended to December 31, ~~1993~~ 1994, and the depreciation deduction under the

federal internal revenue code in effect for the taxable year for which the return is filed, so as to reflect the fact that the insurer may choose between these 2 deductions, except that property first placed in service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, and property first placed in service in taxable year 1981 or thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal revenue code as amended to December 31, 1980, shall continue to be depreciated under the internal revenue code as amended to December 31, 1980.

SECTION 3407. 71.45 (5) of the statutes is created to read:

71.45 **(5)** EXCEPTIONS. The net income of a cooperative sickness care association organized under s. 185.981, or of a service insurance corporation organized under ch. 613, that is derived from a health maintenance organization, as defined in s. 609.01 (2), or a limited service health organization, as defined in s. 609.01 (3), is the net income that would be determined if the cooperative sickness care association or service insurance corporation were subject to federal income taxation and as if that income were that of an insurance company.

SECTION 3407m. 71.47 (1dd) of the statutes is created to read:

71.47 **(1dd)** DEVELOPMENT ZONES DAY CARE CREDIT. (a) In this subsection:

1. "Day care center benefits" means benefits provided at a day care facility that is licensed under s. 48.65 or 48.69 and that for compensation provides care for at least 6 children.

2. "Employment–related day care expenses" means amounts paid or incurred by a claimant for providing or making day care center benefits available to a

qualifying child in order to enable a member of a targeted group to be employed by the claimant.

3. "Qualifying child" means a child of a member of a targeted group who is employed by a claimant.

4. "Member of a targeted group" means a person under sub. (1dj) (am) 1.

(b) Except as provided in s. 73.03 (35), for any taxable year for which that person is certified under s. 560.765 (3) and begins business operations in a zone under s. 560.71 after the effective date of this paragraph .... [revisor inserts date], entitled under s. 560.795 (3) (a) and begins business operations in a zone under s. 560.795 after the effective date of this paragraph .... [revisor inserts date], or certified under s. 560.797 (4) (a), for each zone for which the person is certified or entitled a person may credit against taxes otherwise due under this subchapter employment–related day care expenses, up to $1,200 for each qualifying child.

(c) Subsection (1di) (b), (d), (f) and (g), as it applies to the credit under sub. (1di), applies to the credit under this subsection.

(d) Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

(e) The credit under this subsection, as it applies to a person certified under s. 560.765 (3), applies to a person who conducts economic activity in a zone under s. 560.795 (1) and who is entitled to tax benefits under s. 560.795 (3), subject to the limits under s. 560.795 (2). A credit under this subsection may be credited using expenses incurred by a claimant on the effective date of this paragraph .... [revisor inserts date].

SECTION 3407r. 71.47 (1de) of the statutes is created to read:

71.47 **(1de)** DEVELOPMENT ZONES ENVIRONMENTAL REMEDIATION CREDIT. (a) Except as provided in s. 73.03 (35), for any taxable year for which a person is certified under s. 560.765 (3) and begins business operations in a zone under s. 560.71 after the effective date of this paragraph .... [revisor inserts date], entitled under s. 560.795 (3) (a) and begins business operations in a zone under s. 560.795 after the effective date of this paragraph .... [revisor inserts date], or certified under s. 560.797 (4) (a), for each zone for which the person is certified or entitled the person may claim as a credit against taxes otherwise due under this subchapter an amount equal to 7.5% of the amount that the person expends to remove or contain environmental pollution, as defined in s. 144.01 (3), in the zone or to restore soil or groundwater that is affected by environmental pollution, as defined in s. 144.01 (3), in the zone if the person fulfills all of the following requirements:

1. Begins the work, other than planning and investigating, for which the credit is claimed after the area that includes the site where the work is done is designated a development zone under s. 560.71, a development opportunity zone under s. 560.795 or an enterprise development zone under s. 560.797.

2. Completes the project for which the credit is claimed after the claimant is certified under s. 560.765 (3), entitled under s. 560.795 (3) (a) or certified under s. 560.797 (4) (a).

(b) Subsection (1di) (b), (d), (f) and (g), as it applies to the credit under s. 71.07 (2di), applies to the credit under this subsection.

(c) Section 71.28 (4) (e) to (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

(d) The credit under this subsection, as it applies to a person certified under s. 560.765 (3), applies to a person who conducts economic activity in a zone under s.

560.795 (1) and who is entitled to tax benefits under s. 560.795 (3), subject to the limits under s. 560.795 (2). A credit under this subsection may be credited using expenses incurred by a claimant on the effective date of this paragraph .... [revisor inserts date].

SECTION 3408f. 71.47 (1dj) (am) 4b. of the statutes is created to read:

71.47 **(1dj)** (am) 4b. Modify "qualified wages", as defined in section 51 (b) of the internal revenue code, to include up to $2,500 in day care center benefits, as defined in sub. (1dd) (a) 1., if the claimant begins operations in a zone under s. 560.71 or 560.795 after the effective date of this subdivision .... [revisor inserts date], or if the claimant conducts economic activity in a zone under s. 560.797.

SECTION 3408g. 71.47 (1dj) (d) of the statutes is amended to read:

71.47 **(1dj)** (d) If the allowable amount of the credit under par. (am) exceeds the taxes otherwise due under this chapter on or measured by the claimant's income, the amount of the credit not used as an offset against those taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft unless the claimant does not fulfill the requirements under sub. (1di) (b) 2. and bases the claim on activity in a zone under s. 560.797.

SECTION 3410m. 71.47 (1dj) (f) of the statutes is amended to read:

71.47 **(1dj)** (f) The rules under sub. (1di) (b), (f) and (g) as they apply to the credit under that subsection apply to the credit under this subsection.

SECTION 3410r. 71.47 (1ds) (c) of the statutes is amended to read:

71.47 **(1ds)** (c) If the allowable amount of the credit under par. (b) exceeds the taxes otherwise due under this chapter on or measured by the claimant's income, the amount of the credit not used as an offset against those taxes shall be certified to the department of administration for payment to the claimant by check, share draft or

other draft unless the claimant does not fulfill the requirements under sub. (1di) (b) 2. and bases the claim on activity in a zone under s. 560.797.

SECTION 3411m. 71.47 (1ds) (e) of the statutes is amended to read:

71.47 **(1ds)** (e) The rules under sub. (1di) (b), (f) and (g) as they apply to the credit under that subsection apply to the credit under this subsection.

SECTION 3412m. 71.47 (6) (a) of the statutes is amended to read:

71.47 **(6)** (a) Any person may credit against taxes otherwise due under this chapter, up to the amount of those taxes, an amount equal to 5% of the costs of qualified rehabilitation expenditures, as defined in section ~~48 (g) (2)~~ 47 (c) (2) of the internal revenue code, for certified historic structures on property located in this state if the physical work of construction or destruction in preparation for construction begins after December 31, 1988, and the rehabilitated property is placed in service after June 30, 1989.

SECTION 3412r. 71.49 (1) (en) and (eo) of the statutes are created to read:

71.49 **(1)** (en) Development zones day care credit under s. 71.47 (1dd).

(eo) Development zones environmental remediation credit under s. 71.47 (1de).

SECTION 3413. 71.52 (6) of the statutes is amended to read:

71.52 **(6)** "Income" means the sum of Wisconsin adjusted gross income and the following amounts, to the extent not included in Wisconsin adjusted gross income: maintenance payments (except foster care maintenance and supplementary payments excludable under section 131 of the internal revenue code), support money, cash public assistance ~~and general relief~~ (not including credit granted under this subchapter and amounts under s. 46.27), cash benefits paid by counties under s. 59.07 (154), the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act and

veterans disability pensions), nontaxable interest received from the federal government or any of its instrumentalities, nontaxable interest received on state or municipal bonds, worker's compensation, unemployment compensation, the gross amount of "loss of time" insurance, compensation and other cash benefits received from the United States for past or present service in the armed forces, scholarship and fellowship gifts or income, capital gains, gain on the sale of a personal residence excluded under section 121 of the internal revenue code, dividends, income of a nonresident or part–year resident who is married to a full–year resident, housing allowances provided to members of the clergy, the amount by which a resident manager's rent is reduced, nontaxable income of an American Indian, nontaxable income from sources outside this state and nontaxable deferred compensation. Intangible drilling costs, depletion allowances and depreciation, including first–year depreciation allowances under section 179 of the internal revenue code, amortization, contributions to individual retirement accounts under section 219 of the internal revenue code, contributions to Keogh plans, net operating loss carry–forwards and capital loss carry–forwards deducted in determining Wisconsin adjusted gross income shall be added to "income". "Income" does not include gifts from natural persons, cash reimbursement payments made under title XX of the federal social security act, surplus food or other relief in kind supplied by a governmental agency, the gain on the sale of a personal residence deferred under section 1034 of the internal revenue code or nonrecognized gain from involuntary conversions under section 1033 of the internal revenue code. Amounts not included in adjusted gross income but added to "income" under this subsection in a previous year and repaid may be subtracted from income for the year during which they are repaid. A marital property agreement or unilateral statement under ch. 766 has no

effect in computing "income" for a person whose homestead is not the same as the homestead of that person's spouse.

SECTION 3414. 71.54 (2) (a) (intro.) of the statutes is amended to read:

71.54 **(2)** (a) (intro.) Property taxes accrued or rent constituting property taxes accrued shall be reduced by one–twelfth for each month or portion of a month for which the claimant received ~~general~~ relief from any ~~municipality or~~ county under s. 59.07 (154) equal to or in excess of $400, or received assistance under s. 49.19, except assistance received:

SECTION 3414m. 71.55 (1) of the statutes is amended to read:

71.55 **(1)** APPLICATION OF CREDIT AGAINST ANY LIABILITY. The amount of any claim otherwise payable under this subchapter may be applied by the department of revenue against any amount certified to the department under s. 71.93 or 71.935 or may be credited under s. 71.80 (3) or (3m).

SECTION 3415r. 71.61 (1) of the statutes is amended to read:

71.61 **(1)** DEPARTMENT MAY APPLY CREDIT AGAINST ANY TAX LIABILITY. The amount of any claim otherwise payable under this subchapter may be applied by the department against any amount certified to the department under s. 71.93 or 71.935 or may be credited under s. 71.80 (3) or (3m).

SECTION 3417m. 71.67 (4) (a) of the statutes is amended to read:

71.67 **(4)** (a) The administrator of the lottery division in the ~~gaming commission~~ department under ch. 565 shall withhold from any lottery prize of $2,000 or more an amount determined by multiplying the amount of the prize by the highest rate applicable to individuals under s. 71.06 (1). The administrator shall deposit the amounts withheld, on a monthly basis, as would an employer depositing under s. 71.65 (3) (a).

SECTION 3419. 71.67 (6) of the statutes is created to read:

71.67 **(6)** WITHHOLDING REGISTRATION; FEE. Each employer who is required to withhold under this chapter shall obtain a valid certificate under s. 73.03 (50).

SECTION 3419e. 71.74 (13) (a) of the statutes is amended to read:

71.74 **(13)** (a) If the tax is increased the department shall proceed to collect the additional tax in the same manner as other income or franchise taxes are collected. If the income or franchise taxes are decreased upon direction of the department the ~~state treasurer~~ secretary of administration shall refund to the taxpayer such part of the overpayment as was actually paid in cash, and the certification of the overpayment by the department shall be sufficient authorization to the ~~treasurer~~ secretary of administration for the refunding of the overpayment. No refund of income or franchise tax shall be made by the ~~treasurer~~ secretary of administration unless the refund is so certified. The part of the overpayment paid to the county and the local taxation district shall be deducted by the ~~state treasurer~~ secretary of administration in the ~~treasurer's~~ next settlement with the county and local treasurer.

SECTION 3419g. 71.74 (13) (b) of the statutes is amended to read:

71.74 **(13)** (b) No action or proceeding whatsoever shall be brought against the state or the ~~treasurer thereof~~ secretary of administration for the recovery, refund or credit of any income or surtaxes; except in case the ~~state treasurer~~ secretary of administration shall neglect or refuse for a period of 60 days to refund any overpayment of any income or surtaxes certified, the taxpayer may maintain an action to collect the overpayment against the ~~treasurer~~ secretary of administration so neglecting or refusing to refund such overpayment, without filing a claim for refund with ~~such treasurer~~ the secretary of administration, provided that such

action shall be commenced within one year after the certification of such overpayment.

SECTION 3419j. 71.74 (14) of the statutes is amended to read:

71.74 **(14)** ADDITIONAL REMEDY TO COLLECT TAX. The department of revenue may also proceed under s. 71.91 (5) for the collection of any additional assessment of income or franchise taxes or surtaxes, after notice thereof has been given under sub. (11) and before the same shall have become delinquent, when it has reasonable grounds to believe that the collection of such additional assessment will be jeopardized by delay. In such cases notice of the intention to so proceed shall be given by registered mail to the taxpayer, and the warrant of the department of revenue shall not issue if the taxpayer within 10 days after such notice furnishes a bond in such amount, not exceeding double the amount of the tax, and with such sureties as the department of revenue shall approve, conditioned upon the payment of so much of the additional taxes as shall finally be determined to be due, together with interest thereon as provided by s. 71.82 (1) (a). Nothing in this subsection shall affect the review of additional assessments provided by ss. 71.88 (1) (a) and (2) (a), 71.89 (2), 73.01 and 73.015, and any amounts collected under this subsection shall be deposited with the ~~state treasurer~~ secretary of administration and disbursed after final determination of the taxes as are amounts deposited under s. 71.90 (2).

SECTION 3419m. 71.75 (1) of the statutes is amended to read:

71.75 **(1)** Except as provided in ss. 46.255, 71.77 (5) and (7) (b) ~~and 71.93~~ and 71.935, the provisions for refunds and credits provided in this section shall be the only method for the filing and review of claims for refund of income and surtaxes, and no person may bring any action or proceeding for the recovery of such taxes other than as provided in this section.

SECTION 3419p. 71.75 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

71.75 **(1)** Except as provided in ss. ~~46.255~~ 49.855, 71.77 (5) and (7) (b) and 71.935, the provisions for refunds and credits provided in this section shall be the only method for the filing and review of claims for refund of income and surtaxes, and no person may bring any action or proceeding for the recovery of such taxes other than as provided in this section.

SECTION 3420m. 71.75 (9) of the statutes is amended to read:

71.75 **(9)** All refunds under this chapter are subject to attachment under ss. 46.255 ~~and~~, 71.93 and 71.935.

SECTION 3420p. 71.75 (9) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

71.75 **(9)** All refunds under this chapter are subject to attachment under ss. ~~46.255~~ 49.855, 71.93 and 71.935.

SECTION 3420v. 71.78 (4) (g) of the statutes is amended to read:

71.78 **(4)** (g) Employes of this state, to the extent that the department of revenue deems the examination necessary for the employes to perform their duties under contracts or agreements between the department and any other department, division, bureau, board or commission of this state relating to the administration of tax laws or child and spousal support enforcement under s. ~~46.25~~ 49.143.

SECTION 3420x. 71.78 (4) (L) of the statutes is amended to read:

71.78 **(4)** (L) The administrator of the lottery division in the ~~gaming commission~~ department for the purpose of withholding lottery winnings under s. 565.30 (5).

SECTION 3422. 71.78 (4) (n) of the statutes is created to read:

71.78 **(4)** (n) The state public defender for the purpose of seeking payment for legal representation by the state public defender.

SECTION 3423. 71.78 (5) of the statutes is amended to read:

71.78 **(5)** AGREEMENT WITH DEPARTMENT. Copies of returns and claims specified in sub. (1) and related schedules, exhibits, writings or audit reports shall not be furnished to the persons listed under sub. (4), except persons under sub. (4) (e) ~~and~~, (k) and (n) or under an agreement between the department of revenue and another agency of government.

SECTION 3423g. 71.78 (9) of the statutes is amended to read:

71.78 **(9)** (title) DISCLOSURE OF DEBTOR ADDRESS ~~TO STATE AGENCY~~. The department of revenue may supply the address of a debtor to an agency certifying a debt of that debtor under s. 71.93 or to a municipality or county certifying a debt of a debtor under s. 71.935.

SECTION 3423mn. 71.80 (3) of the statutes is amended to read:

71.80 **(3)** CREDITING OF OVERPAYMENTS ON INDIVIDUAL OR SEPARATE RETURNS. In the case of any overpayment, refundable credit or refund on an individual or separate return, the department of revenue, within the applicable period of limitations, may credit the amount of overpayment, refundable credit or refund including any interest allowed, against any liability in respect to any tax collected by the department, a debt under s. 71.93 or 71.935 or a certification under s. 46.255 on the part of the person who made the overpayment or received the refundable credit or the refund and shall refund any balance to the person. The department shall presume that the overpayment, refundable credit or refund is nonmarital property of the filer. Within 2 years after the crediting, the spouse or former spouse of the person filing the return may file a claim for a refund of amounts credited by the department if the spouse or

former spouse shows by clear and convincing evidence that all or part of the state tax overpayment, refundable credit or refund was nonmarital property of the nonobligated spouse.

SECTION 3423mp. 71.80 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

71.80 **(3)** CREDITING OF OVERPAYMENTS ON INDIVIDUAL OR SEPARATE RETURNS. In the case of any overpayment, refundable credit or refund on an individual or separate return, the department of revenue, within the applicable period of limitations, may credit the amount of overpayment, refundable credit or refund including any interest allowed, against any liability in respect to any tax collected by the department, a debt under s. 71.93 or 71.935 or a certification under s. ~~46.255~~ 49.855 on the part of the person who made the overpayment or received the refundable credit or the refund and shall refund any balance to the person. The department shall presume that the overpayment, refundable credit or refund is nonmarital property of the filer. Within 2 years after the crediting, the spouse or former spouse of the person filing the return may file a claim for a refund of amounts credited by the department if the spouse or former spouse shows by clear and convincing evidence that all or part of the state tax overpayment, refundable credit or refund was nonmarital property of the nonobligated spouse.

SECTION 3423s. 71.80 (3m) (a) of the statutes is amended to read:

71.80 **(3m)** (a) Against any liability of either spouse or both spouses in respect to an amount owed the department, a certification under s. 46.255 that is subject to s. 766.55 (2) (b) or a debt under s. 71.93 or 71.935 that is subject to s. 766.55 (2) (b) and that was incurred during marriage by a spouse after December 31, 1985, or after

both spouses are domiciled in this state, whichever is later, except as provided in s. 71.10 (6) (a) and (b) and (6m).

SECTION 3423sc. 71.80 (3m) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

71.80 **(3m)** (a) Against any liability of either spouse or both spouses in respect to an amount owed the department, a certification under s. ~~46.255~~ 49.855 that is subject to s. 766.55 (2) (b) or a debt under s. 71.93 or 71.935 that is subject to s. 766.55 (2) (b) and that was incurred during marriage by a spouse after December 31, 1985, or after both spouses are domiciled in this state, whichever is later, except as provided in s. 71.10 (6) (a) and (b) and (6m).

SECTION 3423t. 71.80 (3m) (b) 2. of the statutes is amended to read:

71.80 **(3m)** (b) 2. In respect to a debt under s. 71.93 or 71.935 or a certification under s. 46.255 if that debt or certification is not subject to s. 766.55 (2) (b).

SECTION 3423tm. 71.80 (3m) (b) 2. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

71.80 **(3m)** (b) 2. In respect to a debt under s. 71.93 or 71.935 or a certification under s. ~~46.255~~ 49.855 if that debt or certification is not subject to s. 766.55 (2) (b).

SECTION 3424dm. 71.88 (1) (a) of the statutes is amended to read:

71.88 **(1)** (a) *Contested assessments and claims for refund.* Except for refunds set off under s. 71.93 in respect to which appeal is to the agency to which the debt is owed, except for refunds set off under s. 71.935 in respect to which an appeal is held under procedures that the department of revenue establishes and except for refunds set off under s. 46.255 in respect to which a hearing is held before the circuit court, any person feeling aggrieved by a notice of additional assessment, refund, or notice of denial of refund may, within 60 days after receipt of the notice, petition the

department of revenue for redetermination. A petition or an appeal by one spouse is a petition or an appeal by both spouses. The department shall make a redetermination on the petition within 6 months after it is filed.

SECTION 3424ds. 71.88 (1) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

71.88 **(1)** (a) *Contested assessments and claims for refund.* Except for refunds set off under s. 71.93 in respect to which appeal is to the agency to which the debt is owed, except for refunds set off under s. 71.935 in respect to which an appeal is held under procedures that the department of revenue establishes and except for refunds set off under s. ~~46.255~~ 49.855 in respect to which a hearing is held before the circuit court, any person feeling aggrieved by a notice of additional assessment, refund, or notice of denial of refund may, within 60 days after receipt of the notice, petition the department of revenue for redetermination. A petition or an appeal by one spouse is a petition or an appeal by both spouses. The department shall make a redetermination on the petition within 6 months after it is filed.

SECTION 3424f. 71.90 (2) of the statutes is amended to read:

71.90 **(2)** (title) DEPOSIT WITH THE ~~STATE TREASURER~~ SECRETARY OF ADMINISTRATION. At any time while the petition is pending before the tax appeals commission or an appeal in regard to that petition is pending in a court, the taxpayer may offer to deposit the entire amount of the additional taxes, together with interest, with the ~~state treasurer~~ secretary of administration. If an offer to deposit is made, the department of revenue shall issue a certificate to the ~~state treasurer~~ secretary of administration authorizing ~~the treasurer~~ him or her to accept payment of such taxes together with interest to the first day of the succeeding month and to give a receipt. A copy of the certificate shall be mailed to the taxpayer who shall pay the

taxes and interest to the ~~treasurer~~ secretary of administration within 30 days. A copy of the receipt of the ~~state treasurer~~ secretary of administration shall be filed with the department. The department shall, upon final determination of the appeal, certify to the ~~state treasurer~~ secretary of administration the amount of the taxes as finally determined and direct the ~~state treasurer~~ secretary of administration to refund to the appellant any portion of such payment which has been found to have been improperly assessed, including interest. The ~~state treasurer~~ secretary of administration shall make the refunds directed by the certificate within 30 days after receipt. Taxes paid to the ~~state treasurer~~ secretary of administration under this subsection shall be subject to the interest provided by ss. 71.82 and 71.91 (1) (c) only to the extent of the interest accrued on the taxes prior to the first day of the month succeeding the application for hearing. Any portion of the amount deposited with the ~~state treasurer~~ secretary of administration which is refunded to the taxpayer shall bear interest at the rate of 9% per year during the time that the funds are on deposit.

SECTION 3424g. 71.91 (5) (a) of the statutes is renumbered 71.91 (5) (ar) and amended to read:

71.91 **(5)** (ar) If any income or franchise tax is not paid when due, the department of revenue shall ~~issue~~ file a warrant with the clerk of circuit court and may issue a copy of the warrant to the sheriff of any county of the state commanding the sheriff to levy upon and sell enough of the taxpayer's real and personal property found within the county to pay the tax with the penalties, interest and costs, and to proceed upon the property in the same manner as upon an execution against property issued out of a court of record, and to return the warrant to the department and pay to it the money collected, or the part of it that is necessary to pay the tax,

penalties, interest and costs within 60 days after the receipt of the warrant, and deliver the balance, if any, after deduction of lawful charges, to the taxpayer.

SECTION 3424m. 71.91 (5) (ag) of the statutes is created to read:

71.91 **(5)** (ag) In this subsection:

1. "File" means mail, deliver or submit electronically.

SECTION 3424r. 71.91 (5) (b) of the statutes is amended to read:

71.91 **(5)** (b) ~~The sheriff shall, within 5 days after the receipt of the warrant, file with the clerk of the circuit court of his or her county a copy of the warrant, unless the taxpayer makes satisfactory arrangements for payment with the department, in which case, the sheriff shall, at the direction of the department, return the warrant to it.~~ The clerk shall docket the warrant under par. (ar) as required by s. 806.11, and upon docketing the amount of the warrant, together with interest required by s. 71.82 (2), shall be considered in all respects as a final judgment. The clerk of circuit court shall accept, file and docket the warrant without prepayment of any fee, but the clerk shall submit a statement of the proper fee semiannually to the department covering the periods from January 1 to June 30 and July 1 to December 31. The fees shall then be paid by the state as provided by par. (h), but the fees provided by s. 814.61 (5) for filing and docketing the warrants shall be added to the amount of the warrant and collected from the taxpayer when satisfaction or release is presented for entry. The sheriff shall be entitled to the same fees for executing upon such warrant as upon an execution against property issued out of a court of record, to be collected in the same manner. Upon the sale of any real estate the sheriff shall execute a deed of the same, and the taxpayer shall have the right to redeem the real estate as from a sale under an execution against property upon a judgment of a court of record.

SECTION 3425. 71.91 (5) (h) of the statutes is amended to read:

71.91 **(5)** (h) All fees and compensation of officials or other persons performing any act or functions required in carrying out this subchapter, except such as are by this subchapter to be paid to such officials or persons by the taxpayer, shall, upon presentation to the department of revenue of an itemized and verified statement of the amount due, be paid ~~by the state treasurer,~~ upon audit by the ~~department~~ secretary of administration on the certificate of the secretary of revenue, by the secretary of administration and charged to the proper appropriation for the department of revenue. No public official shall be entitled to demand prepayment of any fee for the performance of any official act required in carrying out this subchapter.

SECTION 3425m. 71.91 (7) (e) of the statutes is amended to read:

71.91 **(7)** (e) Paragraphs (b) to (d) shall apply in any case in which the employer is the United States or any instrumentality thereof or this state or any municipality or other subordinate unit thereof except those provisions imposing a liability on the employer for failure to withhold or remit. But an amount equal to any amount withheld by any municipality or other subordinate unit of this state under this subsection and not remitted to the department as required by this subsection shall be retained by the ~~state treasurer~~ secretary of administration from funds otherwise payable to any such municipality or subordinate unit, and transmitted instead to the department, upon certification by the secretary of revenue.

SECTION 3425w. 71.93 (1) (a) 2. of the statutes is amended to read:

71.93 **(1)** (a) 2. A delinquent child support or spousal support obligation that has been reduced to a judgment and has been submitted by an agency of another state to the department of ~~health and social services~~ industry, labor and human relations for certification under this section.

SECTION 3427. 71.93 (1) (a) 3. of the statutes is amended to read:

71.93 **(1)** (a) 3. An amount that the department of health and social services may recover under s. ~~49.083,~~ 49.125, 49.195 (3) or 49.497, if the department of health and social services has certified the amount under s. 46.254.

SECTION 3428. 71.93 (1) (a) 3. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

71.93 **(1)** (a) 3. An amount that the department of health and social services may recover under s. ~~49.125, 49.195 (3) or~~ 49.497, if the department of health and social services has certified the amount under s. ~~46.254~~ 49.85.

SECTION 3429. 71.93 (1) (a) 4. of the statutes is created to read:

71.93 **(1)** (a) 4. An amount that the department of industry, labor and human relations may recover under s. 49.125 or 49.195 (3), if the department of industry, labor and human relations has certified the amount under s. 49.85.

SECTION 3429m. 71.935 of the statutes is created to read:

71.935 Setoffs for municipalities and counties. (1) In this section:

(a) "Debt" means an unpaid fine, fee, restitution or forfeiture of at least $20.

(b) "Debtor" means a person who owes a debt to a municipality or county.

(c) "Department" means the department of revenue.

(d) "Refund" has the meaning given under s. 71.93 (1) (d).

(2) A municipality or county may certify to the department any debt owed to it. Not later than 5 days after certification, the municipality or county shall notify the debtor in writing of its certification of the debt to the department, of the basis of the certification and of the debtor's right to appeal. The department shall establish an appeals process. At the time of certification, the municipality or county shall furnish to the department the name and social security number of each individual

debtor and the name and federal employer identification number of each other debtor.

(3) If the debt remains uncollected and the debtor does not appeal or loses the appeal, the department shall set off the debt against any refund that is owed to the debtor after the setoff under s. 71.93. Any legal action contesting a setoff shall be brought against the municipality or county.

(4) Within 30 days after the end of each calendar quarter, the department shall settle with each municipality and county for the amounts that the department setoff for the municipality or county during that calendar quarter.

(5) At the time of each settlement, each municipality and county shall be charged for administration expenses, and the amounts charged shall be credited to the appropriation account under s. 20.566 (1) (h). Annually on or before November 1, the department shall review its costs incurred during the previous fiscal year in administering setoffs under this section and shall adjust its subsequent charges to each municipality and county to reflect that experience.

SECTION 3430. 72.22 (1) and (3) of the statutes are amended to read:

72.22 **(1)** WHEN PAYABLE. ~~The~~ Except as provided in s. 72.225, the tax imposed by this chapter is due and payable on the date 9 months after the decedent's death.

(3) PAYMENT. Payments must be made to the department. ~~Full~~ Except as provided in s. 72.225, full payment shall accompany the estate tax return. If a prepayment was made, any additional tax shown owing on the return, as filed, shall accompany the return.

SECTION 3431. 72.225 of the statutes is created to read:

72.225 Instalment payments; closely held businesses. (1) If a percentage of the federal tax on an estate may be paid in instalments under section 6166 of the

internal revenue code, the same percentage of the taxes under this chapter may be paid under the same instalment schedule if written notice of the election to pay in instalments is given to the department within 9 months after the decedent's death. The provisions on acceleration under section 6166 (g) of the internal revenue code apply to payments under this section. The interest rate on payments is 12% and is calculated from the date of death.

(2) Upon the filing of a notice under sub. (1), distributees of real estate shall provide the department a certified copy of a lien for unpaid taxes and interest on the property to secure payment, and shall record the lien in the office of the register of deeds of the county in which the property is located. Distributees of personal property, upon the filing of a notice under sub. (1), shall either provide a lien or provide the department a financial guarantee bond equal to the estimated tax and interest elected to be paid under sub. (1) to secure payment if the tax has not been determined. Upon determination of the tax, distributees of personal property shall provide a lien or provide a financial guarantee bond sufficient to secure payment of the tax and interest or pay the department the excess over the amount of tax and interest secured by the bond. The department may accept a lien affecting only part of the property if there is sufficient security to secure payment of the tax. Any distributee who fails to provide the security required under this subsection or who disposes of one–third or more of the property on which the tax is secured under this subsection, shall pay the tax in full.

SECTION 3432. 72.23 of the statutes is amended to read:

72.23 (title) ~~**Interest**~~ **Acceleration and interest.** If the tax imposed by this chapter is not paid ~~with 9 months of the decedent's date of death~~ when it is due under s. 72.22, interest is due and payable at the rate of 12% per year from date of death.

In computing time under this section, the day of death is excluded. If any payment of tax or interest under s. 72.225 is not paid when due, the unpaid portion of the tax and interest shall be paid upon notice by the department.

SECTION 3432m. 72.24 of the statutes is amended to read:

72.24 Refunding. Whenever any amount has been paid in excess of the tax determined, the ~~state treasurer~~ secretary of administration, upon certification by the department or circuit court, shall refund the excess to the payor or other person entitled thereto.

SECTION 3433. 73.01 (4) (a) of the statutes is amended to read:

73.01 **(4)** (a) Subject to the provisions for judicial review contained in s. 73.015, the commission shall be the final authority for the hearing and determination of all questions of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss. 70.11 (21), 70.38 (4) (a), 70.397, 70.64, 70.995 (8), 76.38 (12) (a), ~~76.39 (4) (c),~~ 76.48 (6), 77.26 (3), 77.59 (6) (b), 78.01, 78.22, 78.40, 78.555, 139.02, 139.03, 139.06, 139.31, 139.315, 139.33, 139.76 and 139.78, subch. XIV of ch. 71 and subch. VII of ch. 77. Whenever with respect to a pending appeal there is filed with the commission a stipulation signed by the department of revenue and the adverse party, under s. 73.03 (25), agreeing to an affirmance, modification or reversal of the department's position with respect to some or all of the issues raised in the appeal, the commission shall enter an order affirming or modifying in whole or in part, or canceling the assessment appealed from, or allowing in whole or in part or denying the petitioner's refund claim, as the case may be, pursuant to and in accordance with the stipulation filed. No responsibility shall devolve upon the commission, respecting the signing of an order of dismissal as to any pending appeal settled by the department without the approval of the commission.

SECTION 3434. 73.01 (5) (a) of the statutes is amended to read:

73.01 **(5)** (a) Any person who is aggrieved by a determination of the state board of assessors under s. 70.995 (8) or by the department of revenue under s. 70.11 (21) or who has filed a petition for redetermination with the department of revenue and who is aggrieved by the redetermination of the department may, within 60 days of the determination of the state board of assessors or of the department or, in all other cases, within 60 days after the redetermination but not thereafter, file with the clerk of the commission a petition for review of the action of the department and the number of copies of the petition required by rule adopted by the commission. If a municipality appeals, its appeal shall set forth that the appeal has been authorized by an order or resolution of its governing body and the appeal shall be verified by a member of that governing body as pleadings in courts of record are verified. The clerk of the commission shall transmit one copy to the department of revenue and to each party. In the case of appeals from manufacturing property assessments, the person assessed shall be a party to a proceeding initiated by a municipality. At the time of filing the petition, the petitioner shall pay to the commission a $5 filing fee, which the commission shall deposit in the general fund. Within 30 days after such transmission the department, except for petitions objecting to manufacturing property assessments, shall file with the clerk of the commission an original and the number of copies of an answer to the petition required by rule adopted by the commission and shall serve one copy on the petitioner or the petitioner's attorney or agent. Within 30 days after service of the answer, the petitioner may file and serve a reply in the same manner as the petition is filed. Any person entitled to be heard by the commission under s. 76.38 (12) (a)~~, 76.39 (4) (c)~~ or 76.48 may file a petition with the commission within the time and in the manner provided for the filing of petitions

in income or franchise tax cases. Such papers may be served as a circuit court summons is served or by certified mail. For the purposes of this subsection, a petition for review is considered timely filed if mailed by certified mail in a properly addressed envelope, with postage duly prepaid, which envelope is postmarked before midnight of the last day for filing.

SECTION 3436. 73.03 (6) of the statutes is amended to read:

73.03 **(6)** In its discretion to inspect and examine or cause an inspection and examination of the records of any town, city, village or county officer whenever such officer shall have failed or neglected to return properly the information as required by sub. (5), within the time set by the department of revenue. Upon the completion of such inspection and examination the department of revenue shall transmit to the clerk of the town, city, village or county a statement of the expenses incurred by the department of revenue to secure the necessary information. Duplicates of such statements shall be filed in the office of the ~~department~~ secretary of administration ~~and state treasurer~~. Within 60 days after the receipt of the above statement, the same shall be audited, as other claims of towns, cities, villages and counties are audited, and shall be paid into the state treasury, in default of which the same shall become a special charge against such town, city, village or county and be included in the next apportionment or certification of state taxes and charges, and collected with interest at the rate of 10% per year from the date such statements were certified by the department, as other special charges are certified and collected.

SECTION 3437. 73.03 (28m) of the statutes is created to read:

73.03 **(28m)** To enter into contracts for database and data processing services for audits of occasional sales of motor vehicles.

SECTION 3438. 73.03 (33m) of the statutes is amended to read:

73.03 **(33m)** To collect, as taxes under ch. 71 are collected, from each person who owes to the department of revenue delinquent taxes, fees, interest or penalties, a fee for each delinquent account equal to ~~$25 or 4.5%~~ $35 or 6.5% of the taxes, fees, interest and penalties owed~~;~~ as of the due date specified in the assessment, notice of amount due or notice of redetermination~~;~~ on that account, whichever is greater.

SECTION 3438m. 73.03 (35) of the statutes is amended to read:

73.03 **(35)** To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL) or (2ds), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds) or (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds) or (4) (am) if granting the full amount claimed would violate the requirement under s. 560.75 (9) or 560.797 (4) (e) or would bring the total of the credits granted to that claimant under ~~that subsection~~ s. 560.75 (9) or 560.797 (4) (e), or the total of the credits granted to that claimant under all of those subsections, over the limit for that claimant under s. 560.768, 560.795 (2) (b) or 560.797 (5) (b).

SECTION 3439. 73.03 (46) of the statutes is amended to read:

73.03 **(46)** In each school year, to determine ~~and~~ certify to the state superintendent of public instruction the rate for determining the ~~primary~~ secondary ceiling cost per member under s. 121.07 (6) ~~(b); and in the 1994–95 school year and annually thereafter to determine and certify to the state superintendent of public instruction the rate for determining minimum aid payments under s. 121.10 (6)~~ (d). The rate for any school year is the average percentage change in the consumer price index for all urban consumers, U.S. city average, for the calendar year ending on the 2nd preceding December 31, as computed by the federal department of labor.

SECTION 3440m. 73.03 (50) of the statutes is created to read:

73.03 **(50)** With the approval of the joint committee on finance, to establish fees for obtaining a business tax registration certificate, which is valid for 2 years, and for renewing that certificate and shall issue and renew those certificates if the person who wishes to obtain or renew a certificate applies on a form that the department prescribes; sets forth the name under which the applicant intends to operate, the location of the applicant's place of operations and the other information that the department requires; and, in the case of a sole proprietor, signs the form or, in the case of other persons, has an individual who is authorized to act on behalf of the person sign the form.

SECTION 3441. 73.0305 of the statutes is amended to read:

73.0305 Revenue limits calculations. The department of revenue shall annually determine and certify to the ~~state superintendent~~ department of ~~public instruction~~ education, no later than the 4th Monday in June, the allowable rate of increase for the limit imposed under subch. VII of ch. 121. For that limit, the allowable rate of increase is the percentage change in the consumer price index for all urban consumers, U.S. city average, between the preceding ~~May~~ March 31 and the 2nd preceding ~~May~~ March 31, as computed by the federal department of labor.

SECTION 3443m. 73.10 (6) of the statutes is amended to read:

73.10 **(6)** The department may establish a scale of charges for audits, inspections and other services rendered by the department in connection with financial records or procedures of towns, villages, cities, counties and all other local public bodies, boards, commissions, departments or agencies. Upon the completion of such work or, at the department's discretion, during work in progress, the department shall transmit to the clerk of the town, village, city, county or other local public body, board, commission, department or agency a statement of such charges.

Duplicates of the statements shall be filed in the ~~offices~~ office of the ~~state treasurer~~ secretary of administration. Within 60 days after the receipt of the above statement of charges, it shall be audited as other claims against towns, villages, cities, counties and other local public bodies, boards, commissions, departments or agencies are audited, and it shall be paid into the state treasury and credited to the appropriation under s. 20.566 (2) (gi). Past due accounts of towns, villages, cities, counties and all other local public bodies, boards, commissions, departments or agencies shall be certified on or before the 4th Monday of August of each year and included in the next apportionment of state special charges to local units of government.

SECTION 3446g. 74.09 (1) of the statutes is repealed and recreated to read:

74.09 **(1)** DEFINITION. In this section, "taxable value" means a property's assessed value divided by the assessment ratio of all of the taxable property in the taxation district where the property is located.

SECTION 3446r. 74.09 (3) (b) of the statutes is repealed and recreated to read:

74.09 **(3)** (b) Except as provided in sub. (3m), show all of the following:

1. For real property, the taxable value of the land and the taxable value of the improvements.

2. For all property, the total taxable value.

3. The tax levied on the property by the school district where the property is located minus the credit under s. 79.10 (4) allocable to the property, for the previous year and the current year, and the percentage change in that net tax between those years.

4. The tax levied on the property by each taxing jurisdiction where the property is located, other than the school district, for the previous year and the current year, and the percentage change in each of those taxes between those years.

5. The sum of the taxes levied under subds. 3. and 4. for the previous year and the current year, and the percentage change in that sum between those years.

6. The amount of the credit under s. 79.10 (5) allocable to the property for the previous year and the current year, and the percentage change between those years.

7. The amount obtained by subtracting the amount under subd. 6. from the amount under subd. 5., for the previous year and the current year, and the percentage change in that amount between those years.

8. The net tax rate for the property, calculated by dividing the amount under subd. 7. for the current year by the amount under subd. 2.

SECTION 3446s. 74.09 (3) (c) of the statutes is repealed.

SECTION 3446t. 74.09 (3) (e) of the statutes is repealed.

SECTION 3446u. 74.09 (3) (i) of the statutes is repealed.

SECTION 3446v. 74.09 (3m) of the statutes is created to read:

74.09 **(3m)** INFORMATION EXCEPTION. If the property has a different parcel identification number for the current year than it had for the previous year or if the property is not substantially the same in those years, the property tax bill need not indicate any tax allocable to the property for the previous year or the percentage change in any tax allocable to the property between the previous year and the current year.

SECTION 3446w. 74.09 (4) of the statutes is repealed.

SECTION 3446x. 74.09 (4m) of the statutes is created to read:

74.09 **(4m)** REQUIRED BILL, WAIVER. Each taxation district shall use a property tax bill that the department of revenue prescribes unless that department permits the district to use another bill that provides the information under sub. (3).

SECTION 3446xd. 74.25 (1) (a) 5. of the statutes is amended to read:

74.25 **(1)** (a) 5. Pay to the ~~state treasurer~~ secretary of administration all collections of occupational taxes on mink farms, 30% of collections of occupational taxes on iron ore concentrates and 10% of collections of occupational taxes on coal docks.

SECTION 3446xh. 74.27 of the statutes is amended to read:

74.27 March settlement between counties and the state. On or before March 15, the county treasurer shall send to the ~~state treasurer~~ secretary of administration the state's proportionate shares of taxes under ss. 74.23 (1) (b) and 74.25 (1) (b) 1. and 2.

SECTION 3446xp. 74.30 (1) (e) of the statutes is amended to read:

74.30 **(1)** (e) Pay to the ~~state treasurer~~ secretary of administration all collections of occupational taxes on mink farms, 30% of collections of occupational taxes on iron ore concentrates and 10% of collections of occupational taxes on coal docks.

SECTION 3446xt. 74.30 (1m) of the statutes is amended to read:

74.30 **(1m)** MARCH SETTLEMENT BETWEEN COUNTIES AND THE STATE. On or before March 15, the county treasurer shall send to the ~~state treasurer~~ secretary of administration the state's proportionate shares of taxes under sub. (1) (i) and (j).

SECTION 3447. 76.01 of the statutes is amended to read:

76.01 Railroads and utilities, assessment. The department of revenue shall make an annual assessment of the taxable property of all railroad companies, of all conservation and regulation companies, ~~of all sleeping car companies,~~ of all air carriers, of all telephone companies ~~and~~, of all pipeline companies and of the equipment of all car line companies, within this state, for the purpose of levying and collecting taxes thereon, as provided in this subchapter.

SECTION 3448. 76.02 (5) of the statutes is repealed.

SECTION 3449. 76.02 (9) of the statutes is amended to read:

76.02 **(9)** "Company", without other designation or qualification, includes any railroad company, any conservation and regulation company, any express company, any air carrier company, any pipeline company, any telephone company and any ~~sleeping~~ car line company~~, as defined in this section,~~ to which "company" is applied.

SECTION 3450. 76.02 (10) of the statutes is amended to read:

76.02 **(10)** The property taxable under s. 76.13 shall include all franchises, and all real and personal property of the company used or employed in the operation of its business, except such motor vehicles as are exempt under s. 70.112 (5) and treatment plant and pollution abatement equipment exempt under s. 70.11 (21) (a) and except that for car line companies the property taxable is all equipment. The taxable property shall include all title and interest of the company referred to in such property as owner, lessee or otherwise, and in case any portion of the property is jointly used by 2 or more companies, the unit assessment shall include and cover a proportionate share of that portion of the property jointly used so that the assessments of the property of all companies having any rights, title or interest of any kind or nature whatsoever in any such property jointly used shall, in the aggregate, include only one total full value of such property.

SECTION 3451. 76.02 (11) of the statutes is amended to read:

76.02 **(11)** If the property of any company defined in s. 76.28 (1), except a qualified wholesale electric company as defined in s. 76.28 (1) (gm), is located entirely within a single town, village or city, it shall be subject to local assessment and taxation.

SECTION 3452. 76.02 (12r) of the statutes is created to read:

76.02 **(12r)** "Car line company" means any person, except a railroad company, that leases or furnishes to a railroad company railroad cars or other equipment used in transporting persons or freight by rail.

SECTION 3453. 76.03 (1) of the statutes is amended to read:

76.03 **(1)** The property, both real and personal, including all rights, franchises and privileges used in and necessary to the prosecution of the business of any company enumerated in s. 76.02 ~~shall be deemed~~ is personal property for the purposes of taxation, and, except for car line company property, it shall be valued and assessed together as a unit.

SECTION 3454. 76.03 (2) of the statutes is amended to read:

76.03 **(2)** In case any of the property used in the business of a company ~~defined in s. 76.02~~, except a car line company, is operated in connection with the property used in the same business or any other business therein described, all such property, rights, franchises and privileges shall be valued and assessed together as a unit, unless, in the opinion of the department of revenue, such properties are so segregated that separate assessments thereof should be made.

SECTION 3455. 76.04 (1) of the statutes is amended to read:

76.04 **(1)** Every company ~~defined in s. 76.02~~ shall, annually, file a true and accurate statement in such manner and form and setting forth such facts as the department shall deem necessary to enforce ss. 76.01 to 76.26. The annual reports for car line companies shall be filed on or before March 1. The annual reports for railroad companies~~, sleeping car companies~~ and express companies shall be filed on or before April 15 ~~and~~. The annual reports for conservation and regulation companies, air carriers, telephone companies and pipeline companies shall be filed on or before May 1. For sufficient reason shown the department may upon written

request allow such further time for making and filing the report as it may deem necessary, but not to exceed 30 days. If any company fails to file such report within the time prescribed or as extended under this subsection, the department shall add to the taxes due from such company $250 if the report is not filed within 15 days after the due date or extended due date and an additional $250 for each month or part of a month thereafter during which the report is not filed, except that the total penalty may not exceed $2,500. No company may in any action or proceeding contest the imposition of such penalty.

SECTION 3456. 76.07 (1) of the statutes is amended to read:

76.07 **(1)** DUTY OF DEPARTMENT. The department on or before August 1 in each year in the case of railroad companies ~~and sleeping car companies~~, on or before October 10 in the case of car line companies and on or before September 15 in the case of air carrier companies, telephone companies, conservation and regulation companies and pipeline companies, shall, according to its best knowledge and judgment, ascertain and determine the full market value of the property of each company within the state. The department shall determine the value of the equipment of car line companies by the methods used to determine the value of fixed assets for the tax under ch. 70, as specified in the assessment manual under s. 73.03 (2a).

SECTION 3457. 76.07 (2) of the statutes is amended to read:

76.07 **(2)** RELATION TO STATE VALUATION; DESCRIPTION. The value of the property of each of said companies for assessment shall be made on the same basis and for the same period of time, as near as may be, as the value of the general property of the state is ascertained and determined. The department shall prepare an assessment roll and place thereon after the name of each of said companies assessed, the

following general description of the property of such company, to wit: "Real estate, right–of–way, tracks, stations, terminals, appurtenances, rolling stock, equipment, franchises and all other real estate and personal property of said company," in the case of railroads, and "Real estate, right–of–way, poles, wires, conduits, cables, devices, appliances, instruments, franchises and all other real and personal property of said company," in the case of conservation and regulation companies, and "Real estate, appurtenances, rolling stock, equipment, franchises, and all other real estate and personal property of said company," in the case of ~~sleeping car and~~ air carrier companies, equipment in the case of car line companies and "Land and land rights, structures, improvements, mains, pumping and regulation equipment, services, appliances, instruments, franchises and all other real and personal property of said company," in the case of pipeline companies, and "All property of the company used in the operation of the company's telephone business" in the case of telephone companies, which description shall be deemed and held to include the entire property and franchises of the company specified and all title and interest therein.

SECTION 3458. 76.07 (4g) (intro.) of the statutes is amended to read:

76.07 **(4g)** DETERMINING THE PROPERTY IN THIS STATE. (intro.) The department shall determine the property in this state of railroad companies, air carrier companies, pipeline companies ~~and,~~ telephone companies and car line companies in the following manner:

SECTION 3459. 76.07 (4g) (f) of the statutes is created to read:

76.07 **(4g)** (f) *Car line companies.* For car line companies:

1. Determine the total car miles traveled within this state.

2. Determine the total car miles traveled everywhere.

3. Divide the amount under subd. 1. by the amount under subd. 2.

4. Multiply the fraction under subd. 3. by the full market value of the company's property everywhere.

SECTION 3460. 76.13 (1) of the statutes is amended to read:

76.13 **(1)** The department shall compute and levy a tax upon the property of each company defined in s. 76.02, as assessed in the manner specified in ss. 76.07 and 76.08, at the average net rate of taxation determined under s. 76.126. The amount of tax to be paid by each such company shall be extended upon a tax roll opposite the description of the property of the respective companies. The tax rolls for all companies required to be assessed on or before August 1 in each year under s. 76.07 (1) shall be completed on or before August 10, for all companies required to be assessed on or before October 10 shall be completed on or before October 20 and for all companies required to be assessed on or before September 15 in each year under s. 76.07 (1) shall be completed on or before October 1; and the department shall thereupon attach to each such roll a certificate signed by the secretary of revenue, which shall be as follows:

"I do hereby certify that the foregoing tax roll includes the property of all railroad companies, ~~sleeping~~ car line companies, air carrier companies, conservation and regulation companies, telephone companies or pipeline companies, as the case may be, defined in s. 76.02, liable to taxation in this state; that the valuation of the property of each company as set down in said tax roll is the full market value thereof as assessed by the department of revenue, except as changed by court judgment, and that the taxes thereon charged in said tax roll have been assessed and levied at the average net rate of taxation in this state, as required by law".

SECTION 3460c. 76.13 (2) of the statutes is amended to read:

76.13 **(2)** Every tax roll upon completion shall be delivered to the ~~state treasurer and a copy of the tax roll filed with the~~ secretary of administration. The department shall notify, by certified mail, all companies listed on the tax roll of the amount of tax due, which shall be paid to the department. The payment dates provided for in sub. (2a) shall apply. The payment of one–fourth of the tax of any company may, if the company has brought an action in the Dane county circuit court under s. 76.08, be made without delinquent interest as provided in s. 76.14 any time prior to the date upon which the appeal becomes final, but any part of the tax ultimately required to be paid shall bear interest from the original due date to the date the appeal became final at the rate of 12% per year and at 1.5% per month thereafter until paid. The taxes extended against any company after the same become due, with interest, shall be a lien upon all the property of the company prior to all other liens, claims and demands whatsoever, except as provided in ss. 144.442 (9) (i), 144.76 (13) and 144.77 (6) (d), which lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of the company within the state as an entirety.

SECTION 3460g. 76.13 (3) of the statutes is amended to read:

76.13 **(3)** If the Dane county circuit court, after such roll is delivered to the ~~state treasurer~~ department of administration, increases or decreases the assessment of any company, the department shall immediately redetermine the tax of the company on the basis of the revised assessment, and shall certify and deliver the revised assessment to the ~~state treasurer~~ secretary of administration as a revision of the tax roll. If the amount of tax upon the assessment as determined by the court is less than the amount paid by the company, the ~~excess shall be refunded~~ secretary of administration shall refund the excess to the company with interest at the rate of 9%

per year ~~upon the certification of the redetermined tax and for that purpose the secretary of administration, upon the certification and delivery of the revised tax roll, shall draw a warrant upon the state treasurer for the amount to be so refunded~~. If the amount of the tax upon the assessment as determined by the court is in excess of the amount of the tax as determined by the department, interest shall be paid on the additional amount at the rate of 12% per year from the date of entry of judgment to the date the judgment becomes final, and at 1.5% per month thereafter until paid.

SECTION 3460n. 76.15 (2) of the statutes is amended to read:

76.15 **(2)** The power to reassess the property of any company defined in s. 76.02 and the general property of the state, and to redetermine the average rate of taxation, may be exercised under sub. (1) as often as may be necessary until the amount of taxes legally due from any such company for any year under ss. 76.01 to 76.26 has been finally and definitely determined. Whenever any sum or part thereof, levied upon any property subject to taxation under ss. 76.01 to 76.26 so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment upon the property, and the reassessment of taxes to that extent shall be deemed to be satisfied. When the tax roll on the reassessment is completed and delivered to the ~~state treasurer~~ secretary of administration, the department shall immediately notify by certified mail each of the several companies taxed to pay the amount of the taxes extended on the tax roll within 30 days.

SECTION 3460r. 76.22 (3) of the statutes is amended to read:

76.22 **(3)** The ~~state treasurer~~ secretary of administration for and in the name of the state may bid at the sale and the state may become the purchaser of the property of any such company under a judgment for its sale for taxes, interest and costs.

SECTION 3460w. 76.24 (1) of the statutes is amended to read:

76.24 **(1)** All taxes collected from companies defined in s. 76.02 under this subchapter shall be transmitted by the department to the ~~state treasurer~~ secretary of administration and become a part of the general fund for the use of the state, except that taxes paid into the state treasury by any air carrier or railroad company shall be deposited in the transportation fund.

SECTION 3461. 76.28 (1) (d) of the statutes is amended to read:

76.28 **(1)** (d) "Gross revenues" for a light, heat and power company other than a qualified wholesale electric company means total operating revenues as reported to the public service commission except revenues for interdepartmental sales and for interdepartmental rents as reported to the public service commission and deductions from the sales and use tax under s. 77.61 (4), except that the company may subtract from revenues either the actual cost of power purchased for resale, as reported to the public service commission, by a light, heat and power company, except a municipal light, heat and power company, that purchases under federal or state approved wholesale rates more than 50% of its electric power from a person other than an affiliated interest, as defined in s. 196.52 (1), if the revenue from that purchased electric power is included in the seller's gross revenues or the following percentages of the actual cost of power purchased for resale, as reported to the public service commission, by a light, heat and power company, except a municipal light, heat and power company~~,~~ that purchases more than 90% of its power and that has less than $50,000,000 of gross revenues: 10% for the fee assessed on May 1, 1988, 30% for the fee assessed on May 1, 1989, and 50% for the fee assessed on May 1, 1990, and thereafter. For a qualified wholesale electric company, "gross revenues" means total business revenues from those businesses included under par. (e) 1. to 4.

SECTION 3462. 76.28 (1) (e) (intro.) of the statutes is amended to read:

76.28 **(1)** (e) (intro.) "Light, heat and power companies" means any person, association, company or corporation, including corporations described in s. 66.069 (2) and including qualified wholesale electric companies and except only business enterprises carried on exclusively either for the private use of the person, association, company or corporation engaged in them, or for the private use of a person, association, company or corporation owning a majority of all outstanding capital stock or who control the operation of business enterprises and except electric cooperatives taxed under s. 76.48 that engage in any of the following businesses:

SECTION 3463. 76.28 (1) (em) of the statutes is created to read:

76.28 **(1)** (em) "Net production of electricity" means the total of electricity generated minus the power used to operate the generating plant.

SECTION 3464. 76.28 (1) (gm) of the statutes is created to read:

76.28 **(1)** (gm) "Qualified wholesale electric company" means any person that owns or operates facilities for the generation and sale of electricity to a public utility, as defined in s. 196.01 (5), or to any other entity that sells electricity directly to the public, except that "qualified wholesale electric company" does not include any person that sells less than 95% of its net production of electricity or that does not own, operate or control electric generating facilities that have a total power production capacity of at least 50 megawatts.

SECTION 3465. Subchapter II (title) of chapter 76 [precedes 76.38] of the statutes is amended to read:

CHAPTER 76

SUBCHAPTER II

TELEPHONE COMPANIES LICENSE

FEES; ~~CAR LINE COMPANIES,~~

~~ELECTRIC COOPERATIVE~~ ASSOCIATIONS

SECTION 3465m. 76.38 (3) of the statutes is amended to read:

76.38 **(3)** On or before May 1 the department shall compute and assess the license fees imposed by sub. (4), with respect to gross revenues of the preceding calendar year and on or before May 1 shall notify each person that was carrying on business as a telephone company on the preceding January 1 of the amount of the license fee assessed. Any person who pays the May 1 assessment in full has a license to carry on business as a telephone company in this state for the 12–month period beginning on the preceding January 1. The fees assessed by the department shall become delinquent if not paid when due, and when delinquent shall be subject to interest at the rate of 1.5% per month until paid. The department shall transmit all funds received under this section to the ~~state treasurer~~ secretary of administration within 15 days after receipt. The payment dates provided for in sub. (3a) shall apply.

SECTION 3466. 76.38 (12) (b) of the statutes is amended to read:

76.38 **(12)** (b) In the case of overpayments of license fees by any telephone company under par. (a), the department shall certify the overpayments to the ~~department~~ secretary of administration, ~~which~~ who shall audit the amount of the overpayments and ~~the state treasurer~~ shall pay the amounts determined by means of the audit. All refunds of license fees under this subsection shall bear interest at the annual rate of 9% from the date of the original payment to the date when the refund is made. The time for making additional levies of license fees or claims for refunds of excess license fees paid, in respect to any year, shall be limited to 4 years after the time the report for such year was filed.

SECTION 3467. 76.39 (title) of the statutes is repealed.

SECTION 3468. 76.39 (1) of the statutes is repealed.

SECTION 3469. 76.39 (2) of the statutes is repealed.

SECTION 3470. 76.39 (3) of the statutes is repealed.

SECTION 3471. 76.39 (3a) of the statutes is repealed.

SECTION 3472. 76.39 (4) of the statutes is repealed.

SECTION 3473. 76.39 (5) of the statutes is repealed.

SECTION 3474. 76.46 of the statutes is repealed.

SECTION 3474g. 76.48 (3) of the statutes is amended to read:

76.48 **(3)** On or before May 1 in each year, the department of revenue shall compute and assess the license fees provided for in sub. (1r) and certify the amounts due to the ~~state treasurer and file a duplicate thereof with the department of administration~~ secretary of administration. The department shall notify each electric cooperative of the amount of the license fees so assessed. The fees shall become delinquent if not paid when due and when delinquent shall be subject to interest at the rate of 1.5% per month on the amount of license fee until paid. The interest shall be collected by the department and, upon collection, forwarded to the ~~state treasurer~~ secretary of administration and retained by the state. The payment dates provided for in sub. (3a) shall apply.

SECTION 3474r. 76.48 (5) of the statutes is amended to read:

76.48 **(5)** Additional assessments may be made, if notice of such assessment is given, within 4 years of the date the annual return was filed, but if no return was filed, or if the return filed was incorrect and was filed with intent to defeat or evade the tax, an additional assessment may be made at any time upon the discovery of gross revenues by the department. Refunds may be made if a claim for the refund is filed in writing with the department within 4 years of the date the annual return

was filed. Refunds shall bear interest at the rate of 9% per year and shall be certified by the department to the secretary of administration who shall audit the amounts of such overpayments and ~~the state treasurer shall~~ pay the amount audited. Additional assessments shall bear interest at the rate of 12% per year from the time they should have been paid to the date upon which they shall become delinquent if unpaid.

SECTION 3475. 77.05 of the statutes is amended to read:

77.05 State contribution. The department of natural resources shall pay before June 30 annually to the town treasurer, from the appropriation under s. 20.370 ~~(4) (ar)~~ (5) (bv), 20 cents for each acre of land in the town that is described as forest croplands under this subchapter.

SECTION 3475m. 77.22 (2) (intro.) of the statutes is amended to read:

77.22 **(2)** (intro.) The secretary of revenue shall prescribe the form required under sub. (1). The form shall include an application for a credit under s. 79.10 (5) and shall provide for the submission of the following:

SECTION 3476. 77.22 (2) (d) of the statutes is amended to read:

77.22 **(2)** (d) If the real estate transferred is not subject to certification under s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4) (c), the reason why it is not so subject or the form prescribed by the department of ~~industry, labor and human relations~~ development under s. 101.122 (6).

SECTION 3476m. 77.23 of the statutes is amended to read:

77.23 Disposition of fees and returns. On or before the 15th day of each month the register shall submit to the county treasurer transfer fees collected together with the returns filed in the office during the preceding month for the treasurer's transmission to the department of revenue under s. 77.24 and shall

submit to the county treasurer, or to the city treasurer if the property is located in a city that collects taxes under s. 74.87, all applications for credits under s. 79.10 (5) that the county register of deeds receives during the preceding month.

SECTION 3477. 77.25 (19) of the statutes is created to read:

77.25 **(19)** Of time–share property, as defined in s. 707.02 (32).

SECTION 3478. 77.255 of the statutes is amended to read:

77.255 Exemptions from return. No return is required with respect to conveyances exempt under s. 77.25 (1), (2r), (4) ~~or,~~ (11) or (19) from the fee imposed under s. 77.22. No return is required with respect to conveyances exempt under s. 77.25 (2) unless the transferor is also a lender for the transaction.

SECTION 3479. 77.265 (4) of the statutes is amended to read:

77.265 **(4)** The department of industry, labor and human relations may use the returns under s. ~~101.22~~ 106.04.

SECTION 3480. 77.52 (2) (a) 1. of the statutes is amended to read:

77.52 **(2)** (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations, including the furnishing of rooms or lodging through the sale of a time–share property, as defined in s. 707.02 (32)~~, if the use of the rooms or lodging is not fixed at the time of sale as to the starting day or the lodging unit~~. In this subdivision, "transient" means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public. In this subdivision, "hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist

houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations, including mobile homes as defined in s. 66.058 (1) (d), rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual.

SECTION 3481g. 77.52 (7) of the statutes is repealed.

SECTION 3481m. 77.52 (8) of the statutes is repealed.

SECTION 3481r. 77.52 (9) of the statutes is repealed and recreated to read:

77.52 **(9)** The department shall issue a permit for each place of operation in this state to any person who requests one and who holds a valid certificate under s. 73.03 (50). Permits under this subsection are not assignable and are valid only for the person who originally obtains them and only at the place of operation designated on them. Holders of permits shall display them prominently at the place for which they are valid.

SECTION 3481t. 77.52 (10) of the statutes is repealed.

SECTION 3481u. 77.52 (11) (a) of the statutes is renumbered 77.52 (11) and amended to read:

77.52 **(11)** If any person fails to comply with any provision of this subchapter relating to the sales tax or any rule of the department relating to the sales tax adopted under this subchapter, is delinquent in respect to any tax imposed by the department or fails timely to file any return or report in respect to any tax under ch.

71, 72, 76, 77, 78 or 139 after having been requested to file that return or report, the department upon hearing, after giving the person 10 days' notice in writing specifying the time and place of hearing and requiring the person to show cause why the permit should not be revoked or suspended, may revoke or suspend any one or more of the permits held by the person. The department shall give to the person written notice of the suspension or revocation of any of the permits. The notices required in this ~~paragraph~~ subsection may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. If the department suspends or revokes a permanent permit under this ~~paragraph~~ subsection, it may grant a temporary permit that is valid for one month and may then grant additional temporary permits if the person pays all amounts owed under this chapter for the month for which the previous temporary permit was issued. Persons who receive a temporary permit waive the notice requirement under s. 77.61 (2). The department shall not issue a new permanent permit after the revocation of a permit unless it is satisfied that the former holder of the permit will comply with the provisions of this subchapter, the rules of the department relating to the sales tax and the provisions relating to other taxes administered by the department.

SECTION 3481v. 77.52 (11) (b) of the statutes is repealed.

SECTION 3481w. 77.52 (12) of the statutes is amended to read:

77.52 **(12)** A person who operates as a seller in this state without a permit or after a permit has been suspended, revoked or has expired~~, unless the person has a temporary permit under sub. (11) (a),~~ and each officer of any corporation, partnership member, limited liability company member or other person authorized to act on behalf of a seller who so operates, is guilty of a misdemeanor. Permits shall be held only by persons actively operating as sellers of tangible personal property or taxable

services. Any person not so operating shall forthwith surrender that person's permit to the department for cancellation. The department may revoke the permit of a person found not to be actively operating as a seller of tangible personal property or taxable services.

SECTION 3484. 77.52 (17m) (a) of the statutes is amended to read:

77.52 **(17m)** (a) A person who holds a valid certificate issued under s. 73.03 (50) may apply for a direct pay permit by submitting to the department ~~$5 and~~ a completed form that the department prescribes.

SECTION 3484e. 77.52 (17m) (b) 7. of the statutes is amended to read:

77.52 **(17m)** (b) 7. The applicant holds a ~~permit under s. 77.52 (7) or is registered under s. 77.53 (9)~~ valid certificate under s. 73.03 (50).

SECTION 3484m. 77.53 (1) of the statutes is amended to read:

77.53 **(1)** ~~An~~ Except as provided in sub. (1m), an excise tax is levied and imposed on the use or consumption in this state of taxable services under s. 77.52 purchased from any retailer, at the rate of 5% of the sales price of those services; on the storage, use or other consumption in this state of tangible personal property purchased from any retailer, at the rate of 5% of the sales price of that property; and on the storage, use or other consumption of tangible personal property manufactured, processed or otherwise altered, in or outside this state, by the person who stores, uses or consumes it, from material purchased from any retailer, at the rate of 5% of the sales price of that material.

SECTION 3484r. 77.53 (1m) of the statutes is created to read:

77.53 **(1m)** For motor vehicles that are used for retention, demonstration or display while held for sale in the regular course of business by a dealer who is licensed under s. 218.01, the base for the tax imposed under sub. (1) is the following:

(a) If the motor vehicle is also used by an employe of the dealer, $96 per month, except that beginning in 1997 the department shall annually, as of January 1, adjust the dollar amount under this paragraph to reflect the annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on June 30 of the year before the change.

(b) If the motor vehicle is not also used by an employe of the dealer, the lease value as shown in the lease value tables that the internal revenue service prepares to interpret section 61 of the internal revenue code.

SECTION 3484rm. 77.53 (9) of the statutes is amended to read:

77.53 **(9)** Every retailer selling tangible personal property or taxable services for storage, use or other consumption in this state shall ~~register with the department~~ obtain a certificate under s. 73.03 (50) and give the name and address of all agents operating in this state, the location of all distribution or sales houses or offices or other places of business in this state, and such other information as the department requires.

SECTION 3484rr. 77.53 (9m) of the statutes is amended to read:

77.53 **(9m)** Any person who is not otherwise required to collect any tax imposed by this subchapter and who makes sales to persons within this state of tangible personal property or taxable services the use of which is subject to tax under this subchapter ~~may, if the person so elects, register with the department, under such terms and conditions as the department imposes,~~ shall obtain a valid certificate under s. 73.03 (50) and thereby be authorized and required to collect, report and remit to the department the use tax imposed by this subchapter.

SECTION 3484s. 77.54 (9a) (a) of the statutes is amended to read:

77.54 **(9a)** (a) This state or any agency thereof and the University of Wisconsin Hospitals and Clinics Authority.

SECTION 3485. 77.54 (24) of the statutes is repealed.

SECTION 3485c. 77.58 (5) of the statutes is amended to read:

77.58 **(5)** The department, if it deems it necessary to ensure payment to or facilitate the collection by the state of the amount of taxes, may require returns and payments of the amount of taxes for other than quarterly periods. The department may, if satisfied that the revenues will be adequately safeguarded, permit returns and payments of the amount of taxes for other than quarterly periods. Such returns or payments shall be due or payable by the last day of the month next succeeding the end of the reporting or paying period, except that the department may require by written notice to the taxpayer that the returns or payments shall be due or payable by the 20th day of the month next succeeding the end of the reporting or paying period. Any person who discontinues business or ~~whose permit has not been renewed under s. 77.52 (10) or (11) (b)~~ who does not hold a valid permit under s. 77.52 (9) prior to the end of a reporting period shall, within 30 days ~~of~~ after such discontinuance or ~~nonrenewal~~ after the date on which the person ceases to hold a valid permit, file a return and ~~make payment of~~ pay the taxes due from the beginning of such reporting period. If a business is discontinued and a final report thereon has been made covering all payments due or refunds claimed as provided in this section, the account shall be closed, the seller's permit terminated and, notwithstanding any other provisions of this section, no further reports may be required.

SECTION 3485f. 77.59 (5) of the statutes is amended to read:

77.59 **(5)** The department may offset the amount of any refund for a period, together with interest on the refund, against deficiencies for another period, and

against penalties and interest on the deficiencies, or against any amount of whatever kind, due and owing on the books of the department from the person claiming the refund. If the refund is to be paid to a buyer, the department may also set off amounts in the manner in which it sets off income tax and franchise tax refunds under s. 71.93 and may set off amounts for child support or maintenance or both in the manner in which it sets off income taxes under ss. ~~46.255~~ 49.855 and 71.93 (3), (6) and (7).

SECTION 3485i. 77.59 (7) of the statutes is amended to read:

77.59 **(7)** If the department believes that the collection of any tax imposed by this subchapter will be jeopardized by delay, it shall notify the person determined to owe the tax of its intention to proceed under s. 71.91 (5) for collection of the amount determined to be owing, including penalties and interest. Such notice shall be by certified or registered mail or by personal service and the warrant of the department shall not issue if the person, within 10 days after such notice furnishes a bond in such amount not exceeding double the amount determined to be owing and with such sureties as the department approves, conditioned upon the payment of so much of the taxes, interest and penalties as shall finally be determined to be due. Nothing in this subsection shall affect the review of determinations of tax as provided in this subchapter and any amounts collected under this subsection shall be deposited with the ~~state treasurer~~ secretary of administration and disbursed after final determination of the taxes as are amounts deposited under ss. 71.89 (1) and 71.90 (2).

SECTION 3485L. 77.60 (2) (intro.) of the statutes is amended to read:

77.60 **(2)** (intro.) Delinquent sales and use tax returns shall be subject to a $10 late filing fee unless the return was not timely filed because of the death of the person required to file. The fee shall not apply if the department has failed to issue a seller's

permit or a use tax registration within 30 days of the receipt of an application for a seller's permit or use tax registration accompanied by the ~~permit~~ fee ~~required~~ established under s. ~~77.52 (8)~~ 73.03 (50), if the person does not hold a valid certificate under s. 73.03 (50), and ~~either~~ the security required under s. 77.61 (2) ~~or evidence of compliance with s. 77.52 (10) (c)~~. Delinquent sales and use taxes shall bear interest at the rate of 1.5% per month until paid. The taxes imposed by this subchapter shall become delinquent if not paid:

SECTION 3485o. 77.61 (5) (b) 9. of the statutes is amended to read:

77.61 **(5)** (b) 9. The administrator of the lottery division in the ~~gaming commission~~ department for the purpose of withholding of lottery winnings under s. 565.30 (5).

SECTION 3485s. 77.71 (2) of the statutes is amended to read:

77.71 **(2)** An excise tax is imposed at the rate of 0.5% of the sales price upon every person storing, using or otherwise consuming in the county tangible personal property or services if the property or service is subject to the state use tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3) or (4) has been paid relieves the buyer of liability for the tax under this subsection and except that if the buyer has paid a similar local tax in another state on a purchase of the same property or services that tax shall be credited against the tax under this subsection and except that for motor vehicles that are used for retention, demonstration or display while held for sale in the regular course of business by a dealer the tax under this subsection is imposed not on the sales price but on the amount under s. 77.53 (1m).

SECTION 3485v. 77.76 (3) of the statutes is amended to read:

77.76 **(3)** From the appropriation under s. 20.835 (4) (g) the department shall distribute ~~98.5%~~ 98.7% of the county taxes reported for each enacting county, minus the county portion of the retailers' discounts, to the county and shall indicate the taxes reported by each taxpayer, no later than the end of the 3rd month following the end of the calendar quarter in which such amounts were reported. In this subsection, the "county portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction the numerator of which is the gross county sales and use taxes payable and the denominator of which is the sum of the gross state and county sales and use taxes payable. The county taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments and all other adjustments of the county taxes previously distributed. Interest paid on refunds of county sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (g) at the rate paid by this state under s. 77.60 (1) (a). The county may retain the amount it receives or it may distribute all or a portion of the amount it receives to the towns, villages, cities and school districts in the county. Any county receiving a report under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

SECTION 3485x. 77.76 (4) of the statutes is amended to read:

77.76 **(4)** There shall be retained by the state ~~1.5%~~ 1.3% of the taxes collected under this subchapter to cover costs incurred by the state in administering, enforcing and collecting the tax. All interest and penalties collected shall be deposited and retained by this state in the general fund.

SECTION 3486. 77.82 (2) (intro.) of the statutes is amended to read:

77.82 **(2)** PETITION. (intro.) Any owner of land may petition the department to designate any eligible parcel of land as managed forest land. A petition may include

any number of eligible parcels under the same ownership in a single municipality. Each petition shall be submitted on a form provided by the department and shall be accompanied by a nonrefundable $10 application fee unless a different amount of the fee is established by the department by rule at an amount equal to the average expense to the department of recording an order issued under this subchapter~~,~~ ~~which~~. The fee shall be ~~credited to~~ deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (cr). Each petition shall include all of the following:

SECTION 3487. 77.82 (4) of the statutes is amended to read:

77.82 **(4)** ADDITIONS TO MANAGED FOREST LAND. An owner may petition the department to designate as managed forest land an additional parcel of land in the same municipality if the additional parcel is at least 3 acres in size and is contiguous to any of the owner's designated land. The petition shall be accompanied by a nonrefundable $10 application fee unless a different amount of the fee is established in the same manner as the fee under sub. (2)~~, which~~. The fee shall be ~~credited to~~ deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (cr). The petition shall be submitted on a department form and shall contain any additional information required by the department.

SECTION 3488. 77.82 (4m) (bn) of the statutes is amended to read:

77.82 **(4m)** (bn) A petition under this subsection shall be accompanied by a nonrefundable $100 application fee which shall be ~~credited to~~ deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (cr).

SECTION 3489. 77.85 of the statutes is amended to read:

77.85 State contribution. The department shall pay before June 30 annually the municipal treasurer, from the appropriation under s. 20.370 ~~(4) (ar)~~ (5) (bv), 20

cents for each acre of land in the municipality that is designated as managed forest land under this subchapter.

SECTION 3490. 77.88 (2) (d) of the statutes is amended to read:

77.88 **(2)** (d) Within 10 days after a transfer of ownership, the former owner shall, on a form provided by the department, file with the department a report of the transfer signed by the former owner and the transferee. The report shall be accompanied by a $20 fee which shall be ~~credited to~~ deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (cr). The department shall immediately notify each person entitled to notice under s. 77.82 (8).

SECTION 3491. 77.89 (1) of the statutes is amended to read:

77.89 **(1)** PAYMENT TO MUNICIPALITIES. By June 30 of each year, the department, from the appropriation under s. 20.370 ~~(4) (ar)~~ (5) (bv), shall pay 50% of each payment received under s. 77.84 (3) (b), 77.87 (3) or 77.88 (7) to the treasurer of the municipality in which is located the land to which the payment applies.

SECTION 3492. 77.91 (4) of the statutes is amended to read:

77.91 **(4)** EXPENSES. ~~The~~ Except as provided in sub. (5), the department's expenses for the administration of this subchapter shall be paid from the appropriation under s. 20.370 (1) (mu).

SECTION 3493. 77.91 (5) of the statutes is amended to read:

77.91 **(5)** RECORDING. Each register of deeds who receives notice of an order under this subchapter shall record the action as provided under s. 59.51. The department shall pay the register of deeds the fee specified under s. 59.57 (1) (a) from the appropriation under s. 20.370 (1) ~~(mu)~~ (cr). If the amount in the appropriation under s. 20.370 (1) (cr) in any fiscal year is insufficient to pay the full amount

required under this subsection in that fiscal year, the department shall pay the balance from the appropriation under s. 20.370 (1) (mu).

SECTION 3493m. 77.92 (4) of the statutes is amended to read:

77.92 **(4)** "Net business income", with respect to a partnership or limited liability company, means taxable income as calculated under section 703 of the internal revenue code; plus the items of income and gain under section 702 of the internal revenue code; minus the items of loss and deduction under section 702 of the internal revenue code; plus payments treated as not made to partners under section 707 (a) of the internal revenue code; plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL) and (2ds); but excluding income, gain, loss and deductions from farming. "Net business income", with respect to a natural person, estate or trust, means profit from a trade or business for federal income tax purposes and includes net income derived as an employe as defined in section 3121 (d) (3) of the internal revenue code.

SECTION 3494. 77.92 (4r) of the statutes is created to read:

77.92 **(4r)** "Total receipts from all activities" means gross receipts, gross sales, gross dividends, gross interest income, gross rents, gross royalties, the gross sales price from the disposition of capital assets and business assets and all other receipts that are included in gross income under ch. 71.

SECTION 3495. 77.93 (1) of the statutes is amended to read:

77.93 **(1)** All corporations required to file a return under subch. IV or V of ch. 71 that have at least $4,000 in total receipts from all activities for the taxable year except corporations that are exempt from taxation under s. 71.26 (1) and that have no unrelated business income reportable under s. 71.24 (1m). The surcharge is imposed on the tax–option corporation, not on its shareholders, except that if a

tax–option corporation's surcharge is delinquent, its shareholders are jointly and severally liable for it.

SECTION 3496. 77.93 (4) of the statutes is amended to read:

77.93 **(4)** All insurers that are required to file a return under subch. VII of ch. 71 and that have at least $4,000 in total receipts from all activities for the taxable year.

SECTION 3497. 78.09 (2) of the statutes is amended to read:

78.09 **(2)** To procure a license, a supplier who holds a valid certificate issued under s. 73.03 (50) shall file with the department an application prescribed and furnished by the department and verified by the owner of the business if the owner is an individual, partnership or unincorporated association or by the president and secretary if the owner is a corporation.

SECTION 3498. 78.09 (5) of the statutes is amended to read:

78.09 **(5)** To procure an export license, an exporter who holds a valid certificate issued under s. 73.03 (50) shall file with the department an application prescribed and furnished by the department and verified by the owner of the business if the owner is an individual, partnership or unincorporated association or by the president and secretary if the owner is a corporation.

SECTION 3500b. 78.10 (1) of the statutes is repealed and recreated to read:

78.10 **(1)** ISSUANCE. The department shall issue licenses to receive motor vehicle fuel under s. 78.07 to persons who hold a valid certificate under s. 73.03 (50).

SECTION 3500c. 78.10 (2) to (5) of the statutes are repealed.

SECTION 3500d. 78.48 (1) of the statutes is repealed and recreated to read:

78.48 **(1)** ISSUANCE. The department shall issue alternate fuel licenses to persons who hold a valid certificate under s. 73.03 (50).

SECTION 3500e. 78.48 (2) to (5) of the statutes are repealed.

SECTION 3500f. 78.57 (1) of the statutes is repealed and recreated to read:

78.57 **(1)** ISSUANCE. The department shall issue general aviation fuel licenses to persons who hold a valid certificate under s. 73.03 (50).

SECTION 3500g. 78.57 (2) to (5) of the statutes are repealed.

SECTION 3505. 79.03 (3c) (c) (intro.) of the statutes is amended to read:

79.03 **(3c)** (c) *Payment.* (intro.) Subject to the total distribution amount limits in par. (f), the minimum payment under par. (d) and the maximum payment under par. (e), each eligible municipality is entitled to shared revenue from the appropriation under s. 20.835 (1) (b), in addition to its shared revenue entitlements under sub. (1), calculated as follows:

SECTION 3506. 79.03 (3c) (f) of the statutes is amended to read:

79.03 **(3c)** (f) *Distribution amount.* If the total amounts calculated under pars. (c) to (e) exceed the total amount to be distributed under this subsection, the amount paid to each eligible municipality shall be paid on a prorated basis. The total amount to be distributed under this subsection from s. 20.835 (1) (b) is $10,000,000 in ~~1994 and $14,000,000 in 1995~~ 1996 and thereafter.

SECTION 3507. 79.04 (1) (a) of the statutes is amended to read:

79.04 **(1)** (a) An amount from the shared revenue account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, the first $125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either "production plant, exclusive of land" and "general structures", or "work in progress" for production plants and general structures under construction, in the case of light, heat and power

companies, electric cooperatives or municipal electric companies, for all property within a municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, of the first $125,000,000 of the total original cost of production plant, general structures and work–in–progress less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than $125,000,000. The amount distributable to a municipality in any year shall not exceed $300 times the population of the municipality.

SECTION 3508. 79.04 (1) (c) 2. of the statutes is amended to read:

79.04 **(1)** (c) 2. If a production plant is located in more than one municipality, the total payment under subd. 1. shall be apportioned according to the amounts shown on the preceding December 31 for the production plant in the account described in par. (a) for "production plant exclusive of land" within each municipality for all public utilities except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), or according to the value as reported to the department of revenue under par. (a) of the production plant within each municipality for each qualified wholesale electric company. The payment to each municipality under this subdivision shall be no less than $15,000 annually.

SECTION 3509. 79.04 (2) (a) of the statutes is amended to read:

79.04 **(2)** (a) Annually, the department of administration, upon certification by the department of revenue, shall distribute from the shared revenue account to any county having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat or power company assessed under s. 76.28 (2), except property described in s. 66.069 (2) unless the production plant is owned or operated by a local governmental unit that is located outside of the municipality in which the production plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.073 an amount determined by multiplying by 6 mills in the case of property in a town and by 3 mills in the case of property in a city or village the first $125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for either "production plant, exclusive of land" and "general structures", or "work in progress" for production plants and general structures under construction, in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within ~~a town~~ the municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue ~~and by multiplying by 3 mills the first $125,000,000 of the amount as defined in this subsection for all property within a city or village~~ plus an amount from the shared revenue account determined by multiplying by 6 mills in the

case of property in a town, and 3 mills in the case of property in a city or village, of the total original cost of production plant, general structures and work–in–progress less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than $125,000,000. The amount distributable to a county in any year shall not exceed $100 times the population of the county.

SECTION 3509b. 79.04 (4) (a) of the statutes is amended to read:

79.04 **(4)** (a) Annually, in addition to the amount distributed under sub. (1), the department of administration shall distribute $50,000 to a municipality if spent nuclear fuel is stored within the municipality on December 31 of the preceding year. ~~If a spent nuclear fuel storage facility is located at a production plant located in more than one municipality, the payment shall be apportioned according to the formula under sub. (1) (c) 2. The payment to each municipality under this paragraph may not be less than $10,000 annually~~ If a spent nuclear fuel storage facility is located within one mile of a municipality, that municipality shall receive $10,000 annually and the municipality where that storage facility is located shall receive $40,000 annually.

SECTION 3509d. 79.05 (1) (am) of the statutes is repealed.

SECTION 3509g. 79.05 (1) (d) of the statutes is amended to read:

79.05 **(1)** (d) "Valuation factor" means a percentage equal to 60% of the percentage change in the municipality's equalized value due to new construction less improvements removed between the year before the statement under s. 79.015 and the previous year, but not less than zero nor greater than ~~2~~ one.

SECTION 3509m. 79.05 (2) (c) of the statutes is amended to read:

79.05 **(2)** (c) Its municipal budget, exclusive of principal and interest on long–term debt, for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6), exclusive of principal and interest on long–term debt, for the year before that year by less than the sum of ~~the inflation factor~~ 3% and the valuation factor, rounded to the nearest 0.10%.

SECTION 3509mi. 79.05 (2m) of the statutes is repealed.

SECTION 3509r. 79.06 (1) (b) of the statutes is amended to read:

79.06 **(1)** (b) If the payments to any municipality or county under s. 79.03, excluding payments under s. 79.03 (3c), ~~in 1986 or any year thereafter~~ are less than 95% in 1994, 1995 and 1996, 94% in 1997, 93% in 1998, 92% in 1999, 91% in 2000 and 90% in 2001 and thereafter of the combined payments to the municipality or county under this section and s. 79.03, excluding payments under s. 79.03 (3c), for the previous year, the municipality or county has an aids deficiency. The amount of the aids deficiency is the amount by which 95% in 1994, 1995 and 1996, 94% in 1997, 93% in 1998, 92% in 1999, 91% in 2000 and 90% in 2001 and thereafter of the combined payments to the municipality or county under this section and s. 79.03, excluding payments under s. 79.03 (3c), in the previous year exceeds the payments to the municipality or county under s. 79.03, excluding payments under s. 79.03 (3c), in the current year.

SECTION 3509s. 79.06 (2) (b) of the statutes is amended to read:

79.06 **(2)** (b) If the payments to a municipality or county, except any county in which there are no cities or villages, in ~~1985 or~~ any year ~~thereafter~~ exceed its combined payments under this section and s. 79.03, excluding payments under s.

79.03 (3c), in the previous year by more than the maximum allowable increase, the excess shall be withheld to fund minimum payments in that year under sub. (1) (c).

SECTION 3510g. 79.10 (7r) (b) of the statutes is amended to read:

79.10 **(7r)** (b) The amounts determined under par. (a) shall be distributed by the department of administration on the first Friday in September during 1996 and every 5th year thereafter, based on applications on file with the county or city on August 1. A county or city shall inform the department of revenue of the number of applications on file before August 16.

SECTION 3510h. 79.10 (9) (c) of the statutes is amended to read:

79.10 **(9)** (c) *Credits shown on tax bill.* ~~The amount of the state property tax credits of particular property taxpayers, as determined under pars. (b) and (bm), shall be separately set forth on tax bills in the manner provided in s. 74.09.~~ The lottery credit under par. (bm) shall reduce the property taxes otherwise payable for those taxpayers who are eligible to receive that credit and who furnish the information required under sub. (10) (a), and the credit under par. (b) shall reduce the property taxes otherwise payable.

SECTION 3510m. 79.10 (10) (a) of the statutes is amended to read:

79.10 **(10)** (a) Beginning with property taxes levied in ~~1992~~ 1996, the owner of a principal dwelling who is entitled to receive a lottery credit under sub. (9) (bm) may claim the credit by making an application on a form prescribed by the department of revenue. A claimant whose principal dwelling is on a parcel of taxable property shall attest that, as of the certification date, the claimant is the owner of the property and that the claimant uses the property as his or her principal dwelling. The certification date is January 1 of the year in which the property taxes are levied. The claimant shall file the application with the treasurer of the county in which the

property is located or, if the property is located in a city that collects taxes under s. 74.87 ~~or in a city that receives the approval of the department of revenue to accept applications~~, with the ~~city~~ treasurer of the city in which the property is located. Subject to review by the department of revenue, a treasurer who receives a completed application shall direct that the property described in the application be identified on the next tax roll as property for which the owner is entitled to receive a lottery credit. A claim that is made under this paragraph is valid for 5 years.

SECTION 3510p. 79.10 (10) (b) of the statutes is created to read:

79.10 **(10)** (b) A person who becomes eligible for a credit under sub. (5) may claim the credit by filing an application, on a form prescribed by the department of revenue, with the treasurer of the county in which the property is located or, if the property is located in a city that collects taxes under s. 74.87, with the treasurer of the city in which the property is located. Claims that are made under this paragraph become invalid when claims that are made under par. (a) become invalid.

SECTION 3510t. 79.10 (10) (c) of the statutes is created to read:

79.10 **(10)** (c) A person who becomes eligible for a credit under sub. (5) because of a purchase of a property may claim the credit by applying for it on the return under s. 77.22 (2). Claims that are made under this paragraph become invalid when claims that are made under par. (a) become invalid.

SECTION 3510u. 79.10 (10) (e) of the statutes is created to read:

79.10 **(10)** (e) Counties and any city authorized to act under s. 74.87 shall submit to the department of revenue all data related to the lottery credit and requested by the department of revenue.

SECTION 3511. 79.14 of the statutes is amended to read:

79.14 (title) **School levy tax credit.** The appropriation under s. 20.835 (3) (b) is $319,305,000 in 1994, 1995 and 1996 and is $469,305,000 in 1997 and thereafter.

SECTION 3514. 80.38 (2) of the statutes is amended to read:

80.38 **(2)** If 6 or more freeholders residing within the limits of the village or other plat wish any streets in the plat to be so declared public highways and opened to public use, they may apply to the town board for that purpose in the manner provided in s. 80.02. Upon that application, the town board shall make and file an order, within 10 days, declaring the streets to be public highways or refusing so to do. In either case, any person considering himself or herself aggrieved by the order may appeal to the circuit court for the same county by filing with the town clerk a notice of appeal, specifying the grounds of appeal, within 20 days from the filing of the order, together with a written undertaking of the appellant, with one or more sufficient sureties, to be approved by the town clerk for the payment of all costs that may be awarded against the appellant, and paying to the clerk the fee prescribed in s. 814.61 (8) ~~(a) 1. or~~ (am) 1. Within 20 days thereafter the town clerk shall deliver to the clerk of the circuit court all the papers in the case, together with the notice of appeal, with the date of service endorsed thereon, and pay the fee prescribed in s. 814.61 (8) ~~(a) 1. or~~ (am) 1.; whereupon the clerk of the circuit court shall enter an action in the court record in which the appellant is the plaintiff and the town is the defendant. The issues as shown by the papers and the appeal shall be tried without further pleading, the same as in personal actions in circuit court, and judgment rendered and enforced as in other actions in which persons and municipal corporations are parties.

SECTION 3515m. 84.01 (13) of the statutes is amended to read:

84.01 **(13)** ENGINEERING SERVICES. The department may engage such engineering, consulting, surveying or other specialized services as it deems advisable. Any engagement of services under this subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82 and 16.85 to 16.89, but ss. 16.528, 16.752 ~~and,~~ 16.754 and 16.855 (22) apply to such engagement. Any engagement involving an expenditure of $3,000 or more shall be by formal contract approved by the governor.

SECTION 3519g. 84.06 (2) (a) of the statutes is amended to read:

84.06 **(2)** (a) All such highway improvements shall be executed by contract based on bids unless the department finds that another method as provided in sub. (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in the manner determined by the department. Except as provided in s. 84.075, the contract shall be awarded to the lowest competent and responsible bidder as determined by the department. If the bid of the lowest competent bidder is determined by the department to be in excess of the estimated reasonable value of the work or not in the public interest, all bids may be rejected. The department shall, so far as reasonable, follow uniform methods of advertising for bids and may prescribe and require uniform forms of bids and contracts. Except as provided in par. (b), the secretary shall enter into the contract on behalf of the state. Every such contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but ss. 16.528, 16.752 ~~and,~~ 16.754 and 16.855 (22) apply to the contract. Any such contract involving an expenditure of $1,000 or more shall not be valid until approved by the governor. The secretary may require the attorney general to examine any contract and any bond submitted in connection with the contract and report on its sufficiency of form and execution. The bond required by s. 779.14 (1m) (b) for any such contract involving an expenditure of less than $1,000 is exempt from approval

by the governor and shall be subject to approval by the secretary. This subsection also applies to contracts with private contractors based on bids for maintenance under s. 84.07.

SECTION 3519i. 84.06 (4) of the statutes is amended to read:

84.06 **(4)** SPECIAL CONTRACTS WITH RAILROADS AND UTILITIES. If an improvement undertaken by the department will cross or affect the property or facilities of a railroad or public utility company, the department may, upon finding that it is feasible and advantageous to the state, arrange to perform portions of the improvement work affecting such facilities or property or perform work of altering, rearranging or relocating such facilities by contract with the railroad or public utility. Such contract shall be between the railroad company or public utility and the state and need not be based on bids. The contract may be entered into on behalf of the state by the secretary. Every such contract is exempted from s. 779.14 and from all provisions of chs. 16 and 230, except ss. 16.528, 16.752 ~~and,~~ 16.754 and 16.855 (22). No such contract in which the total estimated debt to be incurred exceeds $5,000 shall be valid until approved by the governor. As used in this subsection, "public utility" means the same as in s. 196.01 (5), and includes a telecommunications carrier as defined in s. 196.01 (8m), and "railroad" means the same as in s. 195.02. "Property" as used in this subsection includes but is not limited to tracks, trestles, signals, grade crossings, rights–of–way, stations, pole lines, plants, substations and other facilities. Nothing in this subsection shall be construed to relieve any railroad or public utility from any financial obligation, expense, duty or responsibility otherwise provided by law relative to such property.

SECTION 3519m. 84.11 (4) of the statutes is amended to read:

84.11 **(4)** FINDING, DETERMINATION AND ORDER. After such hearing the department shall make such investigation as it considers necessary in order to make a decision in the matter. If the department finds that the construction is necessary it shall determine the location of the project and whether the project is eligible for construction under this section. The department shall also determine the character and kind of bridge most suitable for such location and estimate separately the cost of the bridge portion and the entire project. The department shall make its finding, determination and order, in writing, and file a certified copy thereof with the clerk of each county, city, village and town in which any portion of the bridge project will be located and also with the secretary of state and the ~~state treasurer~~ secretary of administration. The determination of the location of the project made by the department and set forth in its finding, determination and order, shall be conclusive as to such location and shall constitute full authority for laying out new streets or highways or for any relocations of highways made necessary for the construction of the project and for acquirement of any lands necessary for such streets or highways, relocation or construction. The estimate of cost made by the department shall be conclusive insofar as cost may determine eligibility of construction under this section.

SECTION 3519p. 84.12 (4) of the statutes is amended to read:

84.12 **(4)** FINDING, DETERMINATION AND ORDER. If the department finds that the construction is necessary, and that provision has been made or will be made by the adjoining state or its subdivisions to bear its or their portions of the cost of the project, the department, in cooperation with the state highway department of the adjoining state, shall determine the location thereof, the character and kind of bridge and other construction most suitable at such location, estimate the cost of the project, and

determine the respective portions of the estimated cost to be paid by each state and its subdivisions. In the case of projects eligible to construction under sub. (1) (a) the department shall further determine the respective portions of the cost to be paid by this state and by its subdivisions which are required to pay portions of the cost. The department, after such hearing, investigation and negotiations, shall make its finding, determination and order in writing and file a certified copy thereof with the clerk of each county, city, village or town in this state in which any part of the bridge project will be located, with the secretary of state and the ~~state treasurer~~ secretary of administration and with the state highway department of the adjoining state. The determination of the location set forth in the finding, determination and order of the department shall be conclusive as to such location and shall constitute full authority for laying out new streets or highways or for any relocations of the highways made necessary for the construction of the project and for acquiring lands necessary for such streets or highways, relocation or construction.

SECTION 3520. 84.25 (11) of the statutes is amended to read:

84.25 **(11)** COMMERCIAL ENTERPRISES. No commercial enterprise, except a vending facility which is licensed by the department of ~~health and social services~~ industry, labor and human relations and operated by blind or visually impaired persons, shall be authorized or conducted within or on property acquired for or designated as a controlled–access highway.

SECTION 3524m. 85.015 of the statutes is amended to read:

85.015 Transportation assistance contracts. All contracts entered into under this chapter to provide financial assistance in the areas of railroads, urban mass transit, specialized transportation, and harbors are subject to ss. 16.528 and

16.752 but are exempt from ss. 16.70 to 16.75, 16.755 to 16.82 and 16.85 to 16.89, except that ss. 16.702 and 16.855 (22) apply to such contracts.

SECTION 3525. 85.09 (4m) of the statutes is amended to read:

85.09 **(4m)** RELOCATION PLAN. The department is exempt from s. 32.25 (1) if the department determines that acquiring rail property under this section will not result in any displaced persons as defined in s. 32.19 (2) (e). The department shall file a statement of its determinations with the department of ~~industry, labor and human relations~~ development.

SECTION 3526e. 85.14 (1) (b) of the statutes is amended to read:

85.14 **(1)** (b) Except for charges associated with a contract under par. (c), the department shall pay to the ~~state treasurer~~ secretary of administration the amount of charges associated with the use of credit cards under par. (a) that are assessed to the department.

SECTION 3526f. 85.14 (2) of the statutes is amended to read:

85.14 **(2)** The department shall certify to the ~~state treasurer~~ secretary of administration the amount of charges associated with the use of credit cards that is assessed to the department on deposits accepted under s. 345.26 (3) (a) by state traffic patrol officers and state motor vehicle inspectors, and the ~~state treasurer~~ secretary of administration shall pay the charges from moneys under s. 59.20 (8) and (8m) that are reserved for payment of the charges under s. ~~14.58 (21)~~ 16.40 (36).

SECTION 3526m. 85.26 of the statutes is renumbered 106.26.

SECTION 3528e. 87.07 (4) of the statutes is amended to read:

87.07 **(4)** BENEFITS AND COSTS DECISIVE. If the aggregate of the amounts collectible, as thus found by the department, exceeds the estimated cost of construction of the improvement, the department shall order that the work of

constructing such improvement proceed. If such aggregate amount collectible is less than the estimated cost of such improvement, the department shall enter an order dismissing the petition, unless the difference between said aggregate amounts be deposited in cash with the ~~state treasurer~~ secretary of administration within one year. Such deposit may be made by any person or any public or private corporation. Upon the making of such deposit, the department shall enter a further order that the work of constructing the improvement proceed.

SECTION 3528g. 87.11 (2) of the statutes is amended to read:

87.11 **(2)** But should the total cost, as ascertained and certified by the flood control board after the letting of the contracts, in the manner hereinabove set forth, exceed the total amount found by the department to be collectible under s. 87.09, all contracts for the construction of the work shall be null and void. At the expiration of one year after such certification, any moneys held by the ~~state treasurer~~ secretary of administration on account of the project shall be refunded to the persons by whom they were paid to ~~such treasurer~~ the secretary of administration; and funds in the hands of the flood control board shall be refunded to the public corporation by which they were paid to such board; any funds held by any town, village or city, having been collected by special assessments against property benefited, shall be refunded to the owners of such property; any funds raised by any public corporation by the issuance of bonds on account of such proposed improvements shall constitute a fund for the retirement or payment of such bonds; and any fund held by any public corporation, having been raised otherwise than by special assessments or bond issues, shall be available for the general purposes of such public corporation. Provided, however, that if within one year after the last mentioned certification of the flood control board there shall be deposited with the treasurer of said board a sum equal to the difference

between the aggregate cost of constructing the improvement as estimated by the department and the aggregate cost thereof as determined and certified by the flood control board after the letting of the contracts, said board shall proceed to relet the contracts for the construction of the improvement and to complete the same unless the aggregate of such new contract prices, together with the department's estimate of the cost of acquiring lands and of overhead expenses and of the first 18 months' operation and maintenance, shall again exceed the amount found by the department to be collectible under s. 87.09. The deposit herein referred to may be made by any person or any public or private corporation.

SECTION 3528i. 87.13 of the statutes is amended to read:

87.13 Disbursements by board. All sums which shall be deposited with the ~~state treasurer~~ secretary of administration under s. 87.07 (4) for the construction of the improvement shall be paid by ~~said treasurer~~ the secretary of administration to the flood control board upon requisitions from said board. If any moneys, other than those for operation and maintenance during the first 18 months, remain unexpended in the hands of the flood control board or subject to their requisition after the completion of the construction of the improvement, and if the funds for construction of the improvement shall have been in part raised through voluntary contributions under s. 87.07 (4) or 87.11 (2), the amounts thus contributed, or such proportion thereof as the funds remaining in the hands of the board or subject to its requisition will pay, shall be returned to the persons or corporations who made such voluntary contributions, in proportion to the amounts contributed by them.

SECTION 3528m. 87.305 (1) (d) of the statutes is amended to read:

87.305 **(1)** (d) The state historic preservation officer reviews the developer's plans for preservation or rehabilitation of the Dousman hotel and certifies that the

preservation or rehabilitation will be consistent with the standards used by the U.S. secretary of the interior to certify rehabilitations under 26 USC ~~48 (g) (2) (C)~~ 47 (c) (2).

SECTION 3528p. 87.305 (2) (d) of the statutes is amended to read:

87.305 **(2)** (d) The state historic preservation officer determines that the preservation or rehabilitation of the Dousman hotel is not consistent with the standards used by the U.S. secretary of the interior to certify rehabilitations under 26 USC ~~48 (g) (2) (C)~~ 47 (c) (2).

SECTION 3529m. 88.62 (3) of the statutes is amended to read:

88.62 **(3)** If drainage work is undertaken in navigable waters, the drainage board shall obtain a permit under s. ~~30.20 or~~ 88.31 ~~or ch. 31, as directed by the department of natural resources~~.

SECTION 3530g. 88.72 (3) of the statutes is amended to read:

88.72 **(3)** At the hearing on the petition, any interested person may appear and contest its sufficiency and the necessity for the work. If the drainage board finds that the petition has the proper number of signers and that to afford an adequate outlet it is necessary to remove dams or other obstructions from waters and streams which may be navigable, or to straighten, clean out, deepen or widen any waters or streams either within or beyond the limits of the district, the board shall file an application with the department of natural resources as provided in s. ~~30.20 or~~ 88.31~~, as directed by the department of natural resources~~. Thereafter, proceedings shall be had as provided in s. ~~30.20 or~~ 88.31 insofar as the same is applicable.

SECTION 3530r. 88.72 (4) of the statutes is amended to read:

88.72 **(4)** Within 30 days after the department of natural resources has issued a permit under s. ~~30.20 or~~ 88.31, the board shall proceed to estimate the cost of the

work, including the expenses of the proceeding together with the damages that will result from the work, and shall, within a reasonable time, award damages to all lands damaged by the work and assess the cost of the work against the lands in the district in proportion to the assessment of benefits then in force.

SECTION 3540. 91.19 (6s) (a) (intro.) of the statutes is amended to read:

91.19 **(6s)** (a) (intro.) The department may release from a farmland preservation agreement any land acquired or to be acquired by a local unit of government, as defined in s. ~~16.20~~ 106.215 (1) (e), for public improvements or structures, including highway improvements, if all of the following occur:

SECTION 3549p. 92.103 (2) of the statutes is amended to read:

92.103 **(2)** This section does not apply after June 30, ~~1995~~ 1997.

SECTION 3550. 92.14 (4r) of the statutes is amended to read:

92.14 **(4r)** REQUESTING TRANSFER OF FUNDS. The department shall submit a request to the joint committee on finance for the transfer of funds from the appropriation under s. 20.370 ~~(4) (cq)~~ (6) (aq) to the appropriation under s. 20.115 (7) (qd) if necessary to provide grants under sub. (4) (c).

SECTION 3551. 92.14 (5) (b) of the statutes is amended to read:

92.14 **(5)** (b) The department, with the approval of the board, may request the department of natural resources to transfer funds from the appropriation account under s. 20.370 ~~(4) (cc) or (cq)~~ (6) (aa) or (aq) to the appropriation account under s. 20.115 (7) (km) if the funds are needed to pay grants under par. (a).

SECTION 3552m. 93.02 of the statutes is amended to read:

93.02 Staff. The secretary shall appoint all staff necessary for the carrying out of the duties of the department, all of whom shall be under the classified service except the deputy secretary~~, the executive assistant~~ and, subject to s. 230.08 (4) (a),

the administrators of divisions. Each such deputy secretary~~, executive assistant~~ or administrator shall be appointed by the secretary with the approval of the board.

SECTION 3554. 93.07 (10) (a) of the statutes is renumbered 93.07 (10) and amended to read:

93.07 **(10)** ANIMAL HEALTH; QUARANTINE. To protect the health of domestic animals of the state; to determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of communicable diseases among domestic animals, and for these purposes it may establish, maintain, enforce and regulate such quarantine and such other measures relating to the importation, movement and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the department may deem necessary. The definition of "communicable disease" in s. 990.01 (5g) does not apply to this ~~paragraph~~ subsection.

SECTION 3555. 93.07 (10) (b) of the statutes is repealed.

SECTION 3556. 93.07 (22) of the statutes is repealed.

SECTION 3559. 93.31 of the statutes is amended to read:

93.31 Livestock breeders association. The secretary of the Wisconsin livestock breeders association shall on and after July 1 of each year make a report to the department, signed by the president, treasurer and secretary of the association, setting forth in detail the receipts and disbursements of the association for the preceding fiscal year in such form and detail together with such other information as the department may require. On receipt of such reports, if the department is satisfied that the business of the association has been efficiently conducted during the preceding fiscal year and in the interest of and for the promotion of the special agricultural interests of the state and for the purpose for

which the association was organized and if the final statement shows that all the receipts together with the state aid have been accounted for and disbursed for the proper and necessary purposes of the association, and in accordance with the laws of the state, then the department shall file a certificate with the ~~department~~ secretary of administration and ~~it shall draw its warrant and the state treasurer~~ he or she shall pay to the treasurer of the association the amount of the appropriations made available for the association by s. 20.115 (4) (a) and (h) for the conduct of junior livestock shows and other livestock educational programs. The association may upon application to the state purchasing agent, upon such terms as he or she may require, obtain printing for the association under the state contract.

SECTION 3560. 93.40 (3) (b) of the statutes is amended to read:

93.40 **(3)** (b) Establish, manage and operate permanent or temporary dairy promotion centers to be operated by the department in cooperation with the department of ~~development~~ tourism tourist information centers along major highways into the state.

SECTION 3561. 93.41 (2m) of the statutes is repealed.

SECTION 3562. 93.41 (3) of the statutes is repealed.

SECTION 3566. 93.42 (2) of the statutes is repealed.

SECTION 3566e. 93.42 (3) of the statutes is created to read:

93.42 **(3)** No later than the first day of the 7th month beginning after the effective date of this subsection .... [revisor inserts date], the department and the department of development shall enter into a memorandum of understanding that includes a strategic plan for international agribusiness marketing and development and that specifies how the departments will coordinate their promotional efforts relating to agricultural and agribusiness products.

SECTION 3567. 93.47 (2) of the statutes is amended to read:

93.47 **(2)** The department may award grants from the ~~appropriation~~ appropriations under s. 20.115 (7) ~~(k)~~ (c) and (qd) to individuals or organizations to fund demonstration projects designed to encourage the use of sustainable agriculture. The department shall promulgate rules to govern the sustainable agriculture grant program under this section.

SECTION 3568. 93.60 of the statutes is amended to read:

93.60 Computer system equipment, staff and services transfers. The department may transfer to the appropriation account under s. 20.115 (8) (k) in each fiscal year an amount from the ~~appropriations~~ appropriation accounts under s. 20.115 (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i), ~~(j),~~ (ja), (L) and (m), (7) (g), (ga), (gm), (ig), (k) and (m) and (8) (ga), (gm), (h), (ha), (i), (j), (kp), (ks), (m) and (pz) and (9) (m). The total amount that the department transfers in each fiscal year from these ~~appropriations~~ appropriation accounts to the appropriation account under s. 20.115 (8) (k) may not exceed the amount specified in the schedule under s. 20.115 (8) (k) for each fiscal year. The amounts transferred from each appropriation account shall be based on the actual costs incurred by the department for computer system equipment, staff and services provided for the purpose of that appropriation account.

SECTION 3569. 93.60 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

93.60 Computer system equipment, staff and services transfers. The department may transfer to the appropriation account under s. 20.115 (8) (k) in each fiscal year an amount from the appropriation accounts under s. 20.115 (1) (g), (gb), (gh), (gm), (hm), (j), (jm), (m), (r) and (s), (2) (g), (ha), (j), (k) and (m), (3) (g), (h), (i),

(ja), (L) and (m), (7) (g), (ga), (gm), ~~(ig),~~ (k) and (m) and (8) (ga), (gm), (h), (ha), (i), (j), (kp), (ks), (m) and (pz) and (9) (m). The total amount that the department transfers in each fiscal year from these appropriation accounts to the appropriation account under s. 20.115 (8) (k) may not exceed the amount specified in the schedule under s. 20.115 (8) (k) for each fiscal year. The amounts transferred from each appropriation account shall be based on the actual costs incurred by the department for computer system equipment, staff and services provided for the purpose of that appropriation account.

SECTION 3569p. 94.10 (3) (a) of the statutes is amended to read:

94.10 **(3)** (a) No person may engage as a nurseryman in this state without a license from the department. Such license expires on March 31 of each year. Applications for license shall be submitted on a form prescribed by the department, and shall be accompanied by payment of the required fee. The fee for nurserymen whose gross annual sales of nursery stock do not exceed ~~$500~~ $5,000 is $10. The fee for nurserymen whose gross annual sales exceed ~~$500 shall be~~ $5,000 is based on total acreage and is as follows: $35 for less than 10 acres; and $35 for 10 acres or more with an additional acreage fee of $25 for each 25 acres or fraction thereof for all acreage in excess of 10. Nurserymen selling nursery stock from a supply on hand at other than a nursery location shall pay an additional fee of $25 for each such place of business. Each nurseryman shall buy, sell and distribute only nursery stock from officially inspected sources. Upon request of the department, the nurseryman shall furnish a list of all sources from which the nursery stock is secured and all locations where such stock is sold. No license is transferable.

SECTION 3569q. 94.10 (3) (b) 1. a. to c. of the statutes are amended to read:

94.10 **(3)** (b) 1. a. If the applicant's gross annual sales of nursery stock are not more than ~~$500~~ $5,000, $20.

b. If the applicant's gross annual sales of nursery stock are more than ~~$500~~ $5,000 and the applicant's nursery is less than 10 acres, $90.

c. If the applicant's gross annual sales of nursery stock are more than ~~$500~~ $5,000 and the applicant's nursery is 10 acres or more, the sum of $90 plus $10 for each 25 acres or fraction of 25 acres in excess of 10.

SECTION 3570. 94.29 of the statutes is amended to read:

94.29 Appeal. If either party is not satisfied with the award the party may, within 10 days after the delivery of the copy thereof to him or her, serve upon either of the arbitrators notice of appeal from their award to the circuit court of the county in which the lands or any part thereof are situated and pay to the arbitrators the whole amount of their fees plus the fee prescribed in s. 814.61 (8) ~~(a) 1. or~~ (am) 1.; and if the party required to pay the damages gives notice of an appeal therefrom he or she shall file with the notice of appeal an undertaking, signed by 2 or more sureties, to be approved by at least 2 of the arbitrators, in double the amount of the award, conditioned to pay any judgment that may be rendered against the party upon appeal. Upon filing the notice of appeal and undertaking, when required, the arbitrators, or 2 of them, shall, within 10 days, make and sign a full statement of the proceedings had by them and of their award and file the same with the clerk of circuit court and pay the fee prescribed in s. 814.61 (8) ~~(a) 1. or~~ (am) 1.; and thereupon the clerk shall enter an action in which the claimant is the plaintiff, which shall be deemed then at issue, and proceedings shall be had thereon in like manner as in other civil actions in the court. Unless the appellant obtains a more favorable judgment upon appeal, he or she shall pay costs; otherwise, the respondent.

SECTION 3572. 94.704 (3) (a) of the statutes is amended to read:

94.704 **(3)** (a) Except as provided under par. (b), a licensee under this section shall pay an annual license fee of ~~$50~~ $60. The department shall deposit all license fees collected under this paragraph in the agrichemical management fund.

SECTION 3573. 94.705 (1) (title) of the statutes is amended to read:

94.705 **(1)** (title) CERTIFICATION REQUIREMENTS~~; FEES~~.

SECTION 3574. 94.705 (1) (d) of the statutes is amended to read:

94.705 **(1)** (d) Except as provided under sub. (4), no commercial applicator may be certified except upon satisfactory completion of a written examination. The examination shall be designed to test the applicant's competency in each category of pesticide use for which the applicant seeks certification. ~~A commercial applicator applying for certification shall pay an examination fee of $10 for each examination in each certification category. If an applicant fails an examination in any certification category, the applicant shall pay a fee of $5 each time the examination is retaken. The department may not administer an examination under this paragraph unless the applicant has paid the required fee. Any person exempt from license fees under s. 94.704 (3) (b) is also exempt from examination fees under this paragraph. The department shall deposit the fees collected under this paragraph in the agrichemical management fund.~~

SECTION 3574q. 94.73 (7) (a) of the statutes is amended to read:

94.73 **(7)** (a) Beginning on August 1, 1994, the department may, in accordance with this subsection, make payments to responsible persons who are eligible for reimbursement under sub. (3) and for whom the department has authorized reimbursement under sub. (6). The department shall make payments from the appropriations under s. 20.115 (7) (e) and (w), subject to the availability of funds in

those appropriations. The department shall make payments from each appropriation in the proportion that the amount of funds available from that appropriation bears to the total amount of funds available from both appropriations.

SECTION 3574r. 94.73 (7) (e) of the statutes is amended to read:

94.73 **(7)** (e) The department shall make payments under par. (b) when funds are available in the appropriations under s. 20.115 (7) (e) and (w). The department shall make all payments under pars. (c) and (d) on the last day of each fiscal year in which a responsible person is entitled to receive a payment, except that the department may make initial payments for applications granted after April 30 of any year on the last day of the following fiscal year. When, on the last day of a fiscal year, the amount of funds available in the appropriations under s. 20.115 (7) (e) and (w) exceeds the amount necessary to make all payments under pars. (b), (c) and (d), the department may make an additional payment to a responsible person who received a payment under par. (b) or may increase the amount of a payment to a responsible person under par. (b) or (c) over the $50,000 or $100,000 maximum authorized under those paragraphs if the responsible person is authorized under sub. (6) to receive additional reimbursement. After paying the full amount authorized under sub. (6) to all responsible persons under pars. (b) and (c), the department may increase the amount of a payment to a responsible person under par. (d) over the $50,000 maximum authorized under par. (d) if the responsible person is authorized under sub. (6) to receive additional reimbursement.

SECTION 3576. 95.179 of the statutes is repealed.

SECTION 3598. 97.21 (4) (c) of the statutes is amended to read:

97.21 **(4)** (c) *Surcharge for operating without a license.* An applicant for a bulk milk tanker operator or milk distributor license shall pay a license fee surcharge of

$100 or twice the amount of the annual license fee specified under sub. (4m), whichever is less if the department determines that, within one year prior to submitting the license application, the applicant operated without a license or grade A permit in violation of this ~~subsection~~ section. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which results from a violation of sub. (2) or (3), but does not constitute evidence of any violation of law.

SECTION 3599. 97.30 (3) (c) of the statutes is amended to read:

97.30 **(3)** (c) *Surcharge for operating without a license.* An applicant for a retail food establishment license shall pay a license fee surcharge of $100 or twice the amount of the annual license fee specified under sub. (3m) whichever is less, if the department determines that, within one year prior to submitting a license application, the applicant operated the retail food establishment without a license in violation of this subsection. Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability which results from the unlicensed operation of the retail food establishment, but does not constitute evidence of a violation of any law.

SECTION 3600. 99.02 (3) (e) of the statutes is created to read:

99.02 **(3)** (e) An applicant for a public warehouse keeper's license shall pay a license fee surcharge of $100 if the department determines that, within one year before submitting the license application, the applicant operated the public warehouse without a license in violation of sub. (1). Payment of this license fee surcharge does not relieve the applicant of any other civil or criminal liability that results from the unlicensed operation of the public warehouse, but does not constitute evidence of any other violation of law.

SECTION 3601c. 100.18 (11) (b) 1. of the statutes is repealed.

SECTION 3601g. 100.18 (11) (d) of the statutes is amended to read:

100.18 **(11)** (d) The department or the department of justice, after consulting with the department, or any district attorney, upon informing the department ~~of justice~~, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this section. The court may in its discretion, prior to entry of final judgment, make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action, provided proof thereof is submitted to the satisfaction of the court. The department and the department of justice may subpoena persons~~,~~ and require the production of books and other documents, and the department of justice may request the department to exercise its authority under par. (c) to aid in the investigation of alleged violations of this section.

SECTION 3601p. 100.182 (5) (a) of the statutes is amended to read:

100.182 **(5)** (a) Any district attorney, after informing the department ~~of justice~~, or the department ~~of justice or the department of agriculture, trade and consumer protection~~ may seek a temporary or permanent injunction in circuit court to restrain any violation of this section. Prior to entering a final judgment the court may award damages to any person suffering monetary loss because of a violation. The department ~~of justice~~ may subpoena any person or require the production of any document to aid in investigating alleged violations of this section.

SECTION 3601t. 100.182 (5) (b) of the statutes is amended to read:

100.182 **(5)** (b) In lieu of instituting or continuing an action under this subsection, the department ~~of agriculture, trade and consumer protection or the department of justice~~ may accept a written assurance from a violator of this section

that the violation has ceased. If the terms of the assurance so provide, its acceptance by ~~either~~ the department prevents ~~the other department and~~ all district attorneys from prosecuting the violation. An assurance is not evidence of a violation of this section but violation of an assurance is subject to the penalties and remedies of violating this section.

SECTION 3602. 100.201 (6) of the statutes is repealed and recreated to read:

100.201 **(6)** FEE ON DAIRY PRODUCTS. (a) 1. Except as provided in subd. 2., a manufacturer or processor of selected dairy products shall pay a fee under par. (c) on its sales of those selected dairy products to which all of the following apply:

a. The sales are at wholesale or retail.

b. The sales are made to persons in this state.

c. The selected dairy products are packaged for sale to consumers.

2. Subdivision 1. does not apply to the operator of a retail food establishment licensed under s. 97.30 who manufactures or processes selected dairy products at that establishment solely for retail sale at that establishment.

(b) The first person in this state to receive selected dairy products that are manufactured or processed outside of this state and that are packaged for sale to consumers shall pay a fee under par. (c) on sales of those selected dairy products to persons in this state.

(c) The fee under this subsection is 5.49 cents per hundred pounds of ice cream products and 0.44 cent per hundred pounds of other dairy products or such other amount as specified by the department by rule. The fee shall be paid to the department by the 25th day of each month for sales made during the preceding month.

(d) The failure to pay fees under this subsection within the time provided under par. (c) is a violation of this section. The department may also commence an action to recover the amount of any overdue fees plus interest at the rate of 2% per month for each month that the fees are delinquent.

(e) The department shall keep confidential information obtained under this subsection concerning the amount of dairy products sold by specific manufacturers and processors.

SECTION 3602b. 100.205 (7) of the statutes is amended to read:

100.205 **(7)** The department ~~of justice~~, or any district attorney on informing the department ~~of justice~~, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this section. The court may, before entry of final judgment and after satisfactory proof, make orders or judgments necessary to restore to any person any pecuniary loss suffered because of a violation of this section. The department ~~of justice~~ may conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its investigation of violations of this section.

SECTION 3602f. 100.205 (8) of the statutes is amended to read:

100.205 **(8)** The department ~~of justice~~ or any district attorney may commence an action in the name of the state to recover a forfeiture to the state of not more than $10,000 for each violation of this section.

SECTION 3602k. 100.207 (6) (b) 1. of the statutes is amended to read:

100.207 **(6)** (b) 1. The department of justice, ~~on its own initiative or at the request of~~ after consulting with the department of agriculture, trade and consumer protection, or any district attorney upon informing the department of ~~justice~~ agriculture, trade and consumer protection, may commence an action in circuit court

in the name of the state to restrain by temporary or permanent injunction any violation of this section. Injunctive relief may include an order directing telecommunications providers, as defined in s. 196.01 (8p), to discontinue telecommunications service provided to a person violating this section or ch. 196. Before entry of final judgment, the court may make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action if proof of these acts or practices is submitted to the satisfaction of the court.

SECTION 3602p. 100.207 (6) (b) 2. of the statutes is amended to read:

100.207 **(6)** (b) 2. The department ~~of agriculture, trade and consumer protection~~ may exercise its authority under ss. 93.14 to 93.16 and 100.18 (11) (c) to administer this section. The department and the department of justice may subpoena persons~~,~~ and require the production of books and other documents, and the department of justice may request the department of agriculture, trade and consumer protection to exercise its authority to aid in the investigation of alleged violations of this section.

SECTION 3602s. 100.207 (6) (c) of the statutes is amended to read:

100.207 **(6)** (c) Any person who violates subs. (2) to (4) shall be required to forfeit not less than $25 nor more than $5,000 for each offense. Forfeitures under this paragraph shall be enforced by the department of justice, ~~on its own initiative or at the request of~~ after consulting with the department of agriculture, trade and consumer protection, or, upon informing the department ~~of justice~~, by the district attorney of the county where the violation occurs.

SECTION 3602w. 100.207 (6) (e) of the statutes is amended to read:

100.207 **(6)** (e) ~~The~~ Subject to par. (em), the department ~~of agriculture, trade and consumer protection, in consultation with the department of justice,~~ shall promulgate rules under this section.

SECTION 3602x. 100.207 (6) (em) of the statutes is created to read:

100.207 **(6)** (em) 1. Before preparing any proposed rule under this section, the department shall form an advisory group to suggest recommendations regarding the content and scope of the proposed rule. The advisory group shall consist of one or more persons who may be affected by the proposed rule, a representative from the department of justice and a representative from the public service commission.

2. The department shall submit the recommendations under subd. 1., if any, to the legislature as part of the report required under s. 227.19 (2) and to the board of agriculture, trade and consumer protection.

SECTION 3602y. 100.21 (3) (a) of the statutes is amended to read:

100.21 **(3)** (a) Any person making an energy savings or safety claim shall, upon written request by the department, submit information upon which the person relied to substantiate the claim. ~~The department of justice may request the department to issue a written request under this paragraph for information to substantiate an energy savings or safety claim.~~ Failure to submit information requested under this subsection is a violation of sub. (2) (a).

SECTION 3607m. 100.26 (6) of the statutes is amended to read:

100.26 **(6)** The department, the department of justice, after consulting with the department, or any district attorney may commence an action in the name of the state to recover a civil forfeiture to the state of not less than $100 nor more than $10,000 for each violation of an injunction issued under s. 100.18, 100.182 or 100.20 (6) ~~or~~. The department of agriculture, trade and consumer protection or any district

attorney may commence an action in the name of the state to recover a civil forfeiture to the state of not less than $100 nor more than $10,000 for each violation of an order issued under s. 100.20.

SECTION 3608. 100.263 of the statutes is created to read:

100.263 Recovery. In addition to other remedies available under this chapter, the court may award the department of justice the costs of investigation, an amount reasonably necessary to remedy the harmful effects of the violation and the expenses of prosecution, including attorney fees, from any person who violates this chapter. The department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department or the state under this section. Ten percent of the money deposited in the general fund that was awarded under this section for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh). All of the money deposited in the general fund that was awarded under this section to remedy the harmful effects of the violation shall be credited to the appropriation account under s. 20.455 (1) (gm).

SECTION 3608g. 100.263 of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

100.263 Recovery. In addition to other remedies available under this chapter, the court may award the department ~~of justice~~ the costs of investigation~~,~~ and an amount reasonably necessary to remedy the harmful effects of the violation and the court may award the department of justice the expenses of prosecution, including attorney fees, from any person who violates this chapter. The department and the department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department, the department of justice

or the state under this section. Ten percent of the money deposited in the general fund that was awarded under this section for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh). All of the money deposited in the general fund that was awarded under this section to remedy the harmful effects of the violation shall be credited to the appropriation account under s. 20.455 (1) (gm).

SECTION 3608r. 100.28 (4) (c) of the statutes is amended to read:

100.28 **(4)** (c) The department ~~of justice,~~ or any district attorney~~,~~ upon the request of the department, may commence an action in the name of the state under par. (a) or (b).

SECTION 3609m. 100.50 (6) (c) of the statutes is amended to read:

100.50 **(6)** (c) The department ~~of justice,~~ or any district attorney~~,~~ upon the request of the department, may commence an action in the name of the state under par. (a) or (b).

SECTION 3610. Chapter 101 (title) of the statutes is amended to read:

CHAPTER 101

DEPARTMENT OF ~~INDUSTRY, LABOR~~

~~AND HUMAN RELATIONS~~ DEVELOPMENT —

REGULATION OF INDUSTRY,

BUILDINGS AND SAFETY

SECTION 3611. 101.01 (1) (intro.) of the statutes is renumbered 101.01 (intro.) and amended to read:

101.01 Definitions. (intro.) In ~~chs. 101 to 106 and 108~~ this chapter, the following words and phrases have the designated meanings unless a different meaning is expressly provided:

SECTION 3612. 101.01 (1) (a) of the statutes is renumbered 103.001 (1).

SECTION 3613. 101.01 (1) (b) of the statutes is renumbered 103.001 (2).

SECTION 3614. 101.01 (1) (c) of the statutes is renumbered 101.01 (1m) and amended to read:

101.01 **(1m)** "Department" means the department of ~~industry, labor and human relations~~ development.

SECTION 3615. 101.01 (1) (d) of the statutes is renumbered 101.01 (2m).

SECTION 3616. 101.01 (1) (e) of the statutes is renumbered 101.01 (7).

SECTION 3617. 101.01 (1) (f) of the statutes is renumbered 101.01 (8).

SECTION 3618. 101.01 (1) (g) of the statutes is renumbered 101.01 (9).

SECTION 3619. 101.01 (1) (h) of the statutes is renumbered 101.01 (14) and amended to read:

101.01 **(14)** "Secretary" means the secretary of ~~industry, labor and human relations~~ development.

SECTION 3620. 101.01 (2) (intro.) of the statutes is repealed.

SECTION 3621. 101.01 (2) (a) of the statutes is renumbered 101.01 (3) and amended to read:

101.01 **(3)** ~~The term "employe" shall mean and include every~~ "Employe" means any person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment.

SECTION 3622. 101.01 (2) (b) of the statutes is renumbered 101.01 (4) and amended to read:

101.01 **(4)** ~~The term "employer" shall mean and include every~~ "Employer" means any person, firm, corporation, state, county, town, city, village, school district,

sewer district, drainage district and other public or quasi–public corporations as well as any agent, manager, representative or other person having control or custody of any employment, place of employment or of any employe.

SECTION 3623. 101.01 (2) (c) of the statutes is renumbered 101.01 (5) and amended to read:

101.01 **(5)** ~~The term "employment" shall mean and include~~ "Employment" means any trade, occupation or process of manufacture, or any method of carrying on such trade, occupation or process of manufacture in which any person may be engaged, except in such private domestic service as does not involve the use of mechanical power and in farm labor as used in ~~par. (f)~~ sub. (11).

SECTION 3624. 101.01 (2) (d) of the statutes is renumbered 101.01 (6).

SECTION 3625. 101.01 (2) (e) of the statutes is renumbered 101.01 (10) and amended to read:

101.01 **(10)** ~~The term "owner" shall mean and include every~~ "Owner" means any person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district and other public or quasi–public corporations as well as any manager, representative, officer, or other person having ownership, control or custody of any place of employment or public building, or of the construction, repair or maintenance of any place of employment or public building, or who prepares plans for the construction of any place of employment or public building. ~~Said ss. 101.01 to 101.25~~ This subchapter shall apply, so far as consistent, to all architects and builders.

SECTION 3626. 101.01 (2) (f) of the statutes is renumbered 101.01 (11).

SECTION 3627. 101.01 (2) (g) of the statutes is renumbered 101.01 (12).

SECTION 3628. 101.01 (2) (h) of the statutes is renumbered 101.01 (13) and amended to read:

101.01 **(13)** ~~The term "safe"~~ "Safe" or "safety", as applied to an employment or a place of employment or a public building, ~~shall mean~~ means such freedom from danger to the life, health, safety or welfare of employes or frequenters, or the public, or tenants, or fire fighters, and such reasonable means of notification, egress and escape in case of fire, and such freedom from danger to adjacent buildings or other property, as the nature of the employment, place of employment, or public building, will reasonably permit.

SECTION 3629. 101.01 (2) (i) of the statutes is renumbered 101.01 (15) and amended to read:

101.01 **(15)** ~~The term "welfare" shall mean and include~~ "Welfare" includes comfort, decency and moral well–being.

SECTION 3631. 101.02 (5) (c) of the statutes is amended to read:

101.02 **(5)** (c) In the discharge of his or her duties such agent shall have every power of an inquisitorial nature granted in ~~ss. 101.01 to 101.25~~ this subchapter to the department, the same powers as a court commissioner with regard to the taking of depositions and all powers granted by law to a court commissioner relative to depositions.

SECTION 3632. 101.02 (5) (f) of the statutes is amended to read:

101.02 **(5)** (f) Upon the request of the department, the department of justice or district attorney of the county in which any investigation, hearing or trial had under ~~ss. 101.01 to 101.25~~ this subchapter is pending, shall aid ~~therein and prosecute~~ the department in the investigation, hearing or trial and, under the supervision of the department, prosecute all necessary actions or proceedings for the enforcement and

punishment of violations of ~~those sections~~ this subchapter and all other laws of this state relating to the protection of life, health, safety and welfare~~, and for the punishment of all violations thereof~~.

SECTION 3633. 101.02 (6) (e) of the statutes is amended to read:

101.02 **(6)** (e) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in ~~ss. 101.01 to 101.25~~ this subchapter.

SECTION 3634. 101.02 (7) (a) of the statutes is amended to read:

101.02 **(7)** (a) Nothing contained in ~~ss. 101.01 to 101.25~~ this subchapter may be construed to deprive the common council, the board of alderpersons, the board of trustees or the village board of any village or city, or a local board of health, as defined in s. 250.01 (3), of any power or jurisdiction over or relative to any place of employment or public building, provided that, whenever the department shall, by an order, fix a standard of safety or any hygienic condition for employment or places of employment or public buildings, the order shall, upon the filing by the department of a copy of the order with the clerk of the village or city to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by the order of the department. Thereafter no local officer may make or enforce any order contrary to the order of the department.

SECTION 3635. 101.02 (7m) of the statutes is amended to read:

101.02 **(7m)** Notwithstanding sub. (7) (a), no city, village or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department under ~~ss. 101.01 to 101.25~~ this subchapter, except that

if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b).

SECTION 3636. 101.02 (9) of the statutes is amended to read:

101.02 **(9)** A substantial compliance with the requirements of ~~ss. 101.01 to 101.25,~~ this subchapter shall be sufficient to give effect to the orders of the department, and ~~they shall not~~ no order may be declared inoperative, illegal or void for any omission of a technical nature ~~in~~ with respect ~~thereto~~ to the requirements of this subchapter.

SECTION 3637. 101.02 (10) of the statutes is amended to read:

101.02 **(10)** Orders of the department under ~~ss. 101.01 to 101.25~~ this subchapter shall be subject to review in the manner provided in ch. 227.

SECTION 3638. 101.02 (12) of the statutes is amended to read:

101.02 **(12)** Every day during which any person~~, persons,~~ or corporation, or any officer, agent or employe ~~thereof, shall fail~~ of a person or corporation, fails to observe and comply with any order of the department or to perform any duty ~~enjoined by ss. 101.01 to 101.25,~~ specified under this subchapter shall constitute a separate and distinct violation of ~~such~~ the order~~,~~ or of ~~said sections as the case may be~~ the requirements of this subchapter, whichever is applicable.

SECTION 3639. 101.02 (13) (a) of the statutes is amended to read:

101.02 **(13)** (a) If any employer, employe, owner, or other person violates ~~ss. 101.01 to 101.25~~ this subchapter, or fails or refuses to perform any duty ~~lawfully enjoined~~ specified under this subchapter, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or

refuses to obey any lawful order given or made by the department, or any judgment or decree made by any court in connection with ~~ss. 101.01 to 101.25~~ this subchapter, for each such violation, failure or refusal, such employer, employe, owner or other person shall forfeit and pay into the state treasury a sum not less than $10 nor more than $100 for each such offense.

SECTION 3640. 101.02 (15) (b) of the statutes is amended to read:

101.02 **(15)** (b) The department shall administer and enforce, so far as not otherwise provided for in the statutes, the laws relating to ~~child labor,~~ laundries, stores, ~~employment,~~ licensed occupations, school attendance, bakeries, ~~employment offices,~~ intelligence offices and bureaus, manufacture of cigars, sweatshops, corn shredders, woodsawing machines, fire escapes and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, and all other laws protecting the life, health, safety and welfare of employes in employments and places of employment and frequenters of places of employment.

SECTION 3641. 101.02 (15) (f) of the statutes is amended to read:

101.02 **(15)** (f) The department shall investigate, ascertain and determine such reasonable classifications of persons, employments, places of employment and public buildings, as shall be necessary to carry out the purposes of ~~ss. 101.01 to 101.25~~ this subchapter.

SECTION 3642. 101.02 (15) (g) of the statutes is amended to read:

101.02 **(15)** (g) ~~Any commissioner, the~~ The secretary or any deputy of the department may enter any place of employment or public building, for the purpose of collecting facts and statistics, examining the provisions made for the health, safety and welfare of the employes, frequenters, the public or tenants therein and bringing

to the attention of every employer or owner any law, or any order of the department, and any failure on the part of such employer or owner to comply therewith. No employer or owner may refuse to admit ~~any commissioner,~~ the secretary or any deputy of the department to his or her place of employment or public building.

SECTION 3643. 101.02 (15) (k) of the statutes is amended to read:

101.02 **(15)** (k) Every employer and every owner shall furnish to the department all information ~~required by it to carry into effect ss. 101.01 to 101.25~~ that the department requires to administer and enforce this subchapter, and shall ~~make~~ provide specific answers to all questions ~~submitted by~~ that the department ~~relative thereto~~ asks relating to any information that the department requires.

SECTION 3644. 101.02 (15) (L) of the statutes is amended to read:

101.02 **(15)** (L) Any employer receiving from the department any ~~blanks calling for~~ form requesting information ~~required by~~ that the department ~~to carry into effect ss. 101.01 to 101.25~~ requires to administer and enforce this subchapter, along with directions to ~~fill the same~~ complete the form, shall ~~cause the same to be~~ properly ~~filled out so as to~~ complete the form and answer fully and correctly each question ~~therein propounded, and in case~~ asked in the form. If the employer is unable to answer any question, the employer shall give a good and sufficient reason for ~~such failure, and said answer~~ his or her inability to answer the question. The employer's answers shall be verified under oath by the employer, or by the president, secretary or other managing officer of the corporation, if the employer is a corporation, and the completed form shall be returned to the department at its office within the period fixed by the department.

SECTION 3645. 101.02 (17) of the statutes is repealed.

SECTION 3646. 101.02 (18) of the statutes is amended to read:

101.02 **(18)** The department may establish a schedule of fees for publications and seminars provided by the department for which no fee is otherwise authorized, required or prohibited by statute. Fees established under this subsection for publications and seminars provided by the department may not exceed the actual cost incurred in providing those publications and seminars. If the department receives unanticipated proceeds from a statewide labor and management conference provided by the department that exceed the actual cost of the conference, the department may use those unanticipated proceeds to provide grants for local labor and management conferences, educational activities and other activities to promote positive relations between labor and management.

SECTION 3647. 101.02 (18) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.02 **(18)** The department may establish a schedule of fees for publications and seminars provided by the department for which no fee is otherwise authorized, required or prohibited by statute. Fees established under this subsection for publications and seminars provided by the department may not exceed the actual cost incurred in providing those publications and seminars.

SECTION 3648. 101.02 (18m) of the statutes is created to read:

101.02 **(18m)** The department may perform testing of petroleum products other than testing provided under ch. 168. The department may establish a schedule of fees for such petroleum product testing services. The department shall credit all revenues received from fees established under this subsection to the appropriation account under s. 20.445 (1) (ga). Revenues from fees established under this subsection may be used by the department to pay for testing costs, including laboratory supplies and equipment amortization, for such products.

SECTION 3649. 101.02 (18m) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

101.02 **(18m)** The department may perform testing of petroleum products other than testing provided under ch. 168. The department may establish a schedule of fees for such petroleum product testing services. The department shall credit all revenues received from fees established under this subsection to the appropriation account under s. ~~20.445 (1)~~ 20.143 (3) (ga). Revenues from fees established under this subsection may be used by the department to pay for testing costs, including laboratory supplies and equipment amortization, for such products.

SECTION 3650. 101.03 of the statutes is amended to read:

101.03 Testimonial powers of ~~commissioners,~~ secretary and deputy. ~~Each of the commissioners, secretary~~ The secretary or any deputy secretary may certify to official acts, and take testimony.

SECTION 3651. 101.04 of the statutes is renumbered 103.04, and 103.04 (1), as renumbered, is amended to read:

103.04 **(1)** The commission shall issue its decision in any case where a petition for review is filed under ch. 102 or 108 or s. 66.191, 1981 stats., or s. 40.65 (2), ~~101.22~~ 106.04 (10), ~~101.223~~ 106.07 (4), 111.39, 303.07 (7) or 303.21.

SECTION 3651m. 101.05 (2) of the statutes is amended to read:

101.05 **(2)** A bed and breakfast establishment, as defined under s. 254.61 (1), is not subject to rules on residential occupancy or to other building codes adopted by the department under this subchapter, except that the uniform dwelling code ~~specified in s. 101.62~~ adopted in rules promulgated under s. 101.63 (1) applies to the 3rd floor level of a bed and breakfast establishment that uses, other than as storage, the 3rd floor level of the bed and breakfast establishment structure.

SECTION 3652. 101.055 (1) of the statutes is amended to read:

101.055 **(1)** INTENT. It is the intent of this section to give employes of the state, of any ~~state~~ agency and of any political subdivision of this state rights and protections relating to occupational safety and health equivalent to those granted to employes in the private sector under the occupational safety and health act of 1970 (5 USC 5108, 5314, 5315 and 7902; 15 USC 633 and 636; 18 USC 1114; 29 USC 553 and 651 to 678; 42 USC 3142–1 and 49 USC 1421).

SECTION 3653. 101.055 (2) (b) of the statutes is amended to read:

101.055 **(2)** (b) "Public employe" or "employe" means any employe of the state, of any ~~state~~ agency or of any political subdivision of the state.

SECTION 3654. 101.055 (2) (d) of the statutes is amended to read:

101.055 **(2)** (d) "Public employer" or "employer" means the state, any ~~state~~ agency or any political subdivision of the state.

SECTION 3655. 101.055 (5) (a) of the statutes is amended to read:

101.055 **(5)** (a) A public employe or public employe representative who believes that a safety or health standard or variance is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection. The department shall provide forms which may be used to make a request for an inspection. If the employe or public employe representative requesting the inspection so designates, that person's name shall not be disclosed to the employer or any other person, including any ~~state~~ agency except the department. If the department decides not to make an inspection, it shall notify in writing any employe or public employe representative making a written request. A decision by the department not to make an inspection

in response to a request under this subsection is reviewable by the department under sub. (6) (a) 3. and is subject to judicial review under sub. (6) (a) 4.

SECTION 3656. 101.055 (8) (a) of the statutes is renumbered 101.055 (8) (ar).

SECTION 3657. 101.055 (8) (ag) of the statutes is created to read:

101.055 **(8)** (ag) In this subsection, "division of equal rights" means the division of equal rights in the department of industry, labor and human relations acting under the authority provided in s. 106.06 (4).

SECTION 3658. 101.055 (8) (b) of the statutes is amended to read:

101.055 **(8)** (b) A state employe who believes that he or she has been discharged or otherwise discriminated against by a public employer in violation of par. ~~(a)~~ (ar) may file a complaint with the personnel commission alleging discrimination or discharge, within 30 days after the employe received knowledge of the discrimination or discharge. A public employe other than a state employe who believes that he or she has been discharged or otherwise discriminated against by a public employer in violation of par. ~~(a)~~ (ar) may file a complaint with the division of equal rights ~~of the department~~ alleging discrimination or discharge, within 30 days after the employe received knowledge of the discrimination or discharge.

SECTION 3659. 101.055 (8) (c) of the statutes is amended to read:

101.055 **(8)** (c) Upon receipt of a complaint, the personnel commission or the division of equal rights, whichever is applicable, shall, except as provided in s. 230.45 (1m), investigate the complaint and determine whether there is probable cause to believe that a violation of par. ~~(a)~~ (ar) has occurred. If the personnel commission or the division of equal rights finds probable cause it shall attempt to resolve the complaint by conference, conciliation or persuasion. If the complaint is not resolved, the personnel commission or the division of equal rights shall hold a hearing on the

complaint within 60 days after receipt of the complaint unless both parties to the proceeding agree otherwise. Within 30 days after the close of the hearing, the personnel commission or the division of equal rights shall issue its decision. If the personnel commission or the division of equal rights determines that a violation of par. ~~(a)~~ (ar) has occurred, it shall order appropriate relief for the employe, including restoration of the employe to his or her former position with back pay, and shall order any action necessary to ensure that no further discrimination occurs. If the personnel commission or the division of equal rights determines that there has been no violation of par. ~~(a)~~ (ar), it shall issue an order dismissing the complaint.

SECTION 3660. 101.12 (1) (intro.) of the statutes is amended to read:

101.12 **(1)** (intro.) ~~The~~ Except for plans that are reviewed by the department of health and social services under ss. 50.02 (2) (b) and 50.36 (2), the department shall require the submission of essential drawings, calculations and specifications for public buildings, public structures and places of employment including the following components:

SECTION 3660m. 101.12 (5) (c) of the statutes is amended to read:

101.12 **(5)** (c) If an application submitted under par. (b) requests inspection or copying of plans for a secure structure or proposed secure structure that is or is anticipated to be owned by or leased to the state, the plans are not subject to the right of inspection or copying except as the department of administration otherwise provides by rule. If an application submitted under par. (b) requests inspection or copying of plans for ~~a~~ any other secure structure or proposed secure structure, the department, city, village, town or county shall consider the information supplied in the application and weigh the possible harm to the public interest which may result from permitting inspection and copying of the plans against the benefits of allowing

such inspection or copying. If the department, city, village, town or county determines that the possible harm to the public interest outweighs the benefit to the requester and to the public interest of allowing such inspection or copying, it may deny the application or grant it upon such conditions as it determines are necessary to protect the public interest. This paragraph does not apply to an application submitted by a law enforcement agency or person authorized to have access to the plans by lawful subpoena.

SECTION 3661. 101.123 (1) (b) of the statutes is amended to read:

101.123 **(1)** (b) "Inpatient health care facility" means a county home established under s. ~~49.14~~ 49.70, a county infirmary established under s. ~~49.171~~ 49.72, a community–based residential facility or a nursing home licensed under s. 50.03 or a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076.

SECTION 3662. 101.125 (1) (a) of the statutes is amended to read:

101.125 **(1)** (a) "Building" means a ~~"place of employment" as defined in s. 101.01 (2) (f) and a "public building" as defined in s. 101.01 (2) (g)~~ place of employment or a public building and includes, without limitation because of enumeration, wholesale and retail stores, storerooms, office buildings, factories, warehouses, governmental buildings, hotels, hospitals, motels, dormitories, sanatoriums, nursing homes, retirement homes, theaters, stadiums, gymnasiums, amusement park buildings, schools and other buildings used for educational purposes, places of worship and other places of public assembly and all residences including mobile homes, manufactured or industrialized housing, lodging homes and any other building used as a dwelling for one or more persons.

SECTION 3663m. 101.13 (6) (b) to (f) of the statutes are repealed.

SECTION 3664. 101.14 (1) (c) of the statutes is amended to read:

101.14 **(1)** (c) The department is hereby empowered and directed to provide the form of a course of study in fire prevention for use in the public schools, dealing with the protection of lives and property against loss or damage as a result of preventable fires, and transmit the same by the first day of August in each year to the ~~state superintendent~~ department of ~~public instruction~~ education.

SECTION 3665. 101.143 (title) of the statutes is amended to read:

101.143 (title) **Petroleum storage remedial action; financial assistance.**

SECTION 3666. 101.143 (2) (d) of the statutes is amended to read:

101.143 **(2)** (d) The department shall reserve a portion, not to exceed 20%, of the amount annually appropriated under s. ~~20.445 (1)~~ 20.143 (3) (v) for awards under this section to be used to fund emergency remedial action and claims that exceed the amount initially anticipated.

SECTION 3667. 101.143 (2m) of the statutes is amended to read:

101.143 **(2m)** INTERDEPARTMENTAL COORDINATION. Whenever the department of ~~industry, labor and human relations~~ development receives a notification under sub. (3) (a) 3. or the department of natural resources receives a notification of a petroleum product discharge under s. 144.76, the department receiving the notification shall contact the other department and shall schedule a meeting of the owner or operator or person owning a home oil tank system and representatives of both departments.

SECTION 3668. 101.143 (3) (ae) 1. of the statutes is amended to read:

101.143 **(3)** (ae) 1. An owner or operator or a person owning a home oil tank system is not eligible for an award under this section for costs incurred because of a petroleum product discharge from a petroleum product storage system or a home oil tank system that meets the performance standards in 40 CFR 280.20 or ~~s. ILHR 10.51, Wis. adm. code~~ in rules promulgated by the department relating to

underground storage tank systems installed after December 22, 1988, except as provided in subd. 2.

SECTION 3669. 101.143 (3) (ae) 2. of the statutes is amended to read:

101.143 **(3)** (ae) 2. If a petroleum product storage system or home oil tank system that meets the performance standards in 40 CFR 280.20 or ~~s. ILHR 10.51, Wis. adm. code~~ in rules promulgated by the department relating to underground storage tank systems installed after December 22, 1988, is located on a site on which a petroleum product discharge is confirmed before the date on which the petroleum product storage system or home oil tank system is installed and the department of natural resources does not issue a case closure letter with respect to that discharge before the installation date, then the owner or operator or person owning the home oil tank system remains eligible for an award for costs incurred because of a petroleum product discharge, from that petroleum product storage system or home oil tank system, which is confirmed, and with respect to which activities under par. (c) or (g) are begun, before January 1, 1996, or before the 91st day after the day on which the department of natural resources issues a case closure letter with respect to the discharge that occurred before the installation of the petroleum product storage system or home oil tank system, whichever is earlier.

SECTION 3670. 101.143 (3) (am) 1. of the statutes is amended to read:

101.143 **(3)** (am) 1. An owner or operator or a person owning a home oil tank system is not eligible for an award under this section for costs incurred because of a petroleum product discharge from a petroleum product storage system or a home oil tank system if the discharge is confirmed, or activities under par. (c) or (g) are begun with respect to that discharge, after the day on which the petroleum product storage system or home oil tank system first meets the upgrading requirements in

40 CFR 280.21 (b) to (d) or ~~s. ILHR 10.52 (2) to (4), Wis. adm. code~~ in rules promulgated by the department relating to the upgrading of existing underground storage tank systems, except as provided in subds. 2. to 4.

SECTION 3671. 101.143 (3) (am) 2. of the statutes is amended to read:

101.143 **(3)** (am) 2. If a petroleum product storage system or home oil tank system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or ~~s. ILHR 10.52 (2) to (4), Wis. adm. code~~ in rules promulgated by the department relating to the upgrading of existing underground storage tank systems, after December 31, 1993, and the owner or operator or person owning the home oil tank system applies for private pollution liability insurance covering the petroleum product storage system or home oil tank system within 30 days after the day on which the petroleum product storage system or home oil tank system first meets those upgrading requirements, then the owner or operator or person remains eligible for an award for costs incurred because of a petroleum product discharge, from that petroleum product storage system or home oil tank system, which is confirmed, and with respect to which activities under par. (c) or (g) are begun, before the 91st day after the day on which the petroleum product storage system or home oil tank system first meets those upgrading requirements.

SECTION 3672. 101.143 (3) (am) 4. of the statutes is amended to read:

101.143 **(3)** (am) 4. If a petroleum product storage system or home oil tank system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or ~~s. ILHR 10.52 (2) to (4), Wis. adm. code~~ in rules promulgated by the department relating to the upgrading of existing underground storage tank systems, after April 30, 1991, and is located on a site on which a petroleum product discharge is confirmed before the date on which the petroleum product storage system or home oil tank system first

meets those upgrading requirements and the department of natural resources does not issue a case closure letter with respect to that discharge before that date, then the owner or operator or person owning the home oil tank system remains eligible for an award for costs incurred because of a petroleum product discharge, from that petroleum product storage system or home oil tank system, which is confirmed, and with respect to which activities under par. (c) or (g) are begun, before January 1, 1996, or before the 91st day after the day on which the department of natural resources issues a case closure letter with respect to the discharge that occurred before the upgrading requirements were met, whichever is earlier.

SECTION 3673. 101.143 (3) (as) 4. of the statutes is amended to read:

101.143 **(3)** (as) 4. If the department issues an award under this section for remedial action activities that were necessitated by a petroleum product discharge from a petroleum product storage system or home oil tank system that does not meet the performance standards in 40 CFR 280.20 or ~~s. ILHR 10.51, Wis. adm. code~~ in rules promulgated by the department relating to underground storage tank systems installed after December 22, 1988, and that, at the time of that discharge, does not meet the upgrading requirements in 40 CFR 280.21 (b) to (d) or ~~s. ILHR 10.52 (2) to (4), Wis. adm. code~~ in rules promulgated by the department relating to the upgrading of existing underground storage tank systems, then the owner or operator or person owning the home oil tank system remains eligible for an award for costs incurred because of any later petroleum product discharge from the same petroleum product storage system or home oil tank system and within the same area which is confirmed, and with respect to which activities under par. (c) or (g) are begun, before January 1, 1996, or before the 91st day after the day on which the petroleum product storage

system or home oil tank system first meets those upgrading requirements, whichever is earlier.

SECTION 3673p. 101.143 (3) (bm) of the statutes is amended to read:

101.143 **(3)** (bm) *Agents.* Except as provided in par. (bn), an owner or operator or a person owning a home oil tank system may enter into a written agreement with ~~another~~ a county or any other person under which that county or other person acts as an agent for the owner or operator or person owning a home oil tank system in conducting the activities required under par. (c). The owner or operator or person owning a home oil tank system and the agent shall jointly submit the claim for an award under sub. (4).

SECTION 3674. 101.143 (3) (c) 4. of the statutes is amended to read:

101.143 **(3)** (c) 4. Receive written approval from the department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), from the department of development that the remedial action activities performed under subd. 3. meet the requirements of s. 144.76.

SECTION 3675. 101.143 (3) (cm) of the statutes is amended to read:

101.143 **(3)** (cm) *Monitoring as remedial action.* An owner or operator or person owning a home oil tank system may, with the approval of the department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of development, satisfy the requirements of par. (c) 2. and 3. by proposing and implementing monitoring to ensure the effectiveness of the natural process of degradation of petroleum product contamination.

SECTION 3676. 101.143 (3) (d) of the statutes is amended to read:

101.143 **(3)** (d) *Review of site investigations, remedial action plans and remedial action activities.* The department of natural resources or, if the discharge

is covered under s. 101.144 (2) (b), the department of development shall, at the request of the claimant, review the site investigation and the remedial action plan and advise the claimant on the adequacy of proposed remedial action activities in meeting the requirements of s. 144.76. The advice is not an approval of the remedial action activities. The department of natural resources or, if the discharge is covered under s. 101.144 (2) (b), the department of development shall complete a final review of the remedial action activities within 60 days after the claimant notifies the appropriate department ~~of natural resources~~ that the remedial action activities are completed.

SECTION 3677b. 101.143 (3) (e) of the statutes is amended to read:

101.143 **(3)** (e) *Notifications.* The department of natural resources shall notify the department when it gives ~~the~~ a claimant written approval under par. (c) 4.

SECTION 3678. 101.143 (3) (f) 5. of the statutes is amended to read:

101.143 **(3)** (f) 5. The written approval of the department of natural resources or the department of development under par. (c) 4.

SECTION 3679. 101.143 (4) (a) 6. of the statutes is amended to read:

101.143 **(4)** (a) 6. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.445 (1)~~ 20.143 (3) (v) as awards for petroleum product storage systems described in par. (ei) 1.

SECTION 3680. 101.143 (4) (a) 7. of the statutes is amended to read:

101.143 **(4)** (a) 7. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. ~~20.445 (1)~~ 20.143 (3) (v) as awards for petroleum product storage systems that are owned by school districts and that are used for storing heating oil for consumptive use on the premises where stored.

SECTION 3680n. 101.143 (4) (dm) 1. of the statutes is amended to read:

101.143 **(4)** (dm) 1. The department shall issue an award under this paragraph for a claim for eligible costs, under par. (b), incurred on or after ~~May 7, 1994~~ August 1, 1987, and before July 1, 1998, by the owner or operator of a petroleum product storage system that is not an underground petroleum product storage tank system and for eligible costs, under par. (b), incurred on or after July 1, 1998, by the owner or operator of a petroleum product storage system that is not an underground petroleum product storage tank system if the petroleum product discharge on which the claim is based is confirmed and activities under sub. (3) (c) or (g) are begun before July 1, 1998.

SECTION 3680p. 101.143 (4) (dm) 5. of the statutes is created to read:

101.143 **(4)** (dm) 5. The department shall recalculate all awards issued under par. (e) before the effective date of this subdivision .... [revisor inserts date], for eligible costs incurred before May 7, 1994, by the owner or operator of a petroleum product storage system that is not an underground petroleum product storage tank system according to the eligibility requirements at the time that the awards were made except that the awards shall be subject to the deductible amounts under subd. 2. and the maximum amounts under subds. 3. and 4. The department shall issue an award under this subdivision for the difference between the award as recalculated under this subdivision and the award issued before the effective date of this subdivision .... [revisor inserts date].

SECTION 3680q. 101.143 (4) (e) 1. a. of the statutes is repealed.

SECTION 3680r. 101.143 (4) (e) 2. of the statutes is amended to read:

101.143 **(4)** (e) 2. The department shall issue the award under this paragraph without regard to fault in an amount equal to the amount of the eligible costs that exceeds a deductible amount of ~~$2,500 plus 5% of the eligible costs, but not more than~~

~~$7,500 per occurrence, for eligible costs incurred before July 1, 1993, or a deductible amount of $10,000 for eligible costs incurred on or after July 1, 1993~~ $10,000, except that the deductible amount for a petroleum product storage system that is owned by a school district or a technical college district and that is used for storing heating oil for consumptive use on the premises where stored is 25% of eligible costs and except that the deductible for a petroleum product storage system that is described in par. (ei) 1. is $2,500 plus 5% of the eligible costs, but not more than $7,500 per occurrence without regard to when the eligible costs are incurred.

SECTION 3680s. 101.143 (4) (e) 2m. of the statutes is amended to read:

101.143 **(4)** (e) 2m. An award issued under this paragraph may not exceed ~~$195,000 for eligible costs incurred before July 1, 1993, or $190,000 for eligible costs incurred on or after July 1, 1993,~~ $190,000 for each occurrence, ~~except that an award under this paragraph to a school district or a technical college district with respect to a discharge from a petroleum product storage system that is used for storing heating oil for consumptive use on the premises where stored is $190,000 for each occurrence, without regard to when the eligible costs are incurred, and~~ except that an award under this paragraph to the owner or operator of a petroleum product storage system described in par. (ei) 1. may not exceed $100,000 per occurrence.

SECTION 3680t. 101.143 (4) (e) 3. of the statutes is amended to read:

101.143 **(4)** (e) 3. The department may not issue awards under this paragraph to an owner or operator for eligible costs incurred in one program year that total more than ~~$195,000 for eligible costs incurred before July 1, 1993, or $190,000, for eligible costs incurred on or after July 1, 1993~~ $190,000.

SECTION 3682. 101.143 (4) (ei) 1. b. of the statutes is amended to read:

101.143 **(4)** (ei) 1. b. The owner or operator of the farm tank has received a letter or notice from the department of development or department of natural resources indicating that the owner or operator must conduct a site investigation or remedial action because of a discharge from the farm tank or an order to conduct such an investigation or remedial action.

SECTION 3683. 101.143 (4) (es) 1. of the statutes is amended to read:

101.143 **(4)** (es) 1. The department shall issue an award for a claim filed after August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987, by an owner or operator or a person owning a home oil tank system in investigating the existence of a discharge or investigating the presence of petroleum products in soil or groundwater if the investigation is undertaken at the written direction of the department of ~~industry, labor and human relations~~ development or the department of natural resources and no discharge or contamination is found.

SECTION 3683g. 101.143 (4e) of the statutes is created to read:

101.143 **(4e)** PAYMENTS TO LENDERS. (a) Notwithstanding sub. (4) (g), when the department denies a claim under sub. (3) because of fraud, gross negligence or wilful misconduct on the part of an owner or operator, the department shall pay, to a person who loaned money to the owner or operator for the purpose of conducting activities under sub. (3) (c), an amount equal to the amount that would have been paid under sub. (4) for otherwise eligible expenses actually incurred, but not more than the amount specified under par. (b), if all of the following conditions are satisfied:

1. The lender assigns to the department an interest in the collateral pledged by the owner or operator for the sole purpose of securing the loan that was made to finance the activities under sub. (3) (c). If the amount of the payment under this subsection is less than the amount of the loan, the lender shall assign to the

department that fraction of the lender's interest in the collateral that equals the ratio of the amount of the payment under this subsection to the amount of the loan.

2. For a loan that is made after the effective date of this subdivision .... [revisor inserts date], before the lender made any disbursement of the loan the department provided a letter indicating its preliminary determination that the owner or operator was eligible for an award under sub. (4).

3. For a loan that is made after the effective date of this subdivision .... [revisor inserts date], claims for payment under sub. (3) are made after completion of the site investigation and remedial action plan, after completion of the remedial action and annually for any continuing maintenance, monitoring and operation costs.

(b) Payment under this section may not exceed the amount of the loan. If the loan is made after the effective date of this paragraph .... [revisor inserts date], payment under this section may not exceed the amount of the loan disbursements made before the department notifies the lender that the claim may be denied.

(c) Assignment of an interest in collateral to the department under par. (a) 1. does not deprive a lender of its right to any cause of action arising out of the loan documents.

(d) Any payments made by the department under this subsection constitute a lien upon the property on which the remedial action is conducted if the department records the lien with the register of deeds in the county in which the property is located.

SECTION 3683m. 101.143 (5) (a) of the statutes is amended to read:

101.143 **(5)** (a) *Right of action.* A right of action under this section shall accrue to the state against an owner, operator or other person only if the owner, operator or other person submits a fraudulent claim or does not meet the requirements under

this section and if an award is issued under this section to the owner, operator or other person for eligible costs under this section or if payment is made to a lender under sub. (4e).

SECTION 3685. 101.144 of the statutes is created to read:

101.144 Petroleum storage tank discharges. (1) In this section:

(a) "Discharge" has the meaning given in s. 144.76 (1) (a).

(am) "Hazardous substance" has the meaning given in s. 144.01 (4m).

(b) "Petroleum product" has the meaning given in s. 101.143 (1) (f).

(bm) "Petroleum storage tank" means a storage tank that is used to store petroleum products together with any on–site integral piping or dispensing system. "Petroleum storage tank" does not include a pipeline facility.

(c) "Remedial action" means action that is taken in response to a discharge and that is necessary to restore the environment to the extent practicable and to minimize the harmful effects of the discharge to the air, lands and waters of this state.

(d) "Responsible person" means a person who owns or operates a petroleum storage tank, a person who causes a discharge from a petroleum storage tank or a person on whose property a petroleum storage tank is located.

(2) (a) The department shall administer a program under which responsible persons investigate, and take remedial action in response to, those discharges of petroleum products from petroleum storage tanks that are covered under par. (b). The department may issue an order requiring a responsible person to take remedial action in response to a discharge of a petroleum product from a petroleum storage tank if the discharge is covered under par. (b). In administering this section, the

department shall follow rules promulgated by the department of natural resources for the cleanup of discharges of hazardous substances.

(b) The program under this section covers a discharge of a petroleum product from a petroleum storage tank if all of the following apply:

1. The site of the discharge is classified, as provided under sub. (3m) (a) 3., as medium priority or low priority, based on the threat that the discharge poses to public health, safety and welfare and to the environment.

2. The site of the discharge is not contaminated by a hazardous substance other than the petroleum product that was discharged from the petroleum storage tank.

(3) The department of natural resources may take action under s. 144.76 (7) (a) or may issue an order under s. 144.76 (7) (c) in response to a discharge that is covered under sub. (2) (b) only if one or more of the following apply:

(a) The action or order is necessary in an emergency to prevent or mitigate an imminent hazard to public health, safety or welfare or to the environment.

(b) The department of development requests the department of natural resources to take the action or issue the order.

(c) The secretary of natural resources approves the action or order in advance after notice to the secretary of development.

(d) The department of natural resources takes action under s. 144.76 (7) (a) after the responsible person fails to comply with an order that was issued under s. 144.76 (7) (c) in compliance with this subsection.

(e) The department of natural resources takes the action under s. 144.76 (7) (a) because the identity of the responsible person is unknown.

(3m) (a) The department of development and the department of natural resources shall enter into a memorandum of understanding that does all of the following:

1. Establishes the respective functions of the 2 departments in the administration of this section and s. 101.143.

2. Establishes procedures to ensure that remedial actions taken under this section are consistent with actions taken under s. 144.76 (7).

3. Establishes procedures, standards and schedules for determining whether the site of a discharge of a petroleum product from a petroleum storage tank is classified as high priority, medium priority or low priority.

(b) The department of development and the department of natural resources shall submit a memorandum of understanding under this subsection to the secretary of administration for review. A memorandum of understanding under this subsection does not take effect until it is approved by the secretary of administration.

(4) Any person who violates a rule promulgated or an order issued under this section shall forfeit not less than $10 nor more than $5,000 for each violation. Each day of continued violation is a separate offense.

SECTION 3686. 101.17 of the statutes is amended to read:

101.17 Machines and boilers, safety requirement. No machine, mechanical device, or steam boiler shall be installed or used in this state which does not fully comply with the requirements of the laws of this state enacted for the safety of employes and frequenters in places of employment and public buildings and with the orders of the department adopted and published in conformity with ~~ss. 101.01 to 101.25~~ this subchapter. Any person violating this section shall be subject to the forfeitures provided in s. 101.02 (12) and (13).

SECTION 3687. 101.22 of the statutes is renumbered 106.04.

SECTION 3688. 101.221 of the statutes is renumbered 106.05, and 106.05 (2), as renumbered, is amended to read:

106.05 **(2)** The council shall give consideration to the practical operation and application of ss. ~~101.22 to 101.222~~ 106.04 to 106.06 and report to the proper legislative committee its view on any pending bill relating to the subject matter of ss. ~~101.22 to 101.222~~ 106.04 to 106.06.

SECTION 3689. 101.222 of the statutes is renumbered 106.06, and 106.06 (3), as renumbered, is amended to read:

106.06 **(3)** All gifts, grants, bequests and devises to the division for its use for any of the purposes mentioned in s. ~~101.221~~ 106.05 are valid and shall be used to carry out the purposes for which made and received.

SECTION 3690. 101.223 of the statutes is renumbered 106.07, and 106.07 (4) (a), as renumbered, is amended to read:

106.07 **(4)** (a) The department shall receive and investigate complaints charging discrimination or discriminatory practices in particular cases, and publicize its findings with respect thereto. The department has all powers provided under s. 111.39 with respect to the disposition of such complaints. The findings and orders of examiners may be reviewed as provided under s. ~~101.22~~ 106.04 (10) (b).

SECTION 3691. 101.225 of the statutes is renumbered 106.08.

SECTION 3692. 101.23 of the statutes is renumbered 106.09.

SECTION 3693. 101.25 of the statutes is renumbered 106.10.

SECTION 3694. 101.26 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.11.

SECTION 3695. 101.26 (3) (a) of the statutes is amended to read:

101.26 **(3)** (a) To ensure that the governor's coordination and special services plan proposed by the ~~state job training coordinating council~~ governor's council on workforce excellence and each job training plan proposed by a private industry council pursuant to the federal job training partnership act, 29 USC 1501 to ~~1781~~ 1792b, coordinate with and consider programs and services provided or proposed by other bodies with a direct interest in employment, training and human resources utilization and respond to concerns of interested citizens, employment and training service providers and members of the business community, the ~~state job training coordinating council~~ governor's council on workforce excellence and each private industry council shall make their proposed plans available to the public and after reasonable notice hold at least one public hearing before submittal to the governor under par. (c). The ~~state job training coordinating~~ governor's council on workforce excellence or private industry council shall provide notice of the public hearing and a copy of the proposed plan or a summary of it to the appropriate standing committees under par. (b). The public hearing shall be held sufficiently in advance of the date each council must submit its plan to the governor to permit the council to address concerns raised at its hearing. The public hearing shall be held at a reasonable time in a place accessible to the public, including handicapped persons.

SECTION 3696. 101.26 (3) (b) 1. of the statutes is amended to read:

101.26 **(3)** (b) 1. The ~~state job training coordinating~~ governor's council on workforce excellence shall submit notice of public hearing and a copy of the proposed governor's coordination and special services plan or a summary of it to the standing committees dealing with education, economic development and employment and to any other appropriate standing committee in each house of the legislature at least 120 days before the beginning of the first of 2 program years covered by the plan.

SECTION 3697. 101.26 (3) (c) (intro.) of the statutes is amended to read:

101.26 **(3)** (c) (intro.) After the public hearing under par. (a), the ~~state job training coordinating~~ governor's council on workforce excellence or the private industry council shall submit its proposed plan to the governor according to procedures established by the department. The ~~state job training coordinating~~ governor's council on workforce excellence or the private industry council shall include all of the following with the proposed plan submitted to the governor:

SECTION 3698. 101.262 of the statutes is created to read:

101.262 Governor's council on workforce excellence. (1) The governor's council on workforce excellence shall oversee the planning, coordination, administration and implementation of the employment and education programs provided under all of the following:

(a) The job training partnership act, 29 USC 1501 to 1792b, including the employment and education programs provided under ss. 101.26 and 101.27.

(b) The job opportunities and basic skills program under 42 USC 682 (a) and s. 49.193.

(c) The food stamp employment and training program under 7 USC 2015 (d) (4) and s. 49.124.

(d) The adult education act, 20 USC 1201 to 1213d.

(e) The Carl D. Perkins vocational and applied technology education act, 20 USC 2301 to 2471.

(f) The school–to–work opportunities act of 1994, 20 USC 6101 to 6251.

(g) The youth apprenticeship program under s. 101.265 and any other apprenticeship program for which the department provides assistance.

(h) The public employment office system under 29 USC 49 to 49n and s. 101.23.

(i) The national and community service corps under 42 USC 12501 to 12682 and s. 16.22.

(id) The rehabilitation act of 1973, 29 USC 701 to 796i.

(ig) The older Americans act of 1965, 42 USC 3001 to 3058ee.

(ij) The refugee act of 1980, 8 USC 1521 to 1524.

(im) The veterans' rehabilitation and education amendments of 1980, 38 USC 3100 to 3121.

(ip) The servicemen's readjustment act of 1944, 38 USC 3701 to 3764.

(ir) The development zone jobs credit program under ss. 71.07 (2dj), 71.28 (1dj) and 71.47 (1dj).

(it) The Wisconsin conservation corps program under s. 16.20.

(iv) The veterans job training program under s. 101.25.

(j) Such other employment and education programs as the governor may by executive order assign to the council.

(2) The governor's council on workforce excellence shall do all of the following:

(a) Identify the workforce development needs of the state and recommend to the governor goals for meeting those needs and steps to meet those goals.

(b) Review the provision of services and the allocation of funding and resources under the programs specified in sub. (1) and recommend to the governor a strategic plan for coordinating the provision of those services and for allocating that funding and those resources, consistent with the laws, rules and regulations governing those programs, so as to best respond to the workforce development needs identified under par. (a).

(c) Monitor the provision of services and the expenditure of funding and resources under the programs specified in sub. (1) and evaluate the effectiveness of

those programs in meeting the employment and education needs of the participants in those programs.

(d) Determine whether any federal laws, regulations or policies impede the effectiveness or coordination of any of the programs specified in sub. (1) and, if so, recommend that the department seek waivers of those laws, regulations or policies.

(e) Recommend for approval by the department under s. 101.265 (2m) occupations for the youth apprenticeship program and statewide skill standards for programs provided under the school–to–work opportunities act of 1994, 20 USC 6101 to 6251.

(f) Review and comment on all proposals for the establishment of new employment and education programs, including the eligibility criteria for receiving services under those programs, to ensure that employment and education program services are not duplicated unnecessarily.

(g) Oversee the establishment and operation of public employment offices under s. 101.23.

(h) Provide uniform performance standards that assist in evaluating the effectiveness of the employment and education programs specified in sub. (1).

(i) Annually, prepare and submit to the legislature under s. 13.172 (2) and to the governor a report on the activities of the governor's council on workforce excellence that includes recommendations regarding the employment and education programs specified in sub. (1).

(3) The council may not impose any mandates on any local governmental unit or educational institution. In this subsection, "local governmental unit" means a political subdivision of this state, special purpose district in this state, instrumentality or corporation of such a political subdivision or special purpose

district, combination or subunit of any of the foregoing or instrumentality of the state and any of the foregoing.

SECTION 3699. 101.262 of the statutes, as created by 1995 Wisconsin Act .... (this act), is renumbered 106.115, and 106.115 (1) (a), (g), (h), (i), (it) and (iv) and (2) (e) and (g), as renumbered, are amended to read:

106.115 **(1)** (a) The job training partnership act, 29 USC 101 to 1792b, including the employment and education programs provided under ss. ~~101.26 and 101.27~~ 106.11 and 106.15.

(g) The youth apprenticeship program under s. ~~101.265~~ 106.13 and any other apprenticeship program for which the department provides assistance.

(h) The public employment office system under 29 USC 49 to 49n and s. ~~101.23~~ 106.09.

(i) The national and community service corps under 42 USC 12501 to 12682 and s. ~~16.22~~ 106.40.

(it) The Wisconsin conservation corps program under s. ~~16.20~~ 106.215.

(iv) The veterans job training program under s. ~~101.25~~ 106.10.

(2) (e) Recommend for approval by the department under s. ~~101.265~~ 106.13 (2m) occupations for the youth apprenticeship program and statewide skill standards for programs provided under the school–to–work opportunities act of 1994, 20 USC 6101 to 6251.

(g) Oversee the establishment and operation of public employment offices under s. ~~101.23~~ 106.09.

SECTION 3700. 101.264 of the statutes is amended to read:

101.264 (title) ~~**Office**~~ **Division of workforce excellence.** ~~The office~~ Based on the recommendations of the governor's council on workforce excellence, the

division of workforce excellence shall plan, coordinate, administer and implement the department's workforce excellence initiatives, programs ~~and~~, policies and funding, the youth apprenticeship and school–to–work programs under s. 101.265 and such other employment and education programs as the governor may by executive order assign to the division. Notwithstanding any limitations placed on the use of state employment and education funds under this section or s. 101.265, 101.267, 101.27, 101.35 or 101.38 or under an executive order assigning an employment and education program to the division, the secretary may issue a general or special order waiving any of those limitations on finding that the waiver will promote the coordination of employment and education services.

SECTION 3701. 101.264 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.12 and amended to read:

106.12 Division of workforce excellence. Based on the recommendations of the governor's council on workforce excellence, the division of workforce excellence shall plan, coordinate, administer and implement the department's workforce excellence initiatives, programs, policies and funding, the youth apprenticeship and school–to–work programs under s. ~~101.265~~ 106.13 and such other employment and education programs as the governor may by executive order assign to the division. Notwithstanding any limitations placed on the use of state employment and education funds under this section or s. ~~101.265, 101.267, 101.27, 101.35 or 101.38~~ 106.13, 106.14, 106.15, 106.20 or 106.21 or under an executive order assigning an employment and education program to the division, the secretary may issue a general or special order waiving any of those limitations on finding that the waiver will promote the coordination of employment and education services.

SECTION 3702. 101.265 (title) of the statutes is amended to read:

101.265 (title) **Youth apprenticeship ~~program~~ and school-to-work programs.**

SECTION 3703. 101.265 (title) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.13 (title).

SECTION 3704. 101.265 (1) of the statutes is amended to read:

101.265 **(1)** The department shall provide a youth apprenticeship program ~~in accordance with the report prepared by the department under 1991 Wisconsin Act 39, section 9129 (5t)~~ and a school–to–work program in accordance with 20 USC 6101 to 6251.

SECTION 3705. 101.265 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.13 (1).

SECTION 3706. 101.265 (2) of the statutes is amended to read:

101.265 **(2)** The ~~youth apprenticeship council under s. 15.227 (22)~~ governor's council on workforce excellence, the technical college system board and the department of public instruction shall assist the department of industry, labor and human relations in providing the youth apprenticeship program and school–to–work program under sub. (1).

SECTION 3707. 101.265 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.13 (2).

SECTION 3708. 101.265 (2m) of the statutes is amended to read:

101.265 **(2m)** ~~The~~ After reviewing the recommendations of the governor's council on workforce excellence under s. 101.262 (2) (e), the department shall approve occupations and maintain a list of approved occupations for the youth apprenticeship program and shall approve statewide skill standards for the school–to–work program. From the appropriation under s. 20.445 (1) ~~(er)~~ (ev), the

department shall contract ~~with the state board of vocational, technical and adult education~~ for the development of curricula for youth apprenticeship programs for occupations approved under this subsection.

SECTION 3709. 101.265 (2m) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.13 (2m) and amended to read:

106.13 **(2m)** After reviewing the recommendations of the governor's council on workforce excellence under s. ~~101.262~~ 106.115 (2) (e), the department shall approve occupations and maintain a list of approved occupations for the youth apprenticeship program and shall approve statewide skill standards for the school–to–work program. From the appropriation under s. 20.445 (1) (ev), the department shall contract for the development of curricula for youth apprenticeship programs for occupations approved under this subsection.

SECTION 3710. 101.265 (3) of the statutes is renumbered 106.13 (3) and amended to read:

106.13 **(3)** The youth apprenticeship program under sub. (1) shall not affect any apprenticeship program that is governed by ~~ch. 106~~ ss. 106.01 to 106.03, except that an apprenticeship program that is governed by ch. 106 may grant credit toward the completion of an apprenticeship for the successful completion of a youth apprenticeship under sub. (1).

SECTION 3711. 101.265 (4) of the statutes is renumbered 106.13 (4).

SECTION 3712. 101.265 (5) of the statutes is renumbered 106.13 (5).

SECTION 3713. 101.267 of the statutes is renumbered 106.14.

SECTION 3714. 101.27 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.15.

SECTION 3715. 101.27 (1) (a) of the statutes is amended to read:

101.27 **(1)** (a) "Council" means the ~~state job training coordinating~~ governor's council on workforce excellence established under 29 USC ~~1532~~ 1792.

SECTION 3716. 101.28 of the statutes is renumbered 106.16.

SECTION 3717. 101.29 of the statutes is renumbered 106.17.

SECTION 3718. 101.30 of the statutes is renumbered 106.18 and amended to read:

106.18 Job opportunities and basic skills program; aid to families with dependent children recipients. The department may contract with the department of health and social services for the provision of supportive ~~and employment~~ services under the job opportunities and basic skills program under s. 49.193. Fees charged for the contractual services provided shall be credited to the appropriation under s. 20.445 (1) (ka).

SECTION 3719. 101.31 of the statutes is renumbered 106.19.

SECTION 3720. 101.35 of the statutes is renumbered 106.20.

SECTION 3721. 101.38 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 106.21, and 106.21 (1) (g), as renumbered, is amended to read:

106.21 **(1)** (g) "Public assistance" means relief provided by counties under s. 59.07 (154), aid to families with dependent children under s. 49.19, medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, low–income energy assistance under s. ~~49.80~~ 16.385 and the food stamp program under 7 USC 2011 to 2029.

SECTION 3722. 101.38 (1) (g) of the statutes is amended to read:

101.38 **(1)** (g) "Public assistance" means ~~general relief under s. 49.02, relief of needy Indian persons under s. 49.046~~ relief provided by counties under s. 59.07 (154), aid to families with dependent children under s. 49.19, medical assistance under ss.

49.45 to 49.47, low–income energy assistance under s. 49.80 and the food stamp program under 7 USC 2011 to 2029.

SECTION 3723. 101.40 of the statutes is repealed.

SECTION 3724. 101.42 of the statutes is repealed.

SECTION 3725. 101.43 of the statutes is repealed.

SECTION 3726. 101.47 of the statutes is renumbered 106.25.

SECTION 3726m. 101.573 (1) of the statutes is amended to read:

101.573 **(1)** The department shall include in the compilation and certification of fire department dues under sub. (3) 2% of the premiums paid to the state fire fund for the insurance of any public property, other than state property. The department shall notify the ~~state treasurer~~ secretary of administration of the amount certified under this subsection and the ~~state treasurer~~ secretary of administration shall charge the amount to the state fire fund.

SECTION 3727. 101.573 (3) (a) of the statutes is amended to read:

101.573 **(3)** (a) On or before May 1 in each year, the department shall compile the fire department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5% and certify to the ~~state treasurer~~ secretary of administration the proper amount to be paid from the appropriation under s. ~~20.445 (1)~~ 20.143 (3) (L) to each city, village or town entitled to fire department dues under s. 101.575. Annually, on or before August 1, the ~~state treasurer~~ secretary of administration shall pay the amounts certified by the department to the cities, villages and towns eligible under s. 101.575.

SECTION 3727g. 101.575 (3) (a) 3. of the statutes is amended to read:

101.575 **(3)** (a) 3. Provides a training program prescribed by the department by rule~~, in consultation with the fire prevention council~~.

SECTION 3727h. 101.575 (3) (a) 3. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.575 **(3)** (a) 3. Provides a training program prescribed by the department by rule, in consultation with the fire prevention council.

SECTION 3727m. 101.573 (3) (b) of the statutes is amended to read:

101.573 **(3)** (b) The amount withheld under par. (a) shall be disbursed to correct errors of the department or the commissioner of insurance or for payments to cities, villages or towns which are first determined to be eligible for payments under par. (a) after May 1. The department shall certify to the ~~state treasurer~~ secretary of administration, as near as is practical, the amount which would have been payable to the municipality if payment had been properly disbursed under par. (a) on or prior to May 1, except the amount payable to any municipality first eligible after May 1 shall be reduced by 1.5% for each month or portion of a month which expires after May 1 and prior to the eligibility determination. The ~~state treasurer~~ secretary of administration shall pay the amount certified to the city, village or town. The balance of the amount withheld in a calendar year under par. (a) which is not disbursed under this paragraph shall be included in the total compiled by the department under par. (a) for the next calendar year. If errors in payments exceed the amount set aside for error payments, adjustments shall be made in the distribution for the next year.

SECTION 3727n. 101.573 (4) of the statutes is amended to read:

101.573 **(4)** The department shall transmit to the treasurer of each city, village and town entitled to fire department dues, a statement of the amount of dues payable to it under this section and the commissioner of insurance shall furnish to the ~~state~~

~~treasurer~~ secretary of administration, upon request, a list of the insurers paying dues under s. 601.93 and the amount paid by each.

SECTION 3728. 101.597 (3) of the statutes is amended to read:

101.597 **(3)** BY DEPARTMENT. The department shall inform manufacturers, suppliers, employers, agricultural employers and employes of their duties and rights under ss. 101.58 to 101.599. As part of this program, the department shall cooperate with the ~~departments of development and~~ department of revenue to notify any employer commencing operations on or after May 8, 1982, of that employer's duties and rights.

SECTION 3729d. 101.62 of the statutes is amended to read:

101.62 Dwelling code council; power. The dwelling code council shall review the standards and rules for one– and 2–family dwelling construction and recommend a uniform dwelling code for adoption by the department ~~which~~ of development in anticipation of the transfer of functions relating to the uniform dwelling code to the department of development under 1995 Wisconsin Act .... (this act). The uniform dwelling code shall include rules providing for the conservation of energy in the construction and maintenance of dwellings and for costs of specific code provisions to home buyers to be related to the benefits derived from such provisions. The council shall study the need for and availability of one–family and 2–family dwellings that are accessible to persons with disabilities, as defined in s. 101.22 (1m) (g), and shall make recommendations to the department of development for any changes to the uniform dwelling code that may be needed to ensure an adequate supply of one–family and 2–family dwellings. Upon its own initiative or at the request of the department of development, the council shall consider and make recommendations to the department of development pertaining to rules and any

other matters related to this subchapter. The council shall recommend variances for different climate and soil conditions throughout the state.

SECTION 3729e. 101.62 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.62 Dwelling code council; power. The dwelling code council shall review the standards and rules for one– and 2–family dwelling construction and recommend a uniform dwelling code for adoption by the department which shall include rules providing for the conservation of energy in the construction and maintenance of dwellings and for costs of specific code provisions to home buyers to be related to the benefits derived from such provisions. The council shall study the need for and availability of one–family and 2–family dwellings that are accessible to persons with disabilities, as defined in s. 106.04 (1m) (g), and shall make recommendations to the department for any changes to the uniform dwelling code that may be needed to ensure an adequate supply of one–family and 2–family dwellings. Upon its own initiative or at the request of the department, the council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter. The council shall recommend variances for different climate and soil conditions throughout the state.

SECTION 3729f. 101.625 of the statutes is amended to read:

101.625 Contractor financial responsibility council; duties. ~~The~~ In anticipation of the transfer of functions relating to the financial responsibility of contractors to the department of development under 1995 Wisconsin Act .... (this act, the contractor financial responsibility council shall recommend for promulgation by the department of development rules for certifying the financial responsibility of contractors under s. 101.654. These rules shall include rules providing for the

assessment of fees upon applicants for certification of financial responsibility under s. 101.654 and for the suspension and revocation of that certification. The amount of the fees recommended under this section may not exceed an amount that is sufficient to defray the costs incurred in certifying the financial responsibility of applicants under s. 101.654.

SECTION 3729g. 101.625 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.625 Contractor financial responsibility council; duties. The contractor financial responsibility council shall recommend for promulgation by the department rules for certifying the financial responsibility of contractors under s. 101.654. These rules shall include rules providing for the assessment of fees upon applicants for certification of financial responsibility under s. 101.654 and for the suspension and revocation of that certification. The amount of the fees recommended under this section may not exceed an amount that is sufficient to defray the costs incurred in certifying the financial responsibility of applicants under s. 101.654.

SECTION 3729h. 101.64 (3) of the statutes is amended to read:

101.64 **(3)** Revise the rules under this subchapter ~~after consultation with the dwelling code council or with the contractor financial responsibility council, as appropriate~~.

SECTION 3729i. 101.64 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.64 **(3)** Revise the rules under this subchapter after consultation with the dwelling code council or with the contractor financial responsibility council, as appropriate.

SECTION 3729j. 101.72 of the statutes is amended to read:

101.72 Dwelling code council. The dwelling code council shall review the standards and rules for manufactured buildings for dwellings and recommend a statewide manufactured building code for adoption by the department ~~which~~ of development in anticipation of the transfer of functions relating to the statewide manufactured building code to the department of development under 1995 Wisconsin Act .... (this act). The statewide manufactured building code shall include rules providing for the conservation of energy in the construction and maintenance of dwellings. Such rules shall take into account the costs to home buyers of specific code provisions in relation to the benefits derived therefrom. Upon its own initiative or at the request of the department of development, the council shall consider and make recommendations to the department of development pertaining to rules and any other matters related to this subchapter.

SECTION 3729k. 101.72 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.72 Dwelling code council. The dwelling code council shall review the standards and rules for manufactured buildings for dwellings and recommend a statewide manufactured building code for adoption by the department which shall include rules providing for the conservation of energy in the construction and maintenance of dwellings. Such rules shall take into account the costs to home buyers of specific code provisions in relation to the benefits derived therefrom. Upon its own initiative or at the request of the department, the council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter.

SECTION 3729L. 101.74 (3) of the statutes is amended to read:

101.74 **(3)** Revise the rules under this subchapter ~~after consultation with the dwelling code council~~.

SECTION 3729m. 101.74 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.74 **(3)** Revise the rules under this subchapter after consultation with the dwelling code council.

SECTION 3730. 101.80 (2) of the statutes is amended to read:

101.80 **(2)** "Public buildings" and "places of employment" ~~have the meanings provided by s. 101.01 (2) and~~ include all exterior wiring except wiring owned, leased, operated or maintained by a public utility including any electrical cooperative, in the exercise of its utility function.

SECTION 3731. 101.82 (1) of the statutes is amended to read:

101.82 **(1)** Adopt rules for the construction and inspection of electrical construction of public buildings and places of employment and for the inspection of electrical construction of places where farming, as defined in s. 101.01 ~~(2) (f)~~ (11), is conducted. Where feasible, the standards used shall be those nationally recognized. No rule may be adopted which does not take into account the conservation of energy in construction and maintenance of buildings.

SECTION 3732. 101.92 (7) of the statutes is amended to read:

101.92 **(7)** Shall establish ~~within the division of safety and buildings~~ a staff for the administration and enforcement of ss. 101.90 to 101.96.

SECTION 3733c. 101.972 of the statutes is amended to read:

101.972 Multifamily dwelling code council duties. The multifamily dwelling code council shall review the rules for multifamily dwelling construction and recommend a uniform multifamily dwelling code for promulgation by the

department of development in anticipation of the transfer of functions relating to the uniform multifamily dwelling code to the department of development under 1995 Wisconsin Act .... (this act). The council shall consider and make recommendations to the department of development pertaining to rules and any other matters related to this subchapter. The council shall identify, consider and make recommendations to the department of development regarding variances in the rules for different climate and soil conditions and the variable conditions created by building and population densities.

SECTION 3733g. 101.972 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.972 Multifamily dwelling code council duties. The multifamily dwelling code council shall review the rules for multifamily dwelling construction and recommend a uniform multifamily dwelling code for promulgation by the department. The council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter. The council shall identify, consider and make recommendations to the department regarding variances in the rules for different climate and soil conditions and the variable conditions created by building and population densities.

SECTION 3733L. 101.973 (8) of the statutes is amended to read:

101.973 **(8)** Deposit the moneys received from the fees under sub. (7) in the ~~appropriation~~ appropriations under ~~s.~~ ss. 20.143 (7) (jz) and 20.445 (1) (j).

SECTION 3733p. 101.973 (8) of the statutes, as affected by 1995 Wisconsin Act 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

101.973 **(8)** Deposit the moneys received from the fees under sub. (7) in the appropriation under s. 20.143 (3) (j).

SECTION 3733t. 101.974 (2) of the statutes is repealed.

SECTION 3733x. 101.974 (2m) of the statutes is created to read:

101.974 **(2m)** Promulgate the rules under this subchapter after consultation with the multifamily dwelling code council.

SECTION 3734. 101.975 (3) (a) 3. of the statutes is amended to read:

101.975 **(3)** (a) 3. The ordinance does not conform to this subchapter and s. 101.02 (7m) or is contrary to an order of the department under ~~ss. 101.01 to 101.25~~ subch. I.

SECTION 3735. 101.975 (3) (a) 4. of the statutes is amended to read:

101.975 **(3)** (a) 4. The ordinance is more stringent than the corresponding provision of this subchapter or s. 101.02 or the contrary provision of an order of the department under ~~ss. 101.01 to 101.25~~ subch. I.

SECTION 3736. 101.975 (3) (b) of the statutes is amended to read:

101.975 **(3)** (b) If a political subdivision has a preexisting stricter sprinkler ordinance, that ordinance remains in effect, except that the political subdivision may amend the ordinance to conform to this subchapter and s. 101.02 (7m) and to be not contrary to an order of the department under ~~ss. 101.01 to 101.25~~ subch. I.

SECTION 3737. 102.01 (2) (ag) of the statutes is created to read:

102.01 **(2)** (ag) "Commissioner" means a member of the commission.

SECTION 3738. 102.01 (2) (ap) of the statutes is created to read:

102.01 **(2)** (ap) "Department" means the department of industry, labor and human relations.

SECTION 3739. 102.01 (2) (bm) of the statutes is created to read:

102.01 **(2)** (bm) "General order" means such order as applies generally throughout the state to all persons, employments, places of employment or public

buildings, or all persons, employments or places of employment or public buildings of a class under the jurisdiction of the department. All other orders of the department shall be considered special orders.

SECTION 3740. 102.01 (2) (dm) of the statutes is created to read:

102.01 **(2)** (dm) "Order" means any decision, rule, regulation, direction, requirement or standard of the department, or any other determination arrived at or decision made by the department.

SECTION 3741. 102.01 (2) (em) of the statutes is created to read:

102.01 **(2)** (em) "Secretary" means the secretary of industry, labor and human relations.

SECTION 3742m. 102.28 (7) (a) of the statutes is amended to read:

102.28 **(7)** (a) If an employer who is currently or was formerly exempted by written order of the department under sub. (2) is unable to pay an award, judgment is rendered in accordance with s. 102.20 against that employer and execution is levied and returned unsatisfied in whole or in part, payments for the employer's liability shall be made from the fund established under sub. (8). If a currently or formerly exempted employer files for bankruptcy and not less than 60 days after that filing the department has reason to believe that compensation payments due are not being paid, the department in its discretion may make payment for the employer's liability from the fund established under sub. (8). The ~~state treasurer~~ secretary of administration shall proceed to recover such payments from the employer or the employer's receiver or trustee in bankruptcy, and may commence an action or proceeding or file a claim therefor. The attorney general shall appear on behalf of the ~~state treasurer~~ secretary of administration in any such action or proceeding. All

moneys recovered in any such action or proceeding shall be paid into the fund established under sub. (8).

SECTION 3743. 102.39 of the statutes is amended to read:

102.39 General orders; application of statutes. The provisions of ~~ch. 101,~~ s. 103.005 relating to the adoption, publication, modification and court review of general orders of the department shall apply to all general orders adopted pursuant to this chapter.

SECTION 3743m. 102.42 (8) of the statutes is amended to read:

102.42 **(8)** AWARD TO STATE EMPLOYE. Whenever an award is made by the department in behalf of a state employe, the department of industry, labor and human relations shall file duplicate copies of the award with the department of administration. Upon receipt of the copies of the award, the department of administration shall promptly issue a voucher in payment of the award from the proper appropriation under s. 20.865 (1) ~~(dm)~~ (fm), (kr) or (ur), and shall transmit one copy of the voucher and the award to the officer, department or agency by whom the affected employe is employed.

SECTION 3744. 102.42 (9) (b) of the statutes is amended to read:

102.42 **(9)** (b) Such specialist shall study the problems of rehabilitation, both physical and vocational and shall refer suitable cases to the department ~~of health and social services~~ for vocational evaluation and training. The specialist shall investigate and maintain a directory of such rehabilitation facilities, private and public, as are capable of rendering competent rehabilitation service to seriously injured employes.

SECTION 3745. 102.61 (1m) (a) of the statutes is amended to read:

102.61 **(1m)** (a) If the department ~~of health and social services~~ has determined under sub. (1) that an employe is eligible for vocational rehabilitation services under 29 USC 701 to 797b, but that the department ~~of health and social services~~ cannot provide those services for the employe, the employe may select a private rehabilitation counselor certified by the department ~~of industry, labor and human relations~~ to determine whether the employe can return to suitable employment without rehabilitative training and, if that counselor determines that rehabilitative training is necessary, to develop a rehabilitative training program to restore as nearly as possible the employe to his or her preinjury earning capacity and potential.

SECTION 3745e. 102.63 of the statutes is amended to read:

102.63 Refunds by state. Whenever the department shall certify to the ~~state treasurer~~ secretary of administration that excess payment has been made under s. 102.59 or under s. 102.49 (5) either because of mistake or otherwise, the ~~state treasurer~~ secretary of administration shall within 5 days after receipt of such certificate draw an order against the fund in the state treasury into which such excess was paid, reimbursing such payor of such excess payment, together with interest actually earned thereon if the excess payment has been on deposit for at least 6 months.

SECTION 3745g. 102.64 (1) of the statutes is amended to read:

102.64 **(1)** Upon request of the department of administration, a representative of the department of justice shall represent the state in cases involving payment into or out of the state treasury under s. 20.865 (1) ~~(dm)~~ (fm), (kr) or (ur) or 102.29. The department of justice, after giving notice to the department of administration, may compromise the amount of such payments but such compromises shall be subject to review by the department of industry, labor and human relations. If the spouse of

the deceased employe compromises his or her claim for a primary death benefit, the claim of the children of such employe under s. 102.49 shall be compromised on the same proportional basis, subject to approval by the department. If the persons entitled to compensation on the basis of total dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be compromised on the same proportional basis.

SECTION 3745m. 102.85 (4) (c) of the statutes is amended to read:

102.85 **(4)** (c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the uninsured employer assessment prescribed in this section. If the deposit is forfeited, the amount of the uninsured employer assessment shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the deposit is returned, the uninsured employer assessment shall also be returned.

SECTION 3745s. 102.85 (4) (d) of the statutes is amended to read:

102.85 **(4)** (d) The clerk of the court shall collect and transmit to the county treasurer the uninsured employer assessment and other amounts required under s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b). The ~~state treasurer~~ secretary of administration shall deposit the amount of the uninsured employer assessment, together with any interest thereon, in the uninsured employers fund as provided in s. 102.80 (1).

SECTION 3746. 103.001 of the statutes is created to read:

103.001 Definitions. In chs. 103 to 106, the following words and phrases have the designated meanings unless a different meaning is expressly provided:

(3) "Department" means the department of industry, labor and human relations.

(4) "Deputy" means any person employed by the department designated as a deputy, who possesses special, technical, scientific, managerial or personal abilities or qualities in matters within the jurisdiction of the department, and who may be engaged in the performance of duties under the direction of the secretary, calling for the exercise of such abilities or qualities.

(5) "Employe" means any person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go or work or be at any time in any place of employment.

(6) "Employer" means any person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district and other public or quasi–public corporations as well as any agent, manager, representative or other person having control or custody of any employment, place of employment or of any employe.

(7) "Employment" means any trade, occupation or process of manufacture, or any method of carrying on such trade, occupation or process of manufacture in which any person may be engaged, except in such private domestic service as does not involve the use of mechanical power and in farm labor as used in sub. (12).

(8) "Frequenter" means every person, other than an employe, who may go in or be in a place of employment or public building under circumstances which render such person other than a trespasser. Such term includes a pupil or student when enrolled in or receiving instruction at an educational institution.

(9) "General order" means such order as applies generally throughout the state to all persons, employments, places of employment or public buildings, or all persons,

employments or places of employment or public buildings of a class under the jurisdiction of the department. All other orders of the department shall be considered special orders.

(10) "Local order" means any ordinance, order, rule or determination of any common council, board of alderpersons, board of trustees or the village board, of any village or city, a regulation or order of the local board of health, as defined in s. 250.01 (3), or an order or direction of any official of a municipality, upon any matter over which the department has jurisdiction.

(11) "Order" means any decision, rule, regulation, direction, requirement or standard of the department, or any other determination arrived at or decision made by the department.

(12) "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employes for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production.

(13) "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or

egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants.

(14) "Safe" or "safety", as applied to an employment or a place of employment or a public building, means such freedom from danger to the life, health, safety or welfare of employes or frequenters, or the public, or tenants, or fire fighters, and such reasonable means of notification, egress and escape in case of fire, and such freedom from danger to adjacent buildings or other property, as the nature of the employment, place of employment, or public building, will reasonably permit.

(15) "Secretary" means the secretary of industry, labor and human relations.

(16) "Welfare" includes comfort, decency and moral well–being.

SECTION 3747. 103.005 of the statutes is created to read:

103.005 Powers, duties and jurisdiction of department. (1) The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings.

(3) The department shall employ, promote and remove deputies, clerks and other assistants as needed, to fix their compensation, and to assign to them their duties; and shall appoint advisers who shall, without compensation except reimbursement for actual and necessary expenses, assist the department in the execution of its duties.

(4) The department shall collect, collate and publish statistical and other information relating to the work under its jurisdiction and shall make public reports in its judgment necessary.

(5) (a) The department shall conduct such investigations, hold such public meetings and attend or be represented at such meetings, conferences and

conventions inside or outside of the state as may, in its judgment, tend to better the execution of its functions.

(b) For the purpose of making any investigation with regard to any employment, the secretary may appoint, by an order in writing, any deputy who is a citizen of the state, or any other competent person as an agent whose duties shall be prescribed in such order.

(c) In the discharge of his or her duties such agent shall have every power of an inquisitorial nature granted in chs. 103 to 106 to the department, the same powers as a court commissioner with regard to the taking of depositions and all powers granted by law to a court commissioner relative to depositions.

(d) The department may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent the taking of all testimony bearing upon any investigation or hearing. The decision of the department shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the department so orders nor preclude further investigation.

(e) The secretary may direct any deputy who is a citizen to act as special prosecutor in any action, proceeding, investigation, hearing or trial relating to the matters within its jurisdiction.

(f) Upon the request of the department, the department of justice or district attorney of the county in which any investigation, hearing or trial had under chs. 103 to 106 is pending, shall aid therein and prosecute under the supervision of the department, all necessary actions or proceedings for the enforcement of those

sections and all other laws of this state relating to the regulation of employment, and for the punishment of all violations thereof.

(6) (a) All orders of the department in conformity with law shall be in force, and shall be prima facie lawful; and all such orders shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise upon judicial review thereof pursuant to ch. 227 or until altered or revoked by the department.

(b) All general orders shall take effect as provided in s. 227.22. Special orders shall take effect as directed in the special order.

(c) The department shall, upon application of any employer or owner, grant such time as may be reasonably necessary for compliance with any order.

(d) Any person may petition the department for an extension of time, which the department shall grant if it finds such an extension of time necessary.

(e) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in chs. 103 to 106.

(f) Such petition for hearing shall be by verified petition filed with the department, setting out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition. All hearings of the department shall be open to the public.

(g) Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the department shall determine the same

by confirming without hearing its previous determination, or if such hearing is necessary to determine the issues raised, the department shall order a hearing thereon and consider and determine the matter or matters in question at such times as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the department may find directly interested in such decision.

(h) Upon such investigation, if the department finds that the order complained of is unjust or unreasonable the department shall substitute for that order such other order as shall be just and reasonable.

(i) Whenever at the time of the final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the order of the department, the department shall grant such time as may be reasonably necessary for such compliance.

(7) (a) Any person affected by any local order in conflict with an order of the department, may in the manner provided in sub. (6) (e) to (i), petition the department for a hearing on the ground that such local order is unreasonable and in conflict with the order of the department. The petition for such hearing shall conform to the requirements set forth for a petition in sub. (6) (e) to (i).

(b) Upon receipt of a petition under par. (a) the department shall order a hearing to consider and determine the issues raised by the petition. The hearing shall be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the department may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from

is unreasonable and in conflict with the order of the department, the department may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the local order shall, in such particulars, be void and of no effect.

(8) (a) No action, proceeding or suit to set aside, vacate or amend any order of the department or to enjoin the enforcement of an order of the department shall be brought unless the plaintiff has applied to the department for a hearing on the order at the time and as provided in sub. (6) (e) to (i), and has, in the petition for the hearing under sub. (6), raised every issue raised in the action, proceeding or suit to set aside, vacate, amend or enjoin the enforcement of the order of the department.

(b) In a prosecution for the violation of an order of the department, the order of the department shall be conclusively presumed to be just, reasonable and lawful, unless prior to the beginning of the prosecution for the violation a proceeding for judicial review of such order has been instituted as provided in ch. 227.

(9) A substantial compliance with the requirements of chs. 103 to 106 shall be sufficient to give effect to an order of the department, and no order may be declared inoperative, illegal or void for any omission of a technical nature.

(10) Orders of the department under chs. 103 to 106 shall be subject to review in the manner provided in ch. 227.

(11) Every day during which any person or corporation, or any officer, agent or employe of a person or corporation, fails to observe and comply with any order of the department or fails to perform any duty required under chs. 103 to 106, shall constitute a separate and distinct violation of the order or of the requirement under chs. 103 to 106, whichever is applicable.

(12) (a) If any employer, employe, owner, or other person violates chs. 103 to 106, or fails or refuses to perform any duty required under chs. 103 to 106, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department or any judgment or decree made by any court in connection with chs. 103 to 106, for each such violation, failure or refusal, the employer, employe, owner or other person shall forfeit not less than $10 nor more than $100 for each offense.

(b) It shall be the duty of all officers of the state, the counties and municipalities, upon request of the department, to enforce in their respective departments or jurisdictions all lawful orders of the department to the extent that the orders are applicable and consistent with the general duties of such officers.

(13) (a) The secretary or any examiner appointed by the secretary may hold hearings and take testimony.

(b) Each witness who appears before the department by its order shall receive for attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers approved by the secretary, and charged to the proper appropriation for the department. No witness subpoenaed at the instance of an attorney under par. (cm) or at the instance of a party other than the department is entitled to compensation from the state for attendance or travel unless the department certifies that the testimony was material to the matter investigated.

(c) The department or any party may in any investigation cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for similar depositions in civil actions in circuit courts. The

expense incurred by the state in the taking of such depositions shall be charged against the proper appropriations for the department.

(cm) A party's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in s. 805.07 (4) and must be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of issuance, send a copy of the subpoena to the appeal tribunal or other representative of the department responsible for conducting the proceeding.

(d) A full and complete record shall be kept of all proceedings had before the department on any investigation and all testimony shall be taken down by the stenographer appointed by the department.

(14) (a) The department shall administer and enforce, so far as not otherwise provided for in the statutes, the laws relating to child labor, employment, employment offices and all other laws relating to the regulation of employment.

(b) The department shall investigate, ascertain and determine such reasonable classifications of persons and employments as shall be necessary to carry out the purposes of chs. 103 to 106.

(c) Any commissioner, the secretary or any deputy of the department may enter any place of employment or public building for the purpose of collecting facts and statistics and bringing to the attention of every employer or owner any law relating to the regulation of employment or any order of the department and any failure on the part of such employer or owner to comply with that law or order. No employer or owner may refuse to admit any commissioner, the secretary or any deputy of the department to his or her place of employment or public building.

(d) Every employer and every owner shall furnish to the department all information required by the department to administer and enforce chs. 103 to 106, and shall provide specific answers to all questions that the department asks relating to any information the department requires.

(e) Any employer receiving from the department any form requesting information that the department requires to administer and enforce chs. 103 to 106, along with directions to complete the form, shall properly complete the form and answer fully and correctly each question asked in the form. If the employer is unable to answer any question, the employer shall give a good and sufficient reason for his or her inability to answer the question. The employer's answers shall be verified under oath by the employer, or by the president, secretary or other managing officer of the corporation, if the employer is a corporation, and the completed form shall be returned to the department at its office within the period fixed by the department.

(15) The department may establish a schedule of fees for publications and seminars provided by the department for which no fee is otherwise authorized, required or prohibited by statute. Fees established under this subsection for publications and seminars provided by the department may not exceed the actual cost incurred in providing those publications and seminars. If the department receives unanticipated proceeds from a statewide labor and management conference provided by the department that exceed the actual cost of the conference, the department may use those unanticipated proceeds to provide grants for local labor and management conferences, educational activities and other activities to promote positive relations between labor and management.

(16) Each of the commissioners, the secretary or any deputy secretary may certify to official acts, and take testimony.

(18) The department shall administer the child support and paternity establishment programs under subch. III of ch. 49, as well as perform other functions related to child support that are specified in ch. 49.

(19) The department shall maintain a file containing records of declarations of paternal interest under s. 48.025 and of statements acknowledging paternity under s. 69.15 (3) (b). The department may release these records only upon an order of the court except that records relating to declarations of paternal interest and statements acknowledging paternity may be used without a court order upon the request of the department or its designee under s. 59.07 (97) pursuant to the program responsibilities under s. 49.143 or by any other person with a direct and tangible interest in the record.

SECTION 3748. 103.02 of the statutes is amended to read:

103.02 Hours of labor. No person may be employed or be permitted to work in any place of employment or at any employment for such period of time during any day, night or week, as is dangerous or prejudicial to the person's life, health, safety or welfare. The department shall investigate, ascertain, determine and fix such reasonable classification, and promulgate rules fixing a period of time, or hours of beginning and ending work during any day, night or week, which shall be necessary to protect the life, health, safety or welfare of any person, or to carry out the purposes of ss. 103.01 to 103.03. The department shall, by rule, classify such periods of time into periods to be paid for at regular rates and periods to be paid for at the rate of at least one and one–half times the regular rates. Such investigations, classifications and orders shall be made ~~pursuant to the proceeding in ss. 101.01 to 101.25 which are hereby made a part hereof, so far as not inconsistent with ss. 103.01 to 103.03, and every order of the department shall have the same force and effect as the orders~~

~~issued under ss. 101.01 to 101.25~~ as provided in s. 103.005 and the penalties ~~therein~~ under s. 103.005 (12) shall apply to and be imposed for any violation of ss. 103.01 to 103.03. Such orders shall be subject to review in the manner provided in ch. 227. Section 111.322 (2m) applies to discharge or other discriminatory acts arising in connection with any proceeding under this section.

SECTION 3749. 103.13 (1) (intro.) and (a) of the statutes are consolidated, renumbered 103.13 (1) and amended to read:

103.13 **(1)** ~~DEFINITIONS~~ DEFINITION. In this section~~: (a) "Employe" has the meaning specified in s. 101.01 (2) (a) and also~~, "employe" includes former employes.

SECTION 3750. 103.13 (1) (b) of the statutes is repealed.

SECTION 3751. 103.14 (1) of the statutes is repealed.

SECTION 3752. 103.14 (2) of the statutes is renumbered 103.14.

SECTION 3753. 103.25 (2) of the statutes is amended to read:

103.25 **(2)** If upon investigation, the department determines that there are practical difficulties or unnecessary hardships in carrying out sub. (1), the department may by general or special order make reasonable exceptions or modifications with due regard for the life, health, safety and welfare of minors employed in street trades. The investigation and orders shall be made ~~pursuant to ss. 101.01 to 101.25, and have the same force and effect as orders issued pursuant to those sections~~ as provided under s. 103.005. These orders are subject to review as provided in ch. 227.

SECTION 3754. 103.545 (6) of the statutes is amended to read:

103.545 **(6)** Upon complaint of an affected employer, labor organization or employe, the department may investigate violations and issue orders to enforce this section. The investigations and orders shall be made ~~under ss. 101.01 to 101.25.~~

~~Every order issued under this subsection has the same force and effect as orders issued under ss. 101.01 to 101.25, except as otherwise provided in this section~~ as provided under s. 103.005. Orders are subject to review as provided in ch. 227. The department of justice may, upon request of the commission, prosecute violations of this section in any court of competent jurisdiction.

SECTION 3755. 103.64 (1) of the statutes is repealed.

SECTION 3756. 103.66 (title) of the statutes is amended to read:

103.66 (title) **Powers and duties of the department relating to employment of minors.**

SECTION 3756m. 103.66 (1) of the statutes is amended to read:

103.66 **(1)** The department may investigate, determine and fix reasonable classifications of employments, places of employment and minimum ages for hazardous employment for minors, and may issue general or special orders prohibiting the employment of minors in employments or places of employment prejudicial to the life, health, safety or welfare of minors, and may carry out the purposes of ss. 103.64 to 103.82. In fixing minimum ages for hazardous employment for minors under this subsection, the department shall permit the employment of a minor 14 years of age or over as a laboratory assistant for a nonprofit, community–based organization that provides educational opportunities in medically related fields if the minor is under the direct supervision of a mentor and the laboratory at which the minor is employed complies with 10 CFR 20.1207 and 29 CFR 1910.1030.

SECTION 3757. 103.66 (3) of the statutes is amended to read:

103.66 **(3)** The investigations, classifications and orders provided for in subs. (1) and (2) shall be made ~~pursuant to the procedure specified in ss. 101.01 to 101.25.~~

~~Every order of the department has the same force and effect as the orders issued pursuant to ss. 101.01 to 101.25~~ as provided under s. 103.005. These orders are subject to review as provided in ch. 227.

SECTION 3758. 103.70 (1) of the statutes is amended to read:

103.70 **(1)** Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31 and 103.78, and as may be provided under s. 103.79, a minor, unless indentured as an apprentice in accordance with s. 106.01, or unless 12 years and over and engaged in agricultural pursuits, or unless 14 years and over and enrolled in a youth apprenticeship program under s. ~~101.265~~ 106.13, shall not be employed or permitted to work at any gainful occupation or employment unless there is first obtained from the department or a permit officer a written permit authorizing the employment of the minor within those periods of time stated in the permit, which shall not exceed the maximum hours prescribed by law.

SECTION 3759. 103.79 (2) of the statutes is amended to read:

103.79 **(2)** The department may investigate and fix by general or special order reasonable regulations relative to the employment of minors as caddies on golf courses. The regulations may include a waiver or modification of permit requirements for caddies. The investigations and orders shall be made ~~pursuant to ss. 101.01 to 101.25, and every such order has the same force and effect as orders issued pursuant to ss. 101.01 to 101.25~~ as provided under s. 103.005. The orders are subject to review as provided in ch. 227.

SECTION 3760. 103.85 (4) of the statutes is amended to read:

103.85 **(4)** If upon investigation, the department shall ascertain and determine that there be practical difficulties or unnecessary hardships in carrying out the provisions of this section, or upon a joint request of labor and management, the

department may by general or special order make reasonable exceptions therefrom or modifications thereof provided that the life, health, safety and welfare of employes shall not be sacrificed or endangered thereby. Such investigation and orders shall be made ~~pursuant to the proceedings in ss. 101.01 to 101.25; and every order of the department under this section shall have the same effect as orders issued pursuant to said sections~~ as provided under s. 103.005. Such orders shall be subject to review under ch. 227.

SECTION 3761. 103.85 (5) of the statutes is amended to read:

103.85 **(5)** Every employer who violates this section shall be punished as provided in s. ~~101.02 (13)~~ 103.005 (11) and (12).

SECTION 3762. 103.90 (6) of the statutes is repealed.

SECTION 3763. 103.91 (3) of the statutes is amended to read:

103.91 **(3)** ANNUAL FEES. Each certificate shall be renewed annually. The fee for the certificate or renewal shall be in an amount determined by the department~~, but not to exceed $25~~.

SECTION 3764. 103.92 (1) of the statutes is amended to read:

103.92 **(1)** APPLICATION; FEE. Every person maintaining a migrant labor camp shall, annually by April 1 or 30 days prior to the opening of a new camp, make application to the department to operate a camp. Each application shall be accompanied by ~~a nonreturnable~~ an application fee in an amount determined by the department~~, but not to exceed $25~~.

SECTION 3765. 104.04 of the statutes is amended to read:

104.04 Classifications; department's authority. The department shall investigate, ascertain, determine and fix such reasonable classifications, and shall impose general or special orders, determining the living–wage, and shall carry out

the purposes of ss. 104.01 to 104.12. Such investigations, classifications and orders shall be made ~~pursuant to the proceeding in ss. 101.01 to 101.25, which are hereby made a part hereof, so far as not inconsistent with ss. 104.01 to 104.12; and every order of the department shall have the same force and effect as the orders issued pursuant to said ss. 101.01 to 101.25~~ as provided under s. 103.005, and the penalties ~~therein~~ specified in s. 103.005 (12) shall apply to and be imposed for any violation of ss. 104.01 to 104.12. The department may not establish a different minimum wage for men and women. Said orders shall be subject to review in the manner provided in ch. 227.

SECTION 3766. 105.15 of the statutes is amended to read:

105.15 General powers of department applicable; penalties. Such investigations, classifications and orders shall be made ~~pursuant to the proceeding in ss. 101.01 to 101.25, which are hereby made a part hereof, so far as not inconsistent with this chapter, and every order of the department shall have the same force and effect as the orders issued pursuant to said ss. 101.01 to 101.25~~ as provided in s. 103.005 and the penalties ~~therein~~ specified in s. 103.005 (12) shall apply to and be imposed for any violation of ss. 105.01 to 105.11 or 105.13 to 105.15. The department may also order a person who operates an employment agency in violation of s. 105.05 (1) to make refunds as provided under s. 105.16 (2). Orders issued under this section are subject to review in the manner provided in ch. 227.

SECTION 3767. Chapter 106 (title) of the statutes is amended to read:

CHAPTER 106

~~MASTER AND~~ APPRENTICE AND

EMPLOYMENT PROGRAMS

SECTION 3768. Subchapter I (title) of chapter 106 [precedes 106.01] of the statutes is created to read:

CHAPTER 106

SUBCHAPTER I

APPRENTICE PROGRAMS

SECTION 3769. 106.01 (9) of the statutes is amended to read:

106.01 **(9)** It shall be the duty of the department, and it shall have power, jurisdiction and authority, to investigate, ascertain, determine and fix such reasonable classifications and to issue rules and regulations, and general or special orders and to hold hearings and make findings and render orders thereon as shall be necessary to carry out the intent and purposes of s. 106.01. Such hearings, investigations, classifications, findings and orders shall be made ~~pursuant to the proceeding in ss. 101.01 to 101.25, which are hereby made a part hereof, so far as not inconsistent with s. 106.01; and every order of the department shall have the same force and effect as the orders issued pursuant to said ss. 101.01 to 101.25~~ as provided in s. 103.005 and the penalties ~~therein~~ specified in s. 103.005 (12) shall apply to and be imposed for any violations of s. 106.01, excepting as to the penalties provided in s. 106.01 (8). Said orders shall be subject to review in the manner provided in ch. 227.

SECTION 3770. Subchapter II (title) of chapter 106 [precedes 106.04] of the statutes is created to read:

CHAPTER 106

SUBCHAPTER II

EMPLOYMENT PROGRAMS

SECTION 3770m. 106.14 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

106.14 **(1)** The department ~~shall~~ may award grants to nonprofit corporations and public agencies for the provision of career counseling centers throughout the state.

SECTION 3770p. 106.14 (4) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

106.14 **(4)** Amounts awarded under sub. (3) ~~shall be paid from the appropriation under s. 20.445 (1) (ep),~~ may be paid in instalments and shall range from 25% to 75% of the total cost of operating the career counseling center, except that after 3 years of receiving grant funds under this section a grant recipient may receive no more than 50% of the total cost of operating the career counseling center. The department shall require the grant recipient to provide the remaining percentage share of the total project cost.

SECTION 3776. 107.30 (4) of the statutes is amended to read:

107.30 **(4)** "Department" means the department of ~~industry, labor and human relations~~ development.

SECTION 3777. 108.02 (13) (k) of the statutes is amended to read:

108.02 **(13)** (k) "Employer" does not include a county department or aging unit that serves as a fiscal agent or contracts with a fiscal intermediary to serve as a fiscal agent under s. 46.27 (5) (i) or 47.035 as to any individual performing services for a person receiving long–term support services under s. 46.27 (5) (b), 46.275, 46.277, 46.278, ~~49.52,~~ 46.495, 51.42 or 51.437 or personal assistance services under s. 47.02 (4) (c).

SECTION 3778. 108.105 of the statutes is amended to read:

108.105 Suspension of agents. The department may suspend the privilege of any agent to appear before the department at hearings under this chapter for a

specified period if the department finds that the agent has engaged in an act of fraud or misrepresentation or repeatedly failed to comply with departmental rules, or has engaged in the solicitation of a claimant solely for the purpose of appearing at a hearing as the claimant's representative for pay. Prior to imposing a suspension under this section, the secretary of industry, labor and human relations or the secretary's designee shall conduct a hearing concerning the proposed suspension. The hearing shall be conducted under ch. 227 and the decision of the department may be appealed under s. 227.52.

SECTION 3778p. 108.13 (4) (b) of the statutes is amended to read:

108.13 **(4)** (b) A claimant filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether or not he or she owes child support obligations. If any such claimant discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the department of industry, labor and human relations shall~~, upon request of the department of health and social services,~~ notify the ~~state or~~ local child support enforcement agency enforcing the obligations that the claimant has been determined to be eligible for unemployment compensation.

SECTION 3778r. 108.13 (4) (f) of the statutes is amended to read:

108.13 **(4)** (f) This subsection applies only if appropriate arrangements are made for the ~~state or~~ local child support enforcement agency to reimburse the department for administrative costs incurred by the department that are attributable to the interception of unemployment compensation for child support obligations.

SECTION 3779. 108.14 (11) of the statutes is amended to read:

108.14 **(11)** The department may require any employing unit which employs one or more individuals to perform work in this state to make such arrangements as will reasonably assure the department that the employing unit will keep such records, make such reports, and pay such contributions as are required under this chapter. Any employing unit which the department has notified, through notice served on it or sent by registered mail to its last–known address or served by publishing a notice under s. 180.1510 (4) (b) 1., that it is required to make such arrangements and which fails to do so within 20 days after such notification may, through proceedings instituted by the department in the circuit court for Dane county, be restrained from doing business in this state until it has made such arrangements.

SECTION 3780. 108.141 (6) (a) of the statutes is amended to read:

108.141 **(6)** (a) Whenever an extended benefit period is to become effective as a result of a Wisconsin "on" indicator, or an extended benefit period is to be terminated as a result of a Wisconsin "off" indicator, the secretary of industry, labor and human relations shall publish it as a class 1 notice under ch. 985.

SECTION 3781. 108.142 (5) of the statutes is amended to read:

108.142 **(5)** PUBLISH INDICATORS. Whenever a Wisconsin supplemental benefit period is to become effective as a result of a Wisconsin "on" indicator under this section, or a Wisconsin supplemental benefit period is to be terminated as a result of a Wisconsin "off" indicator under this section, the secretary of industry, labor and human relations shall publish it as a class 1 notice under ch. 985.

SECTION 3781c. 108.15 (6) (c) of the statutes is amended to read:

108.15 **(6)** (c) If such delinquency is finally established under s. 108.10, the fund's treasurer shall, in case such unit receives a share of any state tax or any type

of state aid, certify to the ~~state treasurer~~ secretary of administration the existence and amount of such delinquency.

SECTION 3781g. 108.15 (6) (d) (intro.) of the statutes is amended to read:

108.15 **(6)** (d) (intro.) Upon receipt of such certification, the ~~state treasurer~~ secretary of administration shall withhold, from each sum of any such tax or aid thereafter payable to the government unit, until the delinquency is satisfied, the lesser of the following amounts:

SECTION 3781n. 108.15 (6) (e) of the statutes is amended to read:

108.15 **(6)** (e) Any amount withheld by the ~~state treasurer~~ secretary of administration under par. (d) shall be paid by the ~~state treasurer~~ secretary of administration to the fund's treasurer, who shall duly credit such payment toward satisfying the delinquency.

SECTION 3781w. 108.20 (2) of the statutes is amended to read:

108.20 **(2)** All amounts received by the department for the administrative account shall be paid over to the ~~state treasurer~~ secretary of administration and credited to that account for the administration of this chapter and the employment service, for the payment of benefits chargeable to the account under s. 108.07 (5) and for the purposes specified in sub. (2m).

SECTION 3782. 109.07 (1m) of the statutes is amended to read:

109.07 **(1m)** Subject to sub. (5) or (6), an employer who has decided upon a business closing or mass layoff in this state shall promptly notify the subunit of the department that administers s. ~~101.27~~ 106.15, any affected employe, any collective bargaining representative of any affected employe, and the highest official of any municipality in which the affected employment site is located, in writing of such action no later than 60 days prior to the date that the business closing or mass layoff

takes place. The employer shall provide in writing all information concerning its payroll, affected employes and the wages and other remuneration owed to such employes as the department may require. The department may in addition require the employer to submit a plan setting forth the manner in which final payment in full shall be made to affected employes. The department shall promptly provide a copy of the notice required under this subsection to the department of development and shall cooperate with the department of development in the performance of its responsibilities under s. 560.15. This subsection does not apply to a business closing or mass layoff that is caused by a strike or lockout.

SECTION 3782b. 111.02 (1) of the statutes is amended to read:

111.02 **(1)** The term "all–union agreement" shall mean an agreement between an employer other than the University of Wisconsin Hospitals and Clinics Authority and the representative of the employer's employes in a collective bargaining unit whereby all or any of the employes in such unit are required to be members of a single labor organization.

SECTION 3782c. 111.02 (2) of the statutes is amended to read:

111.02 **(2)** "Collective bargaining" is the negotiating by an employer and a majority of the employer's employes in a collective bargaining unit (or their representatives) concerning representation or terms and conditions of employment of such employes, except as provided under ss. 111.05 (5) and 111.17 (2), in a mutually genuine effort to reach an agreement with reference to the subject under negotiation.

SECTION 3782e. 111.02 (3) of the statutes is amended to read:

111.02 **(3)** "Collective bargaining unit" means all of the employes of one employer (employed within the state), except as provided in s. 111.05 (5) and except that where a majority of the employes engaged in a single craft, division, department

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

SECTION 3782f. 111.02 (6) (a) of the statutes is amended to read:

111.02 **(6)** (a) "Employe" shall include any person, other than an independent contractor, working for another for hire in the state of Wisconsin in a nonconfidential, nonmanagerial, nonexecutive ~~or~~ and nonsupervisory capacity, and shall not be limited to the employes of a particular employer unless the context clearly indicates otherwise.

SECTION 3782g. 111.02 (7) of the statutes is amended to read:

111.02 **(7)** The term "employer" means a person who engages the services of an employe and includes any person acting on behalf of an employer within the scope of his or her authority, express or implied, but shall not include the state or any political subdivision thereof, or any labor organization or anyone acting in behalf of such organization other than when it is acting as an employer in fact. For purposes

of this subsection, a person who engages the services of an employe includes the University of Wisconsin Hospitals and Clinics Authority.

SECTION 3782h. 111.02 (7m) of the statutes is created to read:

111.02 **(7m)** "Fair–share agreement" means an agreement between the University of Wisconsin Hospitals and Clinics Authority and a labor organization representing employes of that authority under which all of the employes in a collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

SECTION 3782i. 111.02 (9m) of the statutes is created to read:

111.02 **(9m)** "Maintenance of membership agreement" means an agreement between the University of Wisconsin Hospitals and Clinics Authority and a labor organization representing employes of that authority which requires that all of the employes whose dues are being deducted from earnings under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employes who are hired on or after the effective date of the agreement.

SECTION 3782j. 111.02 (10m) of the statutes is created to read:

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

SECTION 3782k. 111.05 (2) of the statutes is amended to read:

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

SECTION 3782L. 111.05 (3g) of the statutes is created to read:

111.05 **(3g)** Notwithstanding subs. (3) and (4), if on June 30, 1997, there is a representative recognized or certified to represent any of the units specified in s. 111.825 (1) (f) 1., 5. or 9., that representative shall become the representative of the employes in the corresponding collective bargaining units specified in sub. (5) (a) 1. to 3., without the necessity of filing a petition or conducting an election, subject to the right of any person to file a petition under this section at any time.

SECTION 3782m. 111.05 (5) of the statutes is created to read:

111.05 **(5)** (a) Collective bargaining units for representation of the employes of the University of Wisconsin Hospitals and Clinics Authority shall include one unit for employes engaged in each of the following functions:

1. Fiscal and staff services.

2. Patient care.

3. Science.

(b) Collective bargaining units for representation of the employes of the University of Wisconsin Hospitals and Clinics Authority who are engaged in a function not specified in par. (a) shall be determined in the manner provided in this section. The creation of any collective bargaining unit for such employes is subject to approval of the commission. The commission shall not permit fragmentation of

such collective bargaining units or creation of any such collective bargaining unit that is too small to provide adequate representation of employes. In approving such collective bargaining units, the commission shall give primary consideration to the authority's needs to fulfill its statutory missions.

SECTION 3782n. 111.05 (6) of the statutes is created to read:

111.05 **(6)** If a single representative is recognized or certified to represent more than one of the collective bargaining units specified in sub. (5), that representative and the employer may jointly agree to combine the collective bargaining units, subject to the right of the employes in any of the collective bargaining units that were combined to petition for an election under subs. (3) and (3g). Any agreement under this subsection is effective upon written notice of the agreement by the parties to the commission and terminates upon written notice of termination by the parties to the commission or upon decertification of the representative entering into the agreement as representative of one of the combined collective bargaining units, whichever occurs first.

SECTION 3782no. 111.06 (1) (c) 1. of the statutes is amended to read:

111.06 **(1)** (c) 1. To encourage or discourage membership in any labor organization, employe agency, committee, association or representation plan by discrimination in regard to hiring, tenure or other terms or conditions of employment except in a collective bargaining unit where an all–union, fair–share or maintenance of membership agreement is in effect. An employer is not prohibited from entering into an all–union agreement with the voluntarily recognized representative of the employes in a collective bargaining unit, where at least a majority of such employes voting have voted affirmatively, by secret ballot, in favor of such all–union agreement in a referendum conducted by the commission, except that where the bargaining

representative has been certified by either the commission or the national labor relations board as the result of a representation election, no referendum is required to authorize the entry into such an all–union agreement. Such authorization of an all–union agreement shall be deemed to continue thereafter, subject to the right of either party to the all–union agreement to petition the commission to conduct a new referendum on the subject. Upon receipt of such petition, the commission shall determine whether there is reasonable ground to believe that the employes concerned have changed their attitude toward the all–union agreement and upon so finding the commission shall conduct a referendum. If the continuance of the all–union agreement is supported on any such referendum by a vote at least equal to that provided in this subdivision for its initial authorization, it may be continued in force thereafter, subject to the right to petition for a further vote by the procedure set forth in this subdivision. If the continuance of the all–union agreement is not thus supported on any such referendum, it is deemed terminated at the termination of the contract of which it is then a part or at the end of one year from the date of the announcement by the commission of the result of the referendum, whichever is earlier. The commission shall declare any all–union agreement terminated whenever it finds that the labor organization involved has unreasonably refused to receive as a member any employe of such employer, and each such all–union agreement shall be made subject to this duty of the commission. Any person interested may come before the commission as provided in s. 111.07 and ask the performance of this duty. Any all–union agreement in effect on October 4, 1975, made in accordance with the law in effect at the time it is made is valid.

SECTION 3782p. 111.06 (1) (d) of the statutes is amended to read:

111.06 **(1)** (d) To refuse to bargain collectively with the representative of a majority of the employer's employes in any collective bargaining unit with respect to representation or terms and conditions of employment, except as provided under ss. 111.05 (5) and 111.17 (2); provided, however, that where an employer files with the commission a petition requesting a determination as to majority representation, the employer shall not be deemed to have refused to bargain until an election has been held and the result thereof has been certified to the employer by the commission.

SECTION 3782q. 111.06 (1) (i) of the statutes is amended to read:

111.06 **(1)** (i) To deduct labor organization dues or assessments from an employe's earnings, unless the employer has been presented with an individual order therefor, signed by the employe personally, and terminable at the end of any year of its life by the employe giving at least thirty days' written notice of such termination unless there is an all–union, fair–share or maintenance of membership agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination.

SECTION 3782r. 111.06 (1) (m) of the statutes is created to read:

111.06 **(1)** (m) To fail to give the notice of intention to engage in a lockout provided in s. 111.115 (2).

SECTION 3782s. 111.06 (2) (i) of the statutes is amended to read:

111.06 **(2)** (i) To fail to give the notice of intention to engage in a strike provided in s. ~~111.11~~ 111.115 (2) or (3).

SECTION 3784. 111.07 (2) (b) 1. of the statutes is amended to read:

111.07 **(2)** (b) 1. The commission shall have the power to issue subpoenas and administer oaths. Depositions may be taken in the manner prescribed by s. ~~101.02~~

~~(14)~~ 103.005 (13) (c). No person may be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the commission on the ground that the testimony or evidence required of him or her may tend to incriminate him or her or subject him or her to a penalty or forfeiture under the laws of the state of Wisconsin; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of testifying or producing evidence, documentary or otherwise, before the commission in obedience to a subpoena issued by it; provided, that an individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SECTION 3785m. 111.075 of the statutes is created to read:

111.075 Fair–share and maintenance of membership agreements. (1) (a) No fair–share or maintenance of membership agreement may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30% of the employes in a collective bargaining unit desire that a fair–share or maintenance of membership agreement be entered into between the employer and a labor organization. A petition may specify that a referendum is requested on a maintenance of membership agreement only, in which case the ballot shall be limited to that question.

(b) For a fair–share agreement to be authorized, at least two–thirds of the eligible employes voting in a referendum shall vote in favor of the agreement. For a maintenance of membership agreement to be authorized, at least a majority of the eligible employes voting in a referendum shall vote in favor of the agreement. In a referendum on a fair–share agreement, if less than two–thirds but more than

one–half of the eligible employes vote in favor of the agreement, a maintenance of membership agreement is authorized.

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

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

(2) (a) Once authorized, a fair–share or maintenance of membership agreement shall continue in effect, subject to the right of the employer or labor

organization concerned to petition the commission to conduct a new referendum. Such petition must be supported by proof that at least 30% of the employes in the collective bargaining unit desire that the fair–share or maintenance of membership agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair–share or maintenance of membership agreement is approved in the referendum by at least the percentage of eligible voting employes required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the procedure prescribed in this subsection. If the continuation of the agreement is not supported in any referendum, it is deemed terminated at the termination of the collective bargaining agreement, or one year from the date of the certification of the result of the referendum, whichever is earlier.

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

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

(4) The commission may, under rules adopted for that purpose, appoint as its agent an official of the University of Wisconsin Hospitals and Clinics Authority to conduct the referenda provided for in this section.

(5) Notwithstanding sub. (1), if on July 1, 1997, there is a fair–share or maintenance of membership agreement in effect in any of the collective bargaining units specified in s. 111.825 (1) (f) 1., 5. or 9., that fair–share or maintenance of membership agreement shall apply to the corresponding collective bargaining unit under s. 111.05 (5) (a) 1. to 3. without the necessity of filing a petition or conducting a referendum, subject to the right of the employes in each collective bargaining unit to file a petition requesting a referendum under sub. (2) (a).

(6) This section applies only in collective bargaining units comprised of employes of the University of Wisconsin Hospitals and Clinics Authority.

SECTION 3786e. 111.09 (1) of the statutes is amended to read:

111.09 **(1)** The commission may adopt reasonable and proper rules and regulations relative to the exercise of its powers and authority and proper rules to govern its proceedings and to regulate the conduct of all elections and hearings. The commission shall, upon request, provide a transcript of a proceeding to any party to the proceeding for a fee ~~prescribed~~, established by rule, by the commission at a uniform rate ~~of not less than 60 cents~~ per page. All transcript fees shall be ~~deposited into the general fund~~ credited to the appropriation account under s. 20.425 (1) (i), except that fees collected in excess of ~~60 cents~~ the uniform rate per page for any transcript produced by a reporter who is not employed by the commission shall be ~~deposited under~~ credited to the appropriation ~~in~~ account under s. 20.425 (1) (g).

SECTION 3786s. 111.09 (2) of the statutes is amended to read:

111.09 **(2)** The commission shall assess and collect a filing fee ~~of $25 from the party or parties~~ for filing a complaint alleging that an unfair labor practice has been committed under s. 111.06. The commission shall assess and collect a filing fee ~~of $25 from the party or parties~~ for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.10. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.11. The commission shall assess and collect a filing fee for filing a request that the commission initiate arbitration under s. 111.10. For the performance of commission actions under ss. 111.10 and 111.11, the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that an unfair labor practice has been committed under s. 111.06, the commission shall require that the party filing the complaint pay the entire fee. If ~~such a~~ any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the labor dispute, the commission may not subsequently assess or collect a filing fee to initiate arbitration to resolve the same labor dispute. If any request for the performance of commission actions concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection, except that the commission may not require a filing fee that exceeds $225 per request or case. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for mediation or arbitration. A complaint or request for mediation or arbitration is not filed until the date such fee

or fees are paid. Fees collected under this subsection shall be ~~deposited as general purpose revenue—earned~~ credited to the appropriation account under s. 20.425 (1) (i).

SECTION 3787g. 111.10 of the statutes is amended to read:

111.10 Arbitration. Parties to a dispute pertaining to the meaning or application of the terms of a written collective bargaining agreement may agree in writing to have the commission serve as arbitrator. Parties to a labor dispute may agree in writing to have the commission act or name arbitrators in all or any part of such dispute, and thereupon the commission shall have the power so to act. The commission shall appoint as arbitrators only competent, impartial and disinterested persons. Proceedings in any such arbitration shall be as provided in ch. 788.

SECTION 3787u. 111.11 (1) of the statutes is renumbered 111.11.

SECTION 3789b. 111.11 (2) of the statutes is renumbered 111.115 (3).

SECTION 3789bc. 111.115 of the statutes is created to read:

111.115 Notice of certain proposed lockouts or strikes. (1) In this subsection:

(a) "Lockout" means the barring of one or more employes from their employment in an establishment by an employer as a part of a labor dispute, which is not directly subsequent to a strike or other job action of a labor organization or group of employes of the employer, or which continues or occurs after the termination of a strike or other job action of a labor organization or group of employes of the employer.

(b) "Strike" includes any concerted stoppage of work by employes, and any concerted slowdown or other concerted interruption of operations or services by

employes, or any concerted refusal of employes to work or perform their usual duties as employes, for the purpose of enforcing demands upon an employer.

(2) If no collective bargaining agreement is in effect between the University of Wisconsin Hospitals and Clinics Authority and the recognized or certified representative of employes of that authority in a collective bargaining unit, the employer shall not engage in a lockout affecting employes in that collective bargaining unit without first giving 10 days' written notice to the representative of its intention to engage in a lockout, and the representative shall not engage in a strike without first giving 10 days' written notice to the employer of its intention to engage in a strike.

SECTION 3789m. 111.17 of the statutes is amended to read:

111.17 Conflict of provisions; effect. Wherever the application of the provisions of other statutes or laws conflict with the application of the provisions of this subchapter, this subchapter shall prevail, ~~provided~~ except that ~~in:~~

(1) In any situation where the provisions of this subchapter cannot be validly enforced the provisions of such other statutes or laws shall apply.

SECTION 3789r. 111.17 (2) of the statutes is created to read:

111.17 **(2)** All fringe benefits authorized or required to be provided by the University of Wisconsin Hospitals and Clinics Authority to its employes under ch. 40 shall be governed exclusively by ch. 40, except that where any provision of ch. 40 specifically permits a collective bargaining agreement under this subchapter to govern the eligibility for or the application, cost or terms of a fringe benefit under ch. 40, or provides that the eligibility for or the application, cost or terms of a fringe benefit under ch. 40 shall be governed by a collective bargaining agreement under this subchapter, a collective bargaining agreement may contain a provision so

governing and such a provision supersedes any provision of ch. 40 with respect to the employes to whom the agreement applies. The employer is prohibited from engaging in collective bargaining concerning any matter governed exclusively by ch. 40 under this subsection.

SECTION 3790. 111.39 (2) of the statutes is amended to read:

111.39 **(2)** In carrying out this subchapter the department and its duly authorized agents are empowered to hold hearings, subpoena witnesses, take testimony and make investigations in the manner provided in ~~ch. 101~~ s. 103.005. The department or its duly authorized agents may privilege witnesses testifying before them under the provisions of this subchapter against self–incrimination.

SECTION 3791. 111.39 (4) (d) of the statutes is amended to read:

111.39 **(4)** (d) The department shall serve a certified copy of the findings and order on the respondent, the order to have the same force as other orders of the department and be enforced as provided in ~~ch. 101~~ s. 103.005. Any person aggrieved by noncompliance with the order may have the order enforced specifically by suit in equity. If the examiner finds that the respondent has not engaged in discrimination, unfair honesty testing or unfair genetic testing as alleged in the complaint, the department shall serve a certified copy of the examiner's findings on the complainant together with an order dismissing the complaint.

SECTION 3792. 111.395 of the statutes is amended to read:

111.395 Judicial review. Findings and orders of the commission under this subchapter are subject to review under ch. 227. Orders of the commission shall have the same force as orders of the department under ~~ch. 101~~ chs. 103 to 106 and may be enforced as provided in s. ~~101.02~~ 103.005 (11) and (12) ~~and (13)~~ or specifically by a suit in equity. In any enforcement action the merits of any order of the commission

are not subject to judicial review. Upon such review, or in any enforcement action, the department of justice shall represent the commission.

SECTION 3793. 111.70 (1) (a) of the statutes is amended to read:

111.70 **(1)** (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representatives of its employes, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employe to perform law enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employes under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the employes. In creating this subchapter the legislature recognizes that the public employer must exercise its powers and responsibilities to act for the government and good order of the municipality, its commercial benefit and the health, safety and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to public employes by the constitutions of this state and of the United States and by this subchapter.

SECTION 3794. 111.70 (1) (ne) of the statutes is amended to read:

111.70 **(1)** (ne) "School district professional employe" means a municipal employe who is employed by a school district, who holds a license issued by the ~~state superintendent~~ department of ~~public instruction~~ education under s. 115.28 (7), and whose employment requires that license.

SECTION 3800. 111.70 (4) (d) 2. a. of the statutes is amended to read:

111.70 **(4)** (d) 2. a. The commission shall determine the appropriate bargaining unit for the purpose of collective bargaining and shall whenever possible, unless otherwise required under this subchapter, avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force. In making such a determination, the commission may decide whether, in a particular case, the employes in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit. Before making its determination, the commission may provide an opportunity for the employes concerned to determine, by secret ballot, whether or not they desire to be established as a separate collective bargaining unit. The commission shall not decide, however, that any unit is appropriate if the unit includes both professional employes and nonprofessional employes, unless a majority of the professional employes vote for inclusion in the unit. The commission shall not decide that any unit is appropriate if the unit includes both craft and noncraft employes unless a majority of the craft employes vote for inclusion in the unit. The commission shall place the professional employes who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional employes whenever at least 30% of those professional employes request an election to be held to determine that issue and a majority of the professional employes at the charter school who cast votes in the election decide to

be represented in a separate collective bargaining unit. Any vote taken under this subsection shall be by secret ballot.

SECTION 3801. 111.70 (4) (m) of the statutes is created to read:

111.70 **(4)** (m) *Prohibited subjects of bargaining.* In a school district, the municipal employer is prohibited from bargaining collectively with respect to:

1. Reassignment of municipal employes who perform services for a board of school directors under ch. 119, with or without regard to seniority, as a result of a decision of the board of school directors to contract with an individual or group to operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school to a charter school, or the impact of any such reassignment on the wages, hours or conditions of employment of the municipal employes who perform those services.

2. Reassignment of municipal employes who perform services for a board of school directors, with or without regard to seniority, as a result of the decision of the board to close or reopen a school under s. 119.18 (23), or the impact of any such reassignment on the wages, hours or conditions of employment of the municipal employes who perform those services.

4. Any decision of a board of school directors to contract with a school or agency to provide educational programs under s. 119.235, or the impact of any such decision on the wages, hours or conditions of employment of the municipal employes who perform services for the board.

SECTION 3803d. 111.71 (1) of the statutes is amended to read:

111.71 **(1)** The commission may adopt reasonable rules relative to the exercise of its powers and authority and proper rules to govern its proceedings and to regulate the conduct of all elections and hearings. The commission shall, upon request, provide a transcript of a proceeding to any party to the proceeding for a fee

~~prescribed~~, established by rule, by the commission at a uniform rate ~~of not less than 60 cents~~ per page. All transcript fees shall be ~~deposited into the general fund~~ credited to the appropriation account under s. 20.425 (1) (i), except that fees collected in excess of ~~60 cents~~ the uniform rate per page for any transcript produced by a reporter who is not employed by the commission shall be ~~deposited under~~ credited to the appropriation ~~in~~ account under s. 20.425 (1) (g).

SECTION 3803p. 111.71 (2) of the statutes is amended to read:

111.71 **(2)** The commission shall assess and collect a filing fee ~~of $25 from the party or parties~~ for filing a complaint alleging that a prohibited practice has been committed under s. 111.70 (3). The commission shall assess and collect a filing fee ~~of $25 from the party or parties~~ for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.70 (4) (c) 2. or (cm) 4. The commission shall assess and collect a filing fee for filing a request that the commission initiate fact–finding under s. 111.70 (4) (c) 3. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.70 (4) (c) 1. or (cm) 3. The commission shall assess and collect a filing fee for filing a request that the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) (cm) 6. or (jm) or 111.77 (3). For the performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (cm) 3., 4. and 6. and (jm) and 111.77 (3), the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that a prohibited practice has been committed under s. 111.70 (3), the commission shall require that the party filing the complaint pay the entire fee. If ~~such a~~ any party has paid a filing fee requesting the commission to act as a mediator

for a labor dispute and the parties do not enter into a voluntary settlement of the labor dispute, the commission may not subsequently assess or collect a filing fee to initiate fact–finding or arbitration to resolve the same labor dispute. If any request for the performance of commission actions concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection, except that the commission may not require a filing fee that exceeds $225 per request or case. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact–finding, mediation or arbitration. A complaint or request for fact–finding, mediation or arbitration is not filed until the date such fee or fees are paid, except that the failure of the respondent party to pay the filing fee for having the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) (cm) 6. or (jm) or 111.77 (3) shall not prohibit the commission from initiating such arbitration. The commission may initiate collection proceedings against the respondent party for the payment of the filing fee. Fees collected under this subsection shall be ~~deposited as general purpose revenue—earned~~ credited to the appropriation account under s. 20.425 (1) (i).

SECTION 3803t. 111.71 (2) of the statutes, as affected by 1993 Wisconsin Act 16 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

111.71 **(2)** The commission shall assess and collect a filing fee for filing a complaint alleging that a prohibited practice has been committed under s. 111.70 (3). The commission shall assess and collect a filing fee for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.70 (4) (c) 2. The

commission shall assess and collect a filing fee for filing a request that the commission initiate fact–finding under s. 111.70 (4) (c) 3. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.70 (4) (c) 1. The commission shall assess and collect a filing fee for filing a request that the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) (jm) or 111.77 (3). For the performance of commission actions under ss. 111.70 (4) (c) 1., 2. and 3., (jm) and 111.77 (3), the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that a prohibited practice has been committed under s. 111.70 (3), the commission shall require that the party filing the complaint pay the entire fee. If any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the dispute, the commission may not subsequently assess or collect a filing fee to initiate fact–finding or arbitration to resolve the same labor dispute. If any request for the performance of commission actions concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection, except that the commission may not require a filing fee that exceeds $225 per request or case. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact–finding, mediation or arbitration. A complaint or request for fact–finding, mediation or arbitration is not filed until the date such fee or fees are paid, except that the failure of the respondent party to pay the filing fee for having the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) (jm)

or 111.77 (3) shall not prohibit the commission from initiating such arbitration. The commission may initiate collection proceedings against the respondent party for the payment of the filing fee. Fees collected under this subsection shall be credited to the appropriation account under s. 20.425 (1) (i).

SECTION 3806. 111.80 (1) of the statutes is amended to read:

111.80 **(1)** It recognizes that there are 3 major interests involved: that of the public, that of the ~~state~~ employe and that of the ~~state as an~~ employer. These 3 interests are to a considerable extent interrelated. It is the policy of this state to protect and promote each of these interests with due regard to the situation and to the rights of the others.

SECTION 3807. 111.80 (2) of the statutes is amended to read:

111.80 **(2)** Orderly and constructive employment relations for ~~state~~ employes and the efficient administration of state government are promotive of all these interests. They are largely dependent upon the maintenance of fair, friendly and mutually satisfactory employe management relations in state employment, and the availability of suitable machinery for fair and peaceful adjustment of whatever controversies may arise. It is recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding state employment relations, neither party has any right to engage in acts or practices which jeopardize the public safety and interest and interfere with the effective conduct of public business.

SECTION 3808. 111.80 (3) of the statutes is amended to read:

111.80 **(3)** Where permitted under this subchapter, negotiations of terms and conditions of state employment should result from voluntary agreement between the state and its agents as ~~an~~ employer, and its employes. For that purpose ~~a state~~ an

employe may, if the employe desires, associate with others in organizing and in bargaining collectively through representatives of the employe's own choosing without intimidations or coercion from any source.

SECTION 3809. 111.80 (4) of the statutes is amended to read:

111.80 **(4)** It is the policy of this state, in order to preserve and promote the interests of the public, the ~~state~~ employe and the ~~state as an~~ employer alike, to encourage the practices and procedures of collective bargaining in state employment subject to the requirements of the public service and related laws, rules and policies governing state employment, by establishing standards of fair conduct in state employment relations and by providing a convenient, expeditious and impartial tribunal in which these interests may have their respective rights determined.

SECTION 3810. 111.81 (7) (d) of the statutes is created to read:

111.81 **(7)** (d) Individuals employed by the University of Wisconsin Hospitals and Clinics Authority who hold positions that would be included in the classified service if the individuals were employed by the state, except supervisors, management employes and individuals who are privy to confidential matters affecting the employer–employe relationship.

SECTION 3811. 111.81 (7) (d) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 3812. 111.81 (12) (intro.) of the statutes is amended to read:

111.81 **(12)** (intro.) "Labor organization" means any employe organization whose purpose is to represent ~~state~~ employes in collective bargaining with the ~~state~~ employer, or its agents, on matters pertaining to terms and conditions of employment; but the term shall not include any organization:

SECTION 3815. 111.81 (15) (a) (intro.) of the statutes is amended to read:

111.81 **(15)** (a) (intro.) Any employe in the classified service or any employe of the University of Wisconsin Hospitals and Clinics Authority who is engaged in work:

SECTION 3816. 111.81 (15) (a) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

111.81 **(15)** (a) (intro.) Any employe in the classified service who is engaged in work:

SECTION 3817. 111.81 (15) (b) (intro.) of the statutes is amended to read:

111.81 **(15)** (b) (intro.) Any employe in the classified service or any employe of the University of Wisconsin Hospitals and Clinics Authority who:

SECTION 3818. 111.81 (15) (b) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

111.81 **(15)** (b) (intro.) Any employe in the classified service who:

SECTION 3819. 111.815 (1) of the statutes is amended to read:

111.815 **(1)** In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The department shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the executive branch shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications thereof. The department is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies and the University of Wisconsin Hospitals and Clinics Authority on matters of ~~agency~~ concern to the agencies or the authority. The legislative branch shall act upon those portions of tentative agreements negotiated by the executive branch which require legislative action.

SECTION 3820. 111.815 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

111.815 **(1)** In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The department shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the department shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications thereof. Except with respect to the collective bargaining units specified in s. 111.825 (1m), the department is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the department which require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible for the employer functions under this subchapter.

SECTION 3820b. 111.815 (2) of the statutes is amended to read:

111.815 **(2)** In the furtherance of the policy under s. 111.80 (4), the secretary of the department shall establish a collective bargaining capability within the department outside of the division of merit recruitment and selection and shall, together with the appointing authorities or their representatives, represent the state in its responsibility as an employer under this subchapter <u>except with respect to negotiations in the collective bargaining units specified in s. 111.825 (1m)</u>. The

secretary of the department shall establish and maintain, wherever practicable, consistent employment relations policies and practices throughout the state service.

SECTION 3821. 111.82 of the statutes is amended to read:

111.82 (title) **Rights of ~~state~~ employes.** ~~State employes~~ Employes shall have the right of self–organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. ~~Such employes~~ Employes shall also have the right to refrain from any or all of such activities.

SECTION 3822. 111.825 (1) (intro.) of the statutes is amended to read:

111.825 **(1)** (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employes in the classified service of the state and for employes of the University of Wisconsin Hospitals and Clinics Authority are structured on a statewide basis with one collective bargaining unit for each of the following occupational groups:

SECTION 3823. 111.825 (1) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

111.825 **(1)** (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employes in the classified service of the state, except employes in the collective bargaining units specified in s. 111.825 (1m), are structured on a

statewide basis with one collective bargaining unit for each of the following occupational groups:

SECTION 3823b. 111.825 (1m) of the statutes is created to read:

111.825 **(1m)** Collective bargaining units for employes in the classified service of the state who are employed by the University of Wisconsin Hospitals and Clinics Board are structured with one collective bargaining unit for each of the following occupational groups:

(a) Clerical and related.

(b) Blue collar and nonbuilding trades.

(c) Building trades crafts.

(d) Security and public safety.

(e) Technical.

SECTION 3823c. 111.825 (3) of the statutes is amended to read:

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

SECTION 3823d. 111.825 (4) of the statutes is amended to read:

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

~~(2) (d) may only be filed during the period commencing on July 2, 1990, and ending on December 31, 1990.~~

SECTION 3823e. 111.825 (4m) of the statutes is created to read:

111.825 **(4m)** If a single representative is recognized or certified to represent more than one of the collective bargaining units specified in sub. (1m), that representative and the employer may jointly agree to combine the collective bargaining units, subject to the right of the employes in any of the collective bargaining units that were combined to petition for an election under s. 111.83 (6) and (7). Any agreement under this subsection is effective upon written notice of the agreement by the parties to the commission and terminates upon written notice of termination by the parties to the commission or upon decertification of the representative entering into the agreement as representative of one of the combined collective bargaining units, whichever occurs first.

SECTION 3824m. 111.83 (7) of the statutes is created to read:

111.83 **(7)** Notwithstanding subs. (1), (3) and (6) and s. 111.825 (4), if on July 1, 1997, there is a representative recognized or certified to represent the employes in any of the collective bargaining units specified in s. 111.825 (1) (a) to (e), that representative shall become the representative of the employes in the corresponding collective bargaining units specified in s. 111.825 (1m) (a) to (e), without the necessity of filing a petition or conducting an election, subject to the right of any person to file a petition under this section during October 1998 or at any subsequent time when sub. (6) applies.

SECTION 3825. 111.84 (1) (a) of the statutes is amended to read:

111.84 **(1)** (a) To interfere with, restrain or coerce ~~state~~ employes in the exercise of their rights guaranteed in s. 111.82.

SECTION 3826. 111.84 (1) (b) of the statutes is amended to read:

111.84 **(1)** (b) Except as otherwise provided in this paragraph, to initiate, create, dominate or interfere with the formation or administration of any labor or employe organization or contribute financial support to it. Except as provided in ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin retirement system under ch. 40 and no action by the employer that is authorized by such a law constitutes a violation of this paragraph unless an applicable collective bargaining agreement specifically prohibits the change or action. No such change or action affects the continuing duty to bargain collectively regarding the Wisconsin retirement system under ch. 40 to the extent required by s. 111.91. It is not an unfair labor practice for the employer to reimburse ~~state employes at their~~ an employe at his or her prevailing wage rate for the time spent during the employe's regularly scheduled hours conferring with the employer's officers or agents and for attendance at commission or court hearings necessary for the administration of this subchapter. Professional supervisory or craft personnel may maintain membership in professional or craft organizations; however, as members of such organizations they shall be prohibited from those activities related to collective bargaining in which the organizations may engage.

SECTION 3827. 111.84 (1) (e) of the statutes is amended to read:

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

SECTION 3828. 111.85 (4) of the statutes is amended to read:

111.85 **(4)** The commission may, under rules adopted for that purpose, appoint as its agent an official of ~~the~~ a state ~~department or~~ agency ~~involved~~ or the University of Wisconsin Hospitals and Clinics Authority whose employes are entitled to vote in a referendum to conduct ~~the referenda~~ a referendum provided for herein.

SECTION 3829. 111.85 (4) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

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

SECTION 3829m. 111.85 (5) of the statutes is created to read:

111.85 **(5)** Notwithstanding sub. (1), if on July 1, 1997, there is a fair–share or maintenance of membership agreement in effect in any of the collective bargaining units specified in s. 111.825 (1) (a) to (e), that fair–share or maintenance of membership agreement shall apply to the corresponding collective bargaining unit under s. 111.825 (1m) (a) to (e) without the necessity of filing a petition or conducting a referendum, subject to the right of the employes in each collective bargaining unit to file a petition requesting a referendum under sub. (2) (a).

SECTION 3830. 111.86 of the statutes is renumbered 111.86 (1) and amended to read:

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

SECTION 3831. 111.86 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

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

SECTION 3832. 111.86 (2) of the statutes is created to read:

111.86 **(2)** The department shall charge a state department or agency the employer's share of the cost related to grievance arbitration under sub. (1) for any arbitration that involves one or more employes of the state department or agency. Each state department or agency so charged shall pay the amount that the department charges from the appropriation account or accounts used to pay the salary of the grievant. Funds received under this subsection shall be credited to the appropriation account under s. 20.512 (1) (km).

SECTION 3835. 111.89 (2) (intro.) of the statutes is amended to read:

111.89 **(2)** (intro.) The occurrence of a strike and the participation therein by ~~a state~~ an employe do not affect the rights of the employer, in law or in equity, to deal with the strike, including:

SECTION 3836. 111.90 (1) of the statutes is amended to read:

111.90 **(1)** Carry out the statutory mandate and goals assigned to ~~the~~ a state agency ~~utilizing personnel,~~ or the University of Wisconsin Hospitals and Clinics Authority by the most appropriate and efficient methods and means and utilize personnel in the most appropriate and efficient manner possible.

SECTION 3837. 111.90 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

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

SECTION 3838. 111.90 (2) of the statutes is amended to read:

111.90 **(2)** Manage the employes of ~~the~~ a state agency or the University of Wisconsin Hospitals and Clinics Authority; hire, promote, transfer, assign or retain employes in positions within the agency or authority; and in that regard establish reasonable work rules.

SECTION 3839. 111.90 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

111.90 **(2)** Subject to s. 111.91 (1) (am), manage the employes of a state agency; hire, promote, transfer, assign or retain employes in positions within the agency; and in that regard establish reasonable work rules.

SECTION 3839m. 111.91 (1) (am) of the statutes is created to read:

111.91 **(1)** (am) In collective bargaining units specified in s. 111.825 (1m), the right of the employer to transfer employes from one position to another position and the right of employes to be transferred from one position to another position is a subject of bargaining.

SECTION 3840. 111.91 (2) (a) of the statutes is amended to read:

111.91 **(2)** (a) The mission and goals of state agencies and the University of Wisconsin Hospitals and Clinics Authority as set forth in the statutes.

SECTION 3841. 111.91 (2) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

111.91 **(2)** (a) The mission and goals of state agencies as set forth in the statutes.

SECTION 3841m. 111.91 (4) of the statutes is amended to read:

111.91 **(4)** The secretary of the department, in connection with the development of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a), shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employes or supervisors of employes specified in s. 111.81 (7) (a) and with each certified labor organization representing employes specified in s. 111.81 (7) (b) or (c) which do not contain any provision for the payment to any employe of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employe has been employed by the state.

SECTION 3841n. 111.92 (1) of the statutes is renumbered 111.92 (1) (a) and amended to read:

111.92 **(1)** (a) Any tentative agreement reached between the department, acting for the ~~executive branch~~ state, and any labor organization representing a collective bargaining unit specified in s. 111.825 (1) or (2) shall, after official ratification by the labor organization, be submitted by the department to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval. If the committee approves the tentative agreement, it shall introduce in a bill or companion bills, to be put on the calendar or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed amendments, deletions or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,

however, submit suitable portions of the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee's concurrence with the matters under consideration and which recommends the passage of such legislation without change. If the joint committee on employment relations does not approve the tentative agreement, it shall be returned to the parties for renegotiation. If the legislature does not adopt without change that portion of the tentative agreement introduced by the joint committee on employment relations, the tentative agreement shall be returned to the parties for renegotiation.

SECTION 3841p. 111.92 (1) (b) of the statutes is created to read:

111.92 **(1)** (b) Any tentative agreement reached between the University of Wisconsin Hospitals and Clinics Board, acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.825 (1m) shall, after official ratification by the labor organization, be executed by the parties.

SECTION 3842. 111.92 (5) of the statutes is amended to read:

111.92 **(5)** Notwithstanding any other provision of the statutes, all compensation adjustments for ~~state~~ employes shall be effective on the beginning date of the pay period nearest the statutory or administrative date.

SECTION 3843e. 111.94 (1) of the statutes is amended to read:

111.94 **(1)** The commission may adopt reasonable and proper rules relative to the exercise of its powers and authority and proper rules to govern its proceedings and to regulate the conduct of all elections and hearings. The commission shall, upon request, provide a transcript of a proceeding to any party to the proceeding for a fee ~~prescribed~~, established by rule, by the commission at a uniform rate ~~of not less than~~

~~60 cents~~ per page. All transcript fees shall be ~~deposited into the general fund~~ credited to the appropriation account under s. 20.425 (1) (i), except that fees collected in excess of ~~60 cents~~ the uniform rate per page for any transcript produced by a reporter who is not employed by the commission shall be ~~deposited under~~ credited to the appropriation ~~in~~ account under s. 20.425 (1) (g).

SECTION 3843s. 111.94 (2) of the statutes is amended to read:

111.94 **(2)** The commission shall assess and collect a filing fee ~~of $25 from the party or parties~~ for filing a complaint alleging that an unfair labor practice has been committed under s. 111.84. The commission shall assess and collect a filing fee ~~of $25 from the party or parties~~ for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.86. The commission shall assess and collect a filing fee for filing a request that the commission initiate fact–finding under s. 111.88. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.87. For the performance of commission actions under s. 111.86, 111.87 and 111.88, the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that an unfair labor practice has been committed under s. 111.84, the commission shall require that the party filing the complaint pay the entire fee. If ~~such a~~ any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the labor dispute, the commission may not subsequently assess or collect a filing fee to initiate fact–finding to resolve the same labor dispute. If any request concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be

treated as a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection, except that the commission may not require a filing fee that exceeds $225 per request or case. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact–finding, mediation or arbitration. A complaint or request for fact–finding, mediation or arbitration is not filed until the date such fee or fees are paid. Fees collected under this subsection shall be ~~deposited as general purpose revenue—earned~~ credited to the appropriation account under s. 20.425 (1) (i).

SECTION 3844. 112.07 (1) of the statutes is amended to read:

112.07 **(1)** Notwithstanding any other provision of the statutes, any fiduciary, as defined in s. 112.01 (1) (b), who is holding securities in a fiduciary capacity, any bank or trust company holding securities as a custodian or managing agent, and any bank or trust company holding securities as custodian for a fiduciary may deposit or arrange for the deposit of such securities in a clearing corporation as defined in s. 408.102 (1) (c). When the securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of the clearing corporation with any other such securities deposited in that clearing corporation by any person regardless of the ownership of the securities, and certificates of small denomination may be merged into one or more certificates of larger denomination. The records of the fiduciary and the records of the bank or trust company acting as custodian, as managing agent or as custodian for a fiduciary shall at all times show the name of the party for whose account the securities are so deposited. Ownership of, and other interests in, the securities may be transferred by bookkeeping entry on the books of the clearing corporation without physical delivery of certificates representing the securities. A bank or trust company

which deposits securities pursuant to this section shall be subject to such rules and regulations as, in the case of state chartered institutions, the ~~commissioner~~ division of banking and, in the case of national banking associations, the comptroller of the currency may from time to time issue. A bank or trust company acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities deposited by the bank or trust company in a clearing corporation pursuant to this section for the account of the fiduciary. A fiduciary shall, on demand by any party to a judicial proceeding for the settlement of the fiduciary's account or on demand by the attorney for such a party, certify in writing to the party the securities deposited by the fiduciary in the clearing corporation for its account as such fiduciary.

SECTION 3845. Chapter 115 (title) of the statutes is amended to read:

CHAPTER 115

~~STATE SUPERINTENDENT~~ DEPARTMENT

OF EDUCATION; GENERAL

CLASSIFICATIONS AND DEFINITIONS;

SECTION 3846. 115.001 (13m) of the statutes is created to read:

115.001 **(13m)** SECRETARY. "Secretary" means the secretary of education.

SECTION 3847. Subchapter II (title) of chapter 115 [precedes 115.28] of the statutes is amended to read:

CHAPTER 115

SUBCHAPTER II

~~STATE SUPERINTENDENT~~ DEPARTMENT

OF ~~PUBLIC INSTRUCTION~~ EDUCATION

SECTION 3847g. 115.28 (3m) of the statutes is renumbered 115.28 (3m) (a) and amended to read:

115.28 **(3m)** (a) Supervise and audit the receipts and expenditures of the cooperative educational service agencies, conduct program review of the agencies, approve agency evaluations, supervise boundary reorganization where necessary, advise the administrators of the agencies and provide assistance in organizing the agencies throughout the state. ~~The state superintendent shall adopt~~

(b) Promulgate rules establishing procedures for the reorganization of cooperative educational service agencies and boundary appeals.

SECTION 3847r. 115.28 (3m) (c) of the statutes is created to read:

115.28 **(3m)** (c) Every 3rd year as scheduled by the department, report to the appropriate standing committees of the legislature under s. 13.172 (3) on all cooperative educational service agency programs and services. The report shall include information on the efficiency and effectiveness of the programs and services.

SECTION 3848. 115.28 (7) (a) of the statutes is amended to read:

115.28 **(7)** (a) License all teachers for the public schools of the state, make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192 and 118.195, prescribe by rule standards and procedures for the approval of teacher preparatory programs leading to licensure, file in ~~his or her~~ the secretary's office all papers relating to state teachers' licenses and register each such license.

SECTION 3849. 115.28 (7m) of the statutes is amended to read:

115.28 **(7m)** CERTIFICATION OF SCHOOL NURSES. Certify school nurses, make rules for the examination and certification of school nurses and file in the

~~superintendent's~~ secretary's office all papers relating to school nurses certification and register each such certification.

SECTION 3849m. 115.28 (20) (intro.) of the statutes is amended to read:

115.28 **(20)** COUNCIL FOR MILWAUKEE PUBLIC SCHOOLS GRANT PROGRAMS. (intro.) ~~Appoint~~ At the commencement of each gubernatorial term of office, appoint a council under s. 15.04 (1) (c) composed of residents of the school district established under ch. 119 who are selected to reflect the pluralistic nature of the school district. The council shall:

SECTION 3850. 115.28 (20) (a) of the statutes is amended to read:

115.28 **(20)** (a) Advise the ~~state superintendent~~ secretary on funding criteria and evaluation plans for grant programs for the school district operating under ch. 119.

SECTION 3851. 115.28 (20) (b) of the statutes is amended to read:

115.28 **(20)** (b) Advise the ~~state superintendent~~ secretary on the programs that meet or do not meet the funding criteria.

SECTION 3852. 115.28 (20) (c) of the statutes is amended to read:

115.28 **(20)** (c) Assist the ~~state superintendent~~ secretary in monitoring the progress of funded programs.

SECTION 3853. 115.28 (20) (d) of the statutes is amended to read:

115.28 **(20)** (d) Recommend to the ~~state superintendent~~ secretary needed changes in statutes or rules relating to grant programs.

SECTION 3854. 115.28 (20) (e) of the statutes is amended to read:

115.28 **(20)** (e) Submit to the ~~state superintendent~~ secretary an annual report detailing the council's activities, accomplishments and projected needs.

SECTION 3854m. 115.28 (21) of the statutes is amended to read:

115.28 **(21)** YOUTH INITIATIVES PROGRAM. Administer grants to local community organizations for standardized assessment and programs for instruction in basic skills and work experience under the youth initiatives program. The state superintendent may require a school board to provide matching funds at any percentage. The match may be in the form of money or in–kind services or both. The state superintendent shall establish, by rule, performance standards for the youth initiatives program and shall monitor performances by grantees. This subsection does not apply after June 30, 1996.

SECTION 3855. 115.28 (24) of the statutes is amended to read:

115.28 **(24)** PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to local community organizations under sub. (21), and to school boards under ~~s.~~ ss. 115.36, and 115.362 ~~and 118.019 (6) and to cooperative educational service agencies under s. 118.019 (6)~~, and in awarding grants from federal funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 1602 (b) (1), to programs that provide more than one of the educational services specified under sub. (21), s. 115.36, 115.362, 115.915, 118.01 (2) (d) 7. or 8., ~~118.019 (6)~~ or 118.153 or 20 USC 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 1602 (b) (1).

SECTION 3855m. 115.28 (25) of the statutes is repealed.

SECTION 3856. 115.28 (27) of the statutes is amended to read:

115.28 **(27)** WISCONSIN GEOGRAPHY ALLIANCE. Annually allocate the amount in the appropriation under s. 20.255 ~~(1)~~ (3) (ec) to the Wisconsin geography alliance to train teachers and develop curricula for primary and secondary education in geography. This subsection does not apply after June 30, 1996.

SECTION 3857m. 115.28 (35) of the statutes is amended to read:

115.28 **(35)** GRANTS FOR COLLABORATIVE PROJECTS. From the appropriation under s. 20.255 (2) (ef), award a $300,000 grant to a rural school district, a suburban school district and an urban school district, other than the school district operating under ch. 119, for projects, conducted in collaboration with the county social services department or the county human services department, that integrate social services and school responsibilities as they relate to pupils and their parents. One–third of the total grant amount shall be paid in each of 3 consecutive school years. The state superintendent shall give preference in awarding grants to projects that provide for the delivery of services in a single location. No grant may be awarded under this subsection after June 30, 1996.

SECTION 3858. 115.28 (38) of the statutes is amended to read:

115.28 **(38)** (title) REPORTING OF PUPILS ATTENDING ~~VOCATIONAL SCHOOLS~~ TECHNICAL COLLEGES. In consultation with the technical college system board ~~of vocational, technical and adult education~~, promulgate rules establishing a uniform format for school boards to use in reporting the number of pupils attending ~~vocational,~~ technical ~~and adult education~~ college districts under ss. 118.15 (1) (b), (cm) and (d) and 118.37 and in reporting pupil participation in technical preparation programs under s. 118.34, including the number of courses taken for advanced standing in a ~~vocational,~~ technical ~~and adult education~~ college district's associate degree program and for ~~vocational,~~ technical ~~and adult education~~ college credit. The format shall be identical to the format established by the technical college system board ~~of vocational, technical and adult education~~ under s. 38.04 (11) (a) 2.

SECTION 3859. 115.29 (intro.) of the statutes is amended to read:

115.29 General powers. (intro.) The ~~state superintendent~~ secretary may:

SECTION 3860. 115.29 (1) of the statutes is amended to read:

115.29 **(1)** DESIGNATE REPRESENTATIVE. Designate the deputy ~~state superintendent~~ secretary or another employe of the department as the ~~state superintendent's~~ secretary's representative on any body on which the ~~state superintendent~~ secretary is required to serve, except the board of regents of the university of Wisconsin system.

SECTION 3861. 115.29 (2) of the statutes is amended to read:

115.29 **(2)** EDUCATIONAL MEETINGS. Attend such educational meetings and make such investigations as the ~~state superintendent~~ secretary deems important and as will acquaint the ~~state superintendent~~ secretary with the different systems of public schools in the United States.

SECTION 3863. 115.29 (4) of the statutes is amended to read:

115.29 **(4)** HIGH SCHOOL GRADUATION EQUIVALENCY. Grant declarations of equivalency of high school graduation to persons, if in the ~~state superintendent's~~ secretary's judgment they have presented satisfactory evidence of having completed a recognized high school course of study or its equivalent. The ~~state superintendent~~ secretary may establish the standards by which high school graduation equivalency is determined. Such standards may consist of evidence of high school courses completed in high schools recognized by the proper authorities as accredited, results of examinations given by or at the request of the ~~state superintendent~~ secretary, successful completion of correspondence study courses given by acceptable correspondence study schools, a general educational development certificate of high school equivalency issued by an agency of the U.S. government, course credits received in schools meeting the approval of the ~~state superintendent~~ secretary or other standards established by the ~~state superintendent~~ secretary.

SECTION 3864. 115.30 (4) (a) of the statutes is amended to read:

115.30 **(4)** (a) The condition of all schools under the ~~state superintendent's~~ department's supervision.

SECTION 3865. 115.30 (4) (c) of the statutes is amended to read:

115.30 **(4)** (c) The ~~state superintendent's~~ secretary's visits to educational institutions.

SECTION 3866. 115.30 (4) (f) of the statutes is amended to read:

115.30 **(4)** (f) A summary of the receipts and disbursements of all schools under the ~~state superintendent's~~ department's jurisdiction.

SECTION 3866m. 115.32 of the statutes is created to read:

115.32 Certification of athletic associations; appeals. (1) Beginning July 1, 1996, the department shall certify school athletic associations. No athletic association may be certified unless it allows private schools to join the association and to participate as members of a conference during regular season play and in postseason tournaments. No public school or school district may be a member of an athletic association that is not certified under this subsection. Nothing in this subsection prevents an athletic association from adopting uniform rules governing its affairs, including suspending schools or their pupils from the athletic association for violations of those rules.

(2) A school board or governing body of a private school that is a member of an athletic association certified under sub. (1) may appeal to the department under s. 115.28 (5) any decision made by the governing body of the association that adversely affects the school district or private school. A school board or private school may not commence an action relating to a decision made by the governing body of a certified athletic association until the final decision of the department is issued.

SECTION 3867. 115.33 (2) (a) (intro.) of the statutes is amended to read:

115.33 **(2)** (a) (intro.) The state superintendent may request the department of ~~industry, labor and human relations~~ development to inspect a public school if any of the following occurs:

SECTION 3868. 115.33 (2) (b) of the statutes is amended to read:

115.33 **(2)** (b) The department of ~~industry, labor and human relations~~ development shall inspect the school within 30 days after receiving a request from the state superintendent under par. (a).

SECTION 3869. 115.33 (3) (a) of the statutes is amended to read:

115.33 **(3)** (a) If the state superintendent determines that a school is not in compliance, and the department of ~~industry, labor and human relations~~ development, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to repair, improve, remodel or close the school by a stated date. An order issued under this paragraph constitutes a preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

SECTION 3870. 115.33 (3) (b) 1. of the statutes is amended to read:

115.33 **(3)** (b) 1. If the state superintendent determines that a school is not in compliance and is not worth repairing, and the department of ~~industry, labor and human relations~~ development, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to develop a plan that describes how the school board will achieve compliance with the standard under s. 121.02 (1) (i). The plan shall specify the time within which compliance with the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall hold a public hearing on the plan in the school district and may, as a result of the hearing, recommend changes to the plan. The state superintendent may withhold up to 25% of the school district's state aid if the school district fails to achieve

compliance with the standard under s. 121.02 (1) (i) within the period specified in the plan.

SECTION 3871. 115.345 (1) to (4) of the statutes are amended to read:

115.345 **(1)** Any school district approved by the ~~superintendent~~ department may establish a system to provide the opportunity for authorized elderly persons to participate in its school lunch program. If a school board desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the ~~superintendent~~ department. Upon petition of 5% of the voters in the school district who voted in the last school board election, the school board shall formulate a food services plan, provided that hot food service facilities are available to school children in the district.

(2) Each plan shall provide at least one meal per day for each day that school is in regular session. The school board may provide additional service at other times in its discretion, if the number of eligible persons in the district or adjacent districts is of sufficient size, in the opinion of the ~~superintendent~~ department, so that unwarranted production expense is not incurred.

(3) Any school board which operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every high school and junior high school in the district which provides hot food service to its students. Upon application, the ~~superintendent~~ department may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood. The school board may, in addition, provide service at elementary schools if desired.

(4) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the

service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The ~~superintendent~~ department may require consolidation of programs between districts and between schools if such a procedure will be convenient and economical.

SECTION 3871g. 115.345 (5) of the statutes is amended to read:

115.345 **(5)** The school board may file a claim with the department for reimbursement for reasonable expenses incurred, excluding capital equipment costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever is less. Any cost in excess of the lesser amount may be charged to participants. If the department approves the claim, it shall certify that payment is due and the ~~state treasurer~~ secretary of administration shall pay the claim from the appropriation under s. 20.255 (2) (cn).

SECTION 3871r. 115.345 (6) to (8) of the statutes are amended to read:

115.345 **(6)** All meals served must meet the approval of the ~~superintendent who~~ department which shall establish minimum nutritional standards not inconsistent with federal standards and reasonable expenditure limits such that the average cost per meal is not excessive. The ~~superintendent~~ department shall give special consideration to dietary problems of elderly persons in formulating a nutritional plan. However, no school board shall be required to provide special foods for individual persons with allergies or medical disorders.

(7) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the department. The

~~superintendent~~ department may issue identification cards to such persons if necessary.

(7m) A private school may establish a food services plan for elderly persons. If the plan meets all of the requirements of this section and is approved by the ~~state superintendent~~ department, the private school is eligible for reimbursement in the same manner as school districts under sub. (5).

(8) The ~~superintendent~~ department shall adopt reasonable rules necessary to implement this section.

SECTION 3872. 115.347 of the statutes is amended to read:

115.347 Direct certification of eligibility for school nutrition programs. (1) Beginning in the 1994–95 school year, a school board may submit enrollment data to the department of ~~health and social services~~ industry, labor and human relations for the purpose of directly certifying children as eligible for free or reduced–price meals under the federal school nutrition programs. The department of ~~health and social services~~ industry, labor and human relations shall prescribe a format for the report.

(2) Whenever a school district that is located in whole or in part in a county that has converted to the client assistance for reemployment and economic support data system submits a report under sub. (1) in the prescribed format, the department of ~~health and social services~~ industry, labor and human relations shall determine which children enrolled in the school district are members of families receiving aid to families with dependent children or food stamps, or both, and shall provide the information to the school board as soon thereafter as possible. The school board shall use the information to directly certify children as eligible for free or reduced–price

meals served by the school district under federal school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

(3) The state superintendent shall assist school boards in developing a method for submitting enrollment data to the department of ~~health and social services~~ industry, labor and human relations under sub. (1).

SECTION 3873. 115.35 (5) (c) of the statutes is amended to read:

115.35 **(5)** (c) As to the ~~state superintendent's~~ department's recommendations to improve such programs and cooperation.

SECTION 3873m. 115.36 (2) (e) of the statutes is amended to read:

115.36 **(2)** (e) ~~Create~~ At the commencement of each gubernatorial term of office, create a council under s. 15.04 (1) (c) to advise the department concerning the administration of this section.

SECTION 3874. 115.361 (5) (c) 3. of the statutes is amended to read:

b115.361 **(5)** (c) 3. Annually by July 1, evaluate the programs funded under this subsection and submit a report describing ~~his or her~~ its conclusions and recommendations to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 3874g. 115.362 (1) of the statutes is amended to read:

115.362 **(1)** The department shall make grants to school districts ~~and cooperative educational service agencies~~ for alcohol and other drug abuse prevention, intervention and instruction programs. The department shall award at least 30 grants each school year.

SECTION 3874r. 115.362 (3) of the statutes is amended to read:

115.362 **(3)** Except for grants under sub. (2) (a), no school district ~~or cooperative educational service agency~~ may receive more than one grant under this section.

Grants awarded under sub. (2) (a) shall not be used to supplant or replace funds otherwise available for the program.

SECTION 3875. 115.363 of the statutes is repealed.

SECTION 3876. 115.364 of the statutes is repealed.

SECTION 3877. 115.366 of the statutes is repealed.

SECTION 3878m. 115.375 (2) (a) 2. of the statutes is amended to read:

115.375 **(2)** (a) 2. "Public agency" means a county, city, village, town, public inland lake protection and rehabilitation district~~,~~ or school district ~~or cooperative educational service agency~~ or an agency of this state or of a county, city, village, town, public inland lake protection and rehabilitation district~~,~~ or school district ~~or cooperative educational service agency~~.

SECTION 3879. 115.375 (2) (b) of the statutes is amended to read:

115.375 **(2)** (b) From the appropriations under s. 20.255 (1) ~~(cp),~~ (jr) and ~~(r)~~ (2) (ee) and (ra), the board shall award grants to corporations and public agencies for the development, dissemination and presentation of environmental education programs. Programs shall be funded on an 18–month basis. The board may not award a grant unless the grant recipient matches at least 25% of the amount of the grant. Private funds and in–kind contributions may be applied to meet the matching requirement. Grants under this paragraph may not be used to replace funding available from other sources.

SECTION 3880. 115.375 (2) (c) of the statutes is amended to read:

115.375 **(2)** (c) The board shall promulgate rules establishing the criteria and procedures for the awarding of grants for programs and projects under par. (b). The board shall use the priorities established under sub. (1) for awarding grants if the amount in the appropriations under s. 20.255 (1) ~~(cp),~~ (jr) and ~~(r)~~ (2) (ee) and (ra) in

any fiscal year is insufficient to fund all applications under this subsection. The department shall assist the board in administering this section.

SECTION 3881. 115.392 of the statutes is repealed.

SECTION 3881m. 115.395 of the statutes is repealed.

SECTION 3882. 115.40 (4) (a) of the statutes is amended to read:

115.40 **(4)** (a) The ~~state superintendent~~ secretary and the secretary of health and social services shall provide technical assistance to and consult with applicants regarding the preparation of their applications.

SECTION 3883. 115.40 (4) (b) of the statutes is amended to read:

115.40 **(4)** (b) The ~~state superintendent~~ secretary and the secretary of health and social services shall review the applications and jointly determine the grant recipients and the amount of each grant. A grant may not be awarded to a school board, agency or organization unless the percentage of the participating school district's membership in the previous school year for whom aid to families with dependent children was being received under s. 49.19 was greater than 5%. In this paragraph, "membership" has the meaning given in s. 121.004 (5).

SECTION 3884. 115.40 (4) (c) (intro.) of the statutes is amended to read:

115.40 **(4)** (c) (intro.) The ~~state superintendent~~ secretary and the secretary of health and social services shall give preference in awarding grants under this section to all of the following:

SECTION 3884m. 115.40 (7) of the statutes is created to read:

115.40 **(7)** No grant may be awarded under this section after June 30, 1996.

SECTION 3885. 115.43 (2) (b) of the statutes is amended to read:

115.43 **(2)** (b) From the appropriation under s. 20.255 ~~(1)~~ (3) (fz), award precollege scholarships, on a competitive basis, to minority group pupils who enroll

in a technical college or in college or university classes or programs designed to improve academic skills that are essential for success in postsecondary school education. The state superintendent shall give preference to minority group pupils who are inadequately represented in the technical college and university of Wisconsin systems.

SECTION 3886. 115.45 (2) (b) of the statutes is amended to read:

115.45 **(2)** (b) The council for Milwaukee public schools grant programs under s. 115.28 (20) shall review the applications submitted under par. (a) and make recommendations to the ~~state superintendent~~ secretary regarding the schools to be selected and amounts of the grants to be awarded. The council's recommendations shall be based upon and include information regarding the degree to which the proposed projects will effectively meet the requirements under sub. (4).

SECTION 3887. 115.45 (6) (b) of the statutes is amended to read:

115.45 **(6)** (b) By March 1, 1986, and annually thereafter, submit to the joint committee on finance and the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a budget report detailing the grants ~~he or she~~ the department intends to award under this section in the next fiscal year. The report shall provide summary data on the results of the annual testing required under sub. (4) (b) and include a description of the guidelines used to determine the individual schools and private service providers that will receive funds under this section and the types of expenditures eligible for such funds.

SECTION 3888. 115.47 of the statutes is amended to read:

115.47 Designated state official under agreement. The "designated state official" for this state under s. 115.46 shall be the ~~state superintendent of public instruction~~ secretary.

SECTION 3889. 115.48 of the statutes is amended to read:

115.48 Contracts under agreement. True copies of all contracts made on behalf of this state pursuant to the agreement shall be kept on file in the department ~~of public instruction~~ and in the office of the secretary of state. The department ~~of public instruction~~ shall publish all such contracts in convenient form.

SECTION 3890. 115.52 (5) of the statutes is amended to read:

115.52 **(5)** The state superintendent may grant approval for the maintenance of a summer school at the school for the deaf whenever it will be to the advantage of deaf persons and may grant approval for the maintenance of a summer school at the school for the visually handicapped whenever it will be to the advantage of visually handicapped minors. There shall be a summer school each year at the school for the visually handicapped for ~~adult~~ visually handicapped ~~persons. There is no age limitation on summer school admissions~~ adults.

SECTION 3891. 115.53 (4) (intro.) of the statutes is amended to read:

115.53 **(4)** (intro.) Apply to the board of ~~regents of the university of Wisconsin system~~ directors of the University of Wisconsin Hospitals and Clinics Authority for admission to the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics of any pupil in the state schools.

SECTION 3892. 115.53 (4) (b) of the statutes is amended to read:

115.53 **(4)** (b) The net cost of hospital treatment shall be at the rate established under s. ~~142.07~~ 233.40 (1) and shall be chargeable to the appropriation for operating the patient's school. The state superintendent likewise may authorize payment for

the expense of transporting patients to and from the hospital. The state superintendent shall make payments for the treatment to the ~~board of regents~~ University of Wisconsin Hospitals and Clinics Authority. Funds collected by the state superintendent on account of the hospitalization shall be deposited in the appropriation under s. 20.255 (1) (b) for the school concerned.

SECTION 3893m. 115.745 of the statutes is repealed.

SECTION 3894. 115.77 (1) of the statutes is amended to read:

115.77 **(1)** APPOINTMENT OF ADMINISTRATOR. The ~~state superintendent~~ secretary shall appoint the administrator.

SECTION 3895. 115.77 (2) (intro.) of the statutes is amended to read:

115.77 **(2)** DUTIES OF ADMINISTRATOR. (intro.) Subject to the direction of the ~~state superintendent~~ secretary, the administrator:

SECTION 3896. 115.79 (1) (intro.) of the statutes is amended to read:

115.79 **(1)** (intro.) The ~~state superintendent~~ secretary shall consult with the council on exceptional education concerning:

SECTION 3897. 115.79 (1) (d) of the statutes is amended to read:

115.79 **(1)** (d) Any other matters upon which the ~~state superintendent~~ secretary wishes the council's opinion.

SECTION 3898. 115.81 (7) of the statutes is amended to read:

115.81 **(7)** (title) APPEAL TO ~~STATE SUPERINTENDENT~~ DEPARTMENT. Within 45 days after the decision of the hearing officer under sub. (6), either party may appeal the decision to the ~~state superintendent~~ department. An appeal under this subsection shall be initiated by filing a written request for review with the ~~state superintendent~~ department. The request for review shall contain a brief statement of the grounds on which the review is requested and shall be served on all parties. The ~~state~~

~~superintendent~~ secretary shall appoint an impartial reviewing officer to conduct the appeal. The reviewing officer shall review the record established at the hearing under sub. (6) and issue a written decision within 30 days of receipt of the request for review. A reviewing officer may receive additional testimony and may grant specific extensions of time for cause at the request of either party.

SECTION 3899. 115.81 (8) of the statutes is amended to read:

115.81 **(8)** APPEAL TO COURT. Within 45 days after the decision of the reviewing officer appointed by the ~~state superintendent~~ secretary under sub. (7), either party may appeal the decision to the circuit court for the county in which the child resides.

SECTION 3900. 115.83 (1) (b) of the statutes is amended to read:

115.83 **(1)** (b) ~~Employ, for~~ For a special education program, employ or contract under s. 120.13 (25m) for either full– or part–time licensed teachers, licensed coordinators of special education, licensed school social workers, licensed school psychologists, paraprofessionals, licensed consulting teachers to work with any teacher of regular education programs who has a child with exceptional educational needs in a class and any other personnel approved by the department.

SECTION 3901. 115.85 (2) (c) 2. (intro.) of the statutes is amended to read:

115.85 **(2)** (c) 2. (intro.) The ~~state superintendent~~ department shall approve a placement in a public special education program located in another state if ~~he or she~~ the department determines that ~~it~~ the program is appropriate to meet the child's exceptional educational needs and that:

SECTION 3902. 115.85 (2m) of the statutes is amended to read:

115.85 **(2m)** PLACEMENT DISPUTES. If a dispute arises between the school board and the department of health and social services, the department of corrections or a county department under s. 46.215, 46.22 or 46.23, or between school boards under

s. 115.815 (4) (c), over the placement of a child in an appropriate program under sub. (2), the state superintendent shall resolve the dispute. This subsection applies only to placements in nonresidential educational programs made under ~~ss.~~ s. 48.48 (4) ~~and~~, 48.553 (3) or 48.57 (1) (c) and to placements in child caring institutions made under s. 115.815.

SECTION 3907. 115.89 of the statutes is amended to read:

115.89 Noncomplying school district; remedies. (1) If, after a public hearing in the school district or as the result of a monitoring procedure or a complaint investigation, the ~~state superintendent~~ department finds that a school board has violated this subchapter or the rules promulgated under this subchapter, ~~he or she~~ the department may make recommendations to the school board to remedy the violation and may require the school board to submit a remedial plan incorporating such recommendations.

(3) If, after consultation with the school board, the ~~state superintendent~~ department finds that the remedial plan has not incorporated ~~his or her~~ the department's recommendations, or that its implementation has been inadequate to ensure compliance with this subchapter and the rules promulgated under this subchapter, ~~he or she~~ the department shall request the attorney general to proceed against the school district for injunctive or other appropriate relief.

SECTION 3909. 115.93 (1) of the statutes is amended to read:

115.93 **(1)** Except as provided under sub. (2), if upon receipt of the reports under s. 115.92 (2) the ~~state superintendent~~ department is satisfied that the school age parents program has been maintained during the preceding school year in accordance with the rules under s. 115.92 (3), ~~he or she~~ the department shall certify to the department of administration in favor of each school district maintaining the

program a sum equal to ~~63% of~~ the amount expended by the school district during the preceding school year for salaries of teachers and instructional ~~aids~~ aides, special transportation, costs of contracts under s. 120.13 (25m) and other expenses approved by the ~~state superintendent~~ department. The department of administration shall pay such amounts to the school district from the appropriation under s. 20.255 (2) (b).

SECTION 3914e. 116.01 of the statutes is amended to read:

116.01 Purpose. The organization of school districts in Wisconsin is such that the legislature recognizes the need for a service unit between the school district and the state superintendent. The cooperative educational service agencies are designed to serve educational needs in all areas of Wisconsin by serving as a link both between school districts and between school districts and the state. Cooperative educational service agencies may provide leadership ~~and,~~ coordination ~~services for~~ and education services to school districts, ~~including such programs as curriculum development assistance, school district management development, coordination of vocational education and exceptional education, research, special student classes, human growth and development, data collection, processing and dissemination and in–service programs~~ University of Wisconsin System institutions and centers and technical colleges. Cooperative educational service agencies may facilitate communication and cooperation among all public and private schools, agencies and organizations that provide services to pupils.

SECTION 3914m. 116.02 (1) (a) of the statutes is amended to read:

116.02 **(1)** (a) Each agency shall be governed by a board of control composed of members of school boards of school districts within the agency. ~~There shall be no more than one member from the same school board. There shall be no more than one~~

~~member from the territory comprising a union high school district and its underlying elementary school districts.~~ Annually on or after the 4th Monday in April, the school board of each school district in the agency shall appoint one of its members as its representative for the purpose of determining the composition of the board of control. For the purpose of determining membership on the board of control, a school district operating elementary grades only and lying in more than one union high school district shall be considered part of the union high school district territory in which the major portion of its equalized valuation lies. The board of control shall hold an annual organizational meeting on or after the 2nd Monday in ~~August, unless, at the direction of the convention under par. (c), the board of control at the annual organizational meeting in any year determines to thereafter hold the annual organizational meeting on an earlier date~~ May. No annual organizational meeting may be held ~~prior to~~ after the 2nd Monday in ~~May. If the board of control at the annual organizational meeting determines to thereafter hold the annual organizational meeting prior to the 2nd Monday in August, it shall within 30 days of that decision give notice in writing of the decision to the clerk of each district within the agency and the state superintendent~~ August.

SECTION 3914s. 116.02 (1) (c) of the statutes is amended to read:

116.02 **(1)** (c) The state superintendent shall cause to convene annually on the day that the board of control holds its annual organizational meeting under par. (a) a convention composed of the representative from each school board in the agency. ~~The secretary to the board of control of the agency shall act as nonvoting secretary to the convention. In the secretary's absence the convention shall appoint an acting secretary from among the representatives to the convention. Upon the convening of the convention the representatives from all school boards within each union high~~

~~school district territory, meeting separately, shall elect a single representative to represent the territory in the election of members of the board of control. After the meeting for election of a single representative from each union high school district territory, the convention shall elect the members of the board of control, not to exceed 11 in number, in accordance with the plan of representation for the agency adopted under par. (d). The members of the board of control shall be elected for staggered 3–year terms and shall be chosen from among the representatives elected to represent each union high school district territory and the representatives appointed by the school boards of districts operating both elementary and high school grades.~~ There shall be no more than one representative from each union high school district. The convention may direct the board of control to determine a different date for the annual organizational meeting.

SECTION 3915e. 116.02 (1) (d) of the statutes is repealed.

SECTION 3915m. 116.02 (2) of the statutes is repealed and recreated to read:

116.02 **(2)** The annual convention shall establish bylaws for governing the agency, including bylaws for all of the following:

(a) Subject to sub. (1) (a), setting the date of the annual convention and establishing procedures for calling a special meeting.

(b) Providing for regular meetings of the board of control.

(c) Establishing an initial plan of representation for the agency and specifying how the plan may be amended.

(d) Specifying the number of members on the board of control.

(e) Specifying what constitutes a vacancy on the board of control and establishing procedures for filling a vacancy on the board of control.

(f) Specifying the officers on the board of control, establishing procedures for choosing those officers, specifying their terms of office and their duties and establishing procedures for removing them from office.

(g) Providing for the establishment of fiscal control, responsibility and accountability requirements.

(h) Designating a public depository.

SECTION 3915s. 116.02 (3) of the statutes is repealed.

SECTION 3916e. 116.03 (3) of the statutes is repealed.

SECTION 3916m. 116.03 (6) of the statutes is repealed.

SECTION 3916s. 116.03 (7) of the statutes is repealed.

SECTION 3917m. 116.03 (8) of the statutes is repealed.

SECTION 3919. 116.03 (10) of the statutes is amended to read:

116.03 **(10)** Authorize the expenditure of money for the purposes set forth in this chapter and for the actual and necessary expenses of the board of control and agency administrator and for the acquisition of equipment, space and personnel. All accounts of the agency shall be paid by check, share draft or other draft signed by the chairperson and secretary to the board of control.

SECTION 3920. 116.03 (11) of the statutes is amended to read:

116.03 **(11)** Establish the salaries of the agency administrator and other professional and nonprofessional employes. State reimbursement for the cost of the salary of the agency administrator shall be equal to the actual salary paid or the maximum of the salary range for ~~public instruction~~ supervisors ~~under the state superintendent~~ in the department, whichever is less.

SECTION 3920m. 116.03 (12m) of the statutes is created to read:

116.03 **(12m)** Every 3rd year as scheduled by the department, provide to the school board of each school district in the agency an accountability plan that addresses both the efficiency and effectiveness of all agency programs and services.

SECTION 3921. 116.03 (13) of the statutes is amended to read:

116.03 **(13)** Every 3rd year, as scheduled by the ~~state superintendent~~ department, submit to the ~~state superintendent~~ department for ~~his or her~~ its approval an evaluation of agency programs and services.

SECTION 3922c. 116.032 of the statutes is created to read:

116.032 Contracts for services. (1) Subject to subs. (2) to (5), for the purpose of providing services to pupils a board of control may contract with school districts, University of Wisconsin System institutions and centers, technical college district boards, private schools, and agencies or organizations that provide services to pupils.

(2) A board of control may not contract with any person for the purpose of providing services to any entity specified under sub. (1) unless the entity specified under sub. (1) is authorized to contract directly with that person for those services.

(3) (a) A board of control may contract with a private school or private agency or organization to provide a service or program to that private school or private agency or organization only if all of the following apply:

1. The service or program was developed for and has been provided to public schools.

2. Providing the service or program will not have a negative effect on the agency's ability to serve school districts.

(b) Any contract with an entity specified under sub. (1) other than a school district shall require payment for at least the full cost of the service or program provided.

(4) A board of control may contract with a school district that is not in the agency to provide a service or program to that school district only if the agency in which the school district participates does not offer the service or program or the latter agency authorizes the school district to do so.

(5) No contract may be for a term that is longer than 20 years.

SECTION 3922g. 116.04 of the statutes, as affected by 1993 Wisconsin Act 355, is repealed and recreated to read:

116.04 Agency administrator. The board of control shall appoint an individual who is licensed by the department as a school administrator or is eligible to be licensed by the department as a school administrator to serve as agency administrator. The agency administrator shall implement the policies of the board of control.

SECTION 3923m. 116.05 of the statutes is amended to read:

116.05 (title) ~~**Professional advisory committee**~~ **Advisory committees.** In each agency there shall be a professional advisory committee, composed of the school district administrator of each school district in the agency, which shall meet at the request of the board of control or the agency administrator to advise them. The board of control may appoint additional advisory committees that are representative of the users of the agency's services and programs.

SECTION 3924m. 116.055 of the statutes is amended to read:

116.055 Real property. The board of control may purchase, hold, encumber and dispose of real property, in the name of the agency, for use as its office or for any educational service provided by the agency if a resolution to do so is adopted by a ~~two–thirds vote of the members of the board of control~~ majority of the delegates at the annual convention or at a special meeting and then approved, within 60 days

after the convention or special meeting, by ~~three–fourths~~ two–thirds of the school boards in the agency by majority vote of each school board. Aid received under s. 116.08 may be used for the acquisition and maintenance of real property under this section. In addition, the board of control may assess the costs of acquisition and maintenance against each school district in the agency.

SECTION 3925m. 116.09 of the statutes is created to read:

116.09 State and federal grants. (1) Except as provided under sub. (2), the board of control is eligible for and may apply for any state or federal grant for which a school district is eligible.

(2) If a school district in the agency applies for a grant the board of control is eligible for that grant only on behalf of one or more school districts in the agency.

SECTION 3926. 117.03 (2) of the statutes is amended to read:

117.03 **(2)** "Appeal panel" means a panel appointed by the ~~state superintendent~~ secretary under s. 117.05 (1).

SECTION 3927. 117.05 (1) of the statutes is amended to read:

117.05 **(1)** APPEAL PANELS. The ~~state superintendent~~ secretary shall appoint 3 members of the board to hear appeals filed under ss. 117.12 (4) and 117.13 (3). No 2 members of the appeal panel may be board members from any of the following kinds of school districts: those with small enrollments, those with medium enrollments or those with large enrollments.

SECTION 3928. 117.05 (1m) of the statutes is amended to read:

117.05 **(1m)** BOARD AND APPEAL PANEL MEETINGS. The ~~state superintendent~~ secretary shall set the time and place for meetings of the board under ss. 117.10, 117.12 (5) and 117.132 and for meetings of appeal panels under ss. 117.12 (4) and 117.13.

SECTION 3929. 117.05 (2) (a) of the statutes is amended to read:

117.05 **(2)** (a) *Board.* The ~~state superintendent~~ secretary shall appoint 7 members of the board to perform any review under ss. 117.10, 117.12 (5) and 117.132. The 7 members shall include the ~~state superintendent~~ secretary or his or her designee on the board, 2 board members from school districts with small enrollments, 2 board members from school districts with medium enrollments and 2 board members from school districts with large enrollments. Any action of the board under this chapter requires the affirmative vote of at least 4 of the 7 members appointed under this paragraph.

SECTION 3930. 117.05 (10) of the statutes is amended to read:

117.05 **(10)** (title) ~~STATE SUPERINTENDENT~~ SECRETARY TO ADVISE. The ~~state superintendent~~ secretary shall advise and consult with school boards regarding school district organization and reorganization. If, in the ~~state superintendent's~~ secretary's opinion, one or more school districts should be altered, consolidated or dissolved, he or she may make recommendations to the school boards.

SECTION 3931. 118.001 of the statutes is created to read:

118.001 Duties and powers of school boards; construction of statutes. The statutory duties and powers of school boards shall be broadly construed to authorize any school board action that is within the comprehensive meaning of the terms of the duties and powers, if the action is not prohibited by the laws of the federal government or of this state.

SECTION 3933. 118.01 (1) of the statutes is amended to read:

118.01 **(1)** PURPOSE. Public education is a fundamental responsibility of the state. The constitution ~~vests in the state superintendent the supervision of public instruction and~~ directs the legislature to provide for the establishment of district

schools. The effective operation of the public schools is dependent upon a common understanding of what public schools should be and do. Establishing such goals and expectations is a necessary and proper complement to the state's financial contribution to education. Each school board should provide curriculum, course requirements and instruction consistent with the goals and expectations established under sub. (2). Parents and guardians of pupils enrolled in the school district share with the state and school board the responsibility for pupils meeting the goals and expectations under sub. (2).

SECTION 3934. 118.013 (3) (a) of the statutes is amended to read:

118.013 **(3)** (a) A school board on its own initiative or upon receipt of an application from the principal of a school located in the school district may apply to the ~~state superintendent~~ department for a grant to assist in developing or implementing a management restructuring program. ~~The state superintendent~~ At the commencement of each gubernatorial term of office, the secretary shall appoint a 12–member council under s. 15.04 (1) (c) to review the applications and make recommendations to the ~~state superintendent~~ department. The council shall consist of the governor or his or her designee and at least one member representing school boards, one member representing school administrators, one member representing parents of pupils enrolled in the school district and one member representing teachers. The ~~state superintendent~~ secretary may also appoint members representing other groups. Grants shall be awarded from the appropriation under s. 20.255 (2) (ds). The ~~state superintendent~~ department shall give preference in awarding grants under this paragraph to applications submitted by school boards in collaboration with an organization of professional educators or persons concerned

with educational administration. To the extent possible, the ~~state superintendent~~ department shall ensure that grants are equally distributed on a statewide basis.

SECTION 3935. 118.015 (2) of the statutes is repealed.

SECTION 3936. 118.015 (3) of the statutes is repealed.

SECTION 3937. 118.019 (6) of the statutes is repealed.

SECTION 3938. 118.07 (2) (b) of the statutes is amended to read:

118.07 **(2)** (b) Annually the person having direct charge of any public or private school shall file a report pertaining to such drills on forms furnished by the department of ~~industry, labor and human relations~~ development. Such reports shall be made to the department of ~~industry, labor and human relations~~ development and, in each community having a recognized fire department, to the chief of the fire department. When no fire drill is held during any month, the person having direct charge of the school shall state the reasons therefor in the report.

SECTION 3939. 118.125 (2) (i) of the statutes is amended to read:

118.125 **(2)** (i) ~~The technical college district board in which the public school is located, or the department of health and social services or a county department under s. 46.215, 46.22 or 46.23 for verification of eligibility for public assistance under ch. 49, shall, upon~~ Upon request, ~~be provided by~~ the school district clerk ~~with~~ shall provide the names of pupils who have withdrawn from the public school prior to graduation under s. 118.15 (1) (c) to the technical college district board in which the public school is located or, for verification of eligibility for public assistance under ch. 49, to the department of health and social services, the department of industry, labor and human relations or a county department under s. 46.215, 46.22 or 46.23.

SECTION 3940. 118.125 (3) of the statutes is amended to read:

118.125 **(3)** MAINTENANCE OF RECORDS. Each school board shall adopt rules in writing specifying the content of pupil records and the time during which pupil records shall be maintained. No behavioral records may be maintained for more than one year after the pupil ceases to be enrolled in the school, unless the pupil specifies in writing that his or her behavioral records may be maintained for a longer period. A pupil's progress records shall be maintained for at least 5 years after the pupil ceases to be enrolled in the school. A school board may maintain the records on microfilm, ~~or~~ optical disk or in electronic format if authorized under s. 19.21 (4) (c), or in such other form as the school board deems appropriate. A school board shall maintain peace officers' records obtained under s. 48.396 (1m) separately from a pupil's other pupil records. Rules adopted under this subsection shall be published by the school board as a class 1 notice under ch. 985.

SECTION 3941m. 118.15 (1) (bm) of the statutes is created to read:

118.15 **(1)** (bm) Upon the child's request and with the written approval of the child's parent or guardian, any child who is 16 years of age or over shall be excused by the school board from regular school attendance if the child presents evidence satisfactory to the school board that he or she is employed full–time or is participating in an apprenticeship program under ch. 106. The excuse applies only while the child is employed full–time or is participating in an apprenticeship program under ch. 106.

SECTION 3945. 118.15 (5) (b) of the statutes is amended to read:

118.15 **(5)** (b) Paragraph (a) does not apply to a person who has under his or her control a child who has been sanctioned under s. ~~49.50 (7) (h)~~ 49.26 (1) (h).

SECTION 3947. 118.16 (4) (e) of the statutes is amended to read:

118.16 **(4)** (e) ~~A~~ Except as provided under s. 119.55, a school board may establish one or more youth service centers for the counseling of children who are taken into custody under s. 48.19 (1) (d) 9. or 10. for being absent from school without an acceptable excuse under s. 118.15.

SECTION 3949. 118.165 (2) of the statutes is amended to read:

118.165 **(2)** An institution may request the ~~state superintendent~~ department to approve the institution's educational program as a private school. The ~~state superintendent~~ department shall base ~~his or her~~ its approval solely on the criteria under sub. (1).

SECTION 3950. 118.167 of the statutes is amended to read:

118.167 (title) **Private school determination by ~~state superintendent~~ department.** If an association that regulates or accredits private educational institutions in this state submits an affidavit to the ~~state superintendent~~ department attesting that the institution meets or exceeds all of the criteria under s. 118.165 and the ~~state superintendent~~ department finds that the institution does meet or exceed all of the criteria under s. 118.165, the ~~state superintendent~~ department shall determine that the institution is a private school. If at any time the ~~state superintendent~~ department finds that an institution determined to be a private school under this section no longer meets the criteria under s. 118.165, ~~he or she~~ the department may withdraw the determination.

SECTION 3951. 118.17 of the statutes is amended to read:

118.17 Indigent children. The principal or teacher in charge of any public school shall report to the ~~authority administering general relief~~ county department under s. 46.215, 46.22 or 46.23 for the county wherein the school is situated the name and address of any child in the school whose parent, guardian or other person having

control, charge or custody of the child is without sufficient means to furnish the child with food or clothing necessary to enable the child to attend school.

Section 3952. 118.192 (5) of the statutes is repealed.

SECTION 3954m. 118.20 (2) of the statutes is amended to read:

118.20 **(2)** The ~~state superintendent or a person designated by the superintendent~~ department may receive and investigate complaints charging discrimination in employment, assignment or reassignment of teachers or administrative personnel in the public schools and the ~~superintendent or designee~~ department may hold hearings, subpoena witnesses and take testimony to effectuate the purposes of this section.

SECTION 3955. 118.20 (4) to (7) of the statutes are amended to read:

118.20 **(4)** After hearing, if the ~~state superintendent~~ department finds that the respondent has engaged in discrimination prohibited by this section the ~~state superintendent~~ department shall make written findings and recommend such action by the respondent as shall satisfy the purposes of this section and shall serve a certified copy of the findings and recommendations on the respondent together with an order requiring the respondent to comply with the recommendations. Any person aggrieved by noncompliance with the order shall be entitled to have the order enforced specifically by suit in equity. If the ~~state superintendent~~ department finds that the respondent has not engaged in the alleged discrimination, the ~~state superintendent~~ department shall serve a certified copy of the ~~state superintendent's~~ department's findings on the complainant together with an order dismissing the complaint.

(5) If any public school official, employe, teachers agency or placement bureau violates sub. (1) or fails or refuses to obey any lawful order made by the

~~superintendent~~ department pursuant to this section, such person shall forfeit and pay into the state treasury not less than $25 nor more than $50, or be imprisoned not less than 5 nor more than 30 days. Such violation or failure or refusal to obey an order shall be grounds for the removal of any school district administrator, member of a school board or other public school official. Findings and orders of the ~~superintendent~~ department under this section shall be subject to judicial review under ch. 227

(6) Upon request of the ~~superintendent~~ department, the attorney general or district attorney of the county in which any investigation, hearing or trial under this section is pending, shall aid and prosecute under supervision of the ~~superintendent~~ department, all necessary actions or proceedings for the enforcement of this section and for the punishment of all violations thereof.

(7) In administering this section the ~~superintendent~~ department shall have authority to make, amend and rescind rules necessary to carry out the purposes of this section.

SECTION 3957. 118.24 (1) of the statutes is amended to read:

118.24 **(1)** A school board may employ a school district administrator, a business manager and school principals and assistants to such persons. The term of each employment contract ~~shall expire on June 30 of an odd–numbered year and~~ may not exceed 2 years. A contract for a term of 2 years may provide for one or more extensions of one year each.

SECTION 3958. 118.24 (2) (e) of the statutes is amended to read:

118.24 **(2)** (e) The school district administrator shall attend annually one convention called by the ~~state superintendent~~ department for the purpose of consultation upon matters pertaining to the supervision and management of the

schools. The administrator shall be reimbursed for actual and necessary expenses incurred for travel, board and lodging because of attendance at such convention. Bills for such expenses shall be audited and allowed by the school board upon presentation of an itemized statement of expense accompanied by a certificate of attendance signed by the ~~state superintendent~~ secretary.

SECTION 3959. 118.24 (6) of the statutes is amended to read:

118.24 **(6)** The employment contract of any person described under sub. (1) shall be in writing and filed with the school district clerk. At least 4 months prior to the expiration of the employment contract, the employing school board shall give notice in writing of either renewal of the contract or of refusal to renew such person's contract. If no such notice is given, the contract then in force shall continue in force for ~~a term that expires on June 30 of an odd–numbered year and that does not exceed~~ 2 years. Any such person who receives notice of renewal or who does not receive notice of renewal or refusal to renew the person's contract at least 4 months before the contract expiration shall accept or reject the contract in writing on or before a date 3 months prior to the contract expiration. No such person may be employed or dismissed except by a majority vote of the full membership of the school board. Nothing in this section prevents the modification or termination of an employment contract by mutual agreement of the parties. No school board may enter into a contract of employment with any such person for a period of time as to which such person is then under a contract of employment with another school board.

SECTION 3960. 118.24 (8) of the statutes is amended to read:

118.24 **(8)** Personnel administrators and supervisors, curriculum administrators and assistants to such administrative personnel, when employed by the school board of any school district to perform administrative duties only, may be

employed for a term ~~that expires on June 30 of an odd–numbered year and~~ that does not exceed ~~–~~ 2 years. ~~The term shall coincide with the state fiscal biennium~~ A contract for a term of 2 years may provide for one or more extensions of one year each. Subsections (5) to (7) are applicable to such persons when they are employed to perform administrative duties only.

SECTION 3963b. 118.245 (2) of the statutes is repealed.

SECTION 3964g. 118.245 (3) of the statutes is amended to read:

118.245 **(3)** No school district may ~~grant~~ provide to its professional employes for any 12–month period ending on June 30 an average increase for all such employes in the total cost to the school district of compensation ~~during the period beginning on August 12, 1993, and ending on June 30, 1996,~~ and fringe benefits for such employes having an average cost per employe exceeding ~~2.1%~~ 3.8% of the average total cost per employe of compensation and fringe benefits provided by the school district to its professional employes for ~~any~~ the preceding 12–month period ending on June 30~~, including~~. In this subsection, the cost of compensation includes the cost of any increase in compensation due to a promotion or the attainment of increased professional qualifications~~, unless the increased cost required to maintain the percentage contribution by the school district to the employes' existing fringe benefit costs and to maintain all fringe benefits provided to the employes under sub. (2) exceeds 1.7% of the average total cost per employe of compensation and fringe benefits provided by the school district to its professional employes for any such 12–month period, in which case the school district shall not grant to its professional employes an average increase for all such employes in compensation during that period having a total cost per employe exceeding an average of that percentage, if any, for each 12–month period ending on June 30, of the prorated portion of 2.1% of~~

~~the average total cost per employe of compensation and fringe benefits provided by the school district to its professional employes that remains, if any, after the average increased cost of such maintenance exceeding 1.7% of the average total cost per employe of compensation and fringe benefits provided by the school district to its professional employes for each 12–month period is subtracted from the average increased cost of such a compensation increase~~.

SECTION 3966. 118.245 (4) of the statutes is amended to read:

118.245 **(4)** For purposes of determination of the increased cost of any fringe benefits or compensation provided to a professional employe, any cost increase that is incurred on any day other than the beginning of a 12–month period under sub. ~~(2) or~~ (3) shall be calculated as if the cost increase were incurred as of the beginning of the 12–month period.

SECTION 3967. 118.25 (1) of the statutes is amended to read:

118.25 **(1)** In this section, "school employe" means a person employed by a school board, or under contract to a school board under s. 120.13 (25m), who comes in contact with children or who handles or prepares food for children while they are under the supervision of school authorities.

SECTION 3968. 118.255 (3) of the statutes is amended to read:

118.255 **(3)** The school board, cooperative educational service agency or county handicapped children's education board maintaining health treatment services shall report annually to the department ~~of public instruction~~, and at such other times as the department directs, such information as the department requires.

SECTION 3969. 118.255 (4) of the statutes is amended to read:

118.255 **(4)** If the ~~state superintendent~~ department is satisfied that the health treatment services program has been maintained during the preceding school year

in accordance with law ~~he or she~~, the department shall certify to the department of administration in favor of each school board, cooperative educational service agency and county handicapped children's education board maintaining such health treatment services, an amount equal to 63% of the amount expended for items listed in s. 115.88 (1) by the school board, cooperative educational service agency and county handicapped children's education board during the preceding year for these health treatment services. The department of administration, upon such certification shall distribute the amounts to the appropriate school board, cooperative educational service agency and county handicapped children's education board.

SECTION 3970m. 118.28 of the statutes is amended to read:

118.28 Community action agencies. The school board of a school district may appropriate funds for promoting and assisting any community action agency under s. ~~46.30~~ 49.37.

SECTION 3971b. 118.30 (1) of the statutes is repealed and recreated to read:

118.30 **(1)** The state superintendent shall adopt or approve all of the following:

(a) Examinations designed to measure pupil attainment of knowledge and concepts in the 8th and 10th grades.

(b) Performance assessments for pupils in the 4th, 8th and 10th grades.

SECTION 3971c. 118.30 (1m) of the statutes is created to read:

118.30 **(1m)** Except as otherwise provided in this section, annually each school board shall do all of the following:

(a) Administer the 8th grade examination under sub. (1) (a) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade.

(b) Administer the 10th grade examination under sub. (1) (a) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 10th grade.

(c) Beginning in the 1996–97 school year, administer the 4th grade performance assessment under sub. (1) (b) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade.

(d) Beginning in the 1996–97 school year, administer the 8th grade performance assessment under sub. (1) (b) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade.

(e) Beginning in the 1996–97 school year, administer the 10th grade performance assessment under sub. (1) (b) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 10th grade.

SECTION 3971e. 118.30 (2) (a) of the statutes is amended to read:

118.30 **(2)** (a) To the extent possible, all examinations and performance assessments under this section shall be free of bias.

SECTION 3971h. 118.30 (2) (b) 1. of the statutes is amended to read:

118.30 **(2)** (b) 1. The school board may determine not to administer an examination or performance assessment under this section to a pupil enrolled in a special education program under subch. V of ch. 115. The school board may modify the format and administration of an examination or performance assessment for a pupil enrolled in such a program.

SECTION 3971L. 118.30 (2) (b) 2. of the statutes is amended to read:

118.30 **(2)** (b) 2. According to criteria established by the state superintendent by rule, the school board may determine not to administer an examination or performance assessment under this section to a limited–English speaking pupil, as defined under s. 115.955 (7), may permit the pupil to be examined or assessed in his or her native language or may modify the format and administration of an examination or performance assessment for such pupils.

SECTION 3971p. 118.30 (2) (b) 3. of the statutes is amended to read:

118.30 **(2)** (b) 3. ~~Annually, the school board shall notify the parent or guardian of each pupil enrolled in the 8th and 10th grades in the school district, including pupils enrolled in charter schools located in the school district, that he or she may request the school board to excuse the pupil from taking an examination administered under this section.~~ Upon the request of a pupil's parent or guardian, the school board shall excuse the pupil from taking an examination or performance assessment administered under this section.

SECTION 3971q. 118.30 (2) (b) 4. of the statutes is repealed.

SECTION 3971r. 118.30 (2) (c) of the statutes is amended to read:

118.30 **(2)** (c) The results of examinations and performance assessments administered under this section to pupils enrolled in public schools, including charter schools, may not be used to evaluate teacher performance, to discharge, suspend or formally discipline a teacher or as the reason for the nonrenewal of a teacher's contract.

SECTION 3971u. 118.30 (2) (d) of the statutes is amended to read:

118.30 **(2)** (d) The results of examinations and performance assessments under this section may not be used in determining general or categorical aids to school districts.

SECTION 3971y. 118.30 (3) of the statutes is amended to read:

118.30 **(3)** The state superintendent shall make available upon request, within 90 days after the date of administration, any examination or performance assessment required to be administered under this section. This subsection does not apply while the examination or performance assessment is being developed or validated.

SECTION 3979m. 118.37 (3) (b) and (3m) (b) of the statutes are amended to read:

118.37 **(3)** (b) If the pupil specifies in the notice under par. (a) that he or she intends to take a course at an institution of higher education for high school credit, the school board shall determine whether the course is comparable to a course offered in the school district, and whether the course satisfies any of the high school graduation requirements under s. 118.33 and the number of high school credits to award the pupil for the course, if any. The ~~state superintendent~~ department shall develop guidelines to assist school districts in making the determinations. The school board shall notify the pupil of its determinations, in writing, before the end of the semester in which it received the notice under par. (a). If the pupil disagrees with the school board's decision regarding comparability of courses, satisfaction of high school graduation requirements or the number of high school credits to be awarded, the pupil may appeal the school board's decision to the ~~state superintendent~~ department within 30 days after the decision. The ~~state superintendent's~~ department's decision shall be final and is not subject to review under subch. III of ch. 227.

(3m) (b) The ~~state superintendent~~ department may waive the requirement under par. (a) if ~~he or she~~ the department determines that the requirement would impose too great a cost because of the lack of equipment or space.

SECTION 3981. 118.38 of the statutes is created to read:

118.38 Waivers of laws and rules. (1) (a) A school board may request the department to waive any school board or school district requirement in chs. 115 to 121 or in the administrative rules promulgated by the department under the authority of those chapters, except for statutes or rules related to any of the following:

1. The health or safety of pupils.

2. Pupil discrimination under s. 118.13.

3. The pupil assessment program under s. 118.30 and the standardized reading test required under s. 121.02 (1) (r).

4. Pupil records under s. 118.125.

5. The collection of data by the department.

6. The uniform financial fund accounting system under ss. 115.28 (13) and 115.30 (1) and audits of school district accounts under s. 120.14.

7. Licensure or certification under s. 115.28 (7) or (7m) other than the licensure of the school district administrator or business manager.

(b) Before requesting a waiver, the school board shall hold a public hearing in the school district on the request.

(1m) The school board shall specify in its request for a waiver its reason for requesting the waiver.

(2) In determining whether to grant the waiver, the department shall consider all of the following factors and may consider additional factors:

(a) Whether the requirement impedes progress toward achieving a local improvement plan developed under sec. 309 (a) (3) of P.L. 103–227.

(b) If the school board has adopted educational goals for the school district, whether the requirement impedes progress toward achieving the goals.

(2m) Beginning on January 1, 1996, a school board shall submit a request for a waiver to the secretary. If the secretary denies a waiver, the school board may, within 30 days after the denial, appeal the denial to the commission. The commission shall issue a decision on the appeal within 30 days after receiving the appeal.

(3) A waiver is effective for 4 years. The secretary shall renew the waiver for additional 4–year periods if the school board has evaluated the educational and financial effects of the waiver over the previous 4–year period, except that the secretary is not required to renew a waiver if the secretary determines that the school district is not making adequate progress toward improving pupil academic performance.

(4) By July 1, 2000, the department shall submit a report to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3). The report shall specify the number of waivers requested under this section, a description of each waiver request, the reason given for each waiver request and the educational and financial effects on the school district of each waiver that was granted.

SECTION 3983m. 118.40 (1) of the statutes is repealed and recreated to read:

118.40 **(1)** NOTICE TO STATE SUPERINTENDENT. Whenever a school board intends to establish a charter school, it shall notify the state superintendent of its intention. The notice shall include a description of the proposed school.

SECTION 3984m. 118.40 (1m) (b) 16. of the statutes is created to read:

118.40 **(1m)** (b) 16. Quantifiable performance improvement standards.

SECTION 3985. 118.40 (2) (a) of the statutes is amended to read:

118.40 **(2)** (a) ~~If a school board has received approval under sub. (1), within~~ Within 30 days after receiving a petition under sub. (1m) the school board shall hold a public hearing on the petition. At the hearing, the school board shall consider the level of employe and parental support for the establishment of the charter school described in the petition. After the hearing, the school board may grant the petition.

SECTION 3986. 118.40 (2) (b) (intro.) of the statutes is amended to read:

118.40 **(2)** (b) (intro.) ~~Subject to sub. (1), a~~ A school board may grant a petition that would result in the conversion of all of the public schools in the school district to charter schools if all of the following apply:

SECTION 3986m. 118.40 (2) (c) of the statutes is created to read:

118.40 **(2)** (c) The school board of the school district operating under ch. 119 shall either grant or deny the petition within 30 days after the public hearing. If the school board of the school district operating under ch. 119 denies a petition, the person seeking to establish the charter school may, within 30 days after the denial, appeal the denial to the department. The department shall issue a decision within 30 days after receiving the appeal. The department's decision is final and not subject to judicial review under ch. 227.

SECTION 3987. 118.40 (2m) (a) of the statutes is amended to read:

118.40 **(2m)** (a) ~~If a school board has received approval under sub. (1), the~~ A school board may on its own initiative contract with an individual or group to operate a school as a charter school. The contract shall include all of the provisions specified under sub. (1m) (b) and may include other provisions agreed to by the parties.

SECTION 3988. 118.40 (3) (b) of the statutes is amended to read:

118.40 **(3)** (b) A contract under par. (a) or under sub. (2m) may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding

5 school years. The contract shall specify the amount to be paid by the school board to the charter school during each school year of the contract. ~~In any school year, the school board may not spend on average more per pupil enrolled in the charter school than the school board spends on average per pupil enrolled in the public schools, excluding charter schools, as determined by the state superintendent.~~

SECTION 3989. 118.40 (3) (c) of the statutes is amended to read:

118.40 **(3)** (c) A school board may not enter into a contract for the establishment of a charter school located outside the school district ~~or~~. A school board, other than the school board of the school district operating under ch. 119, may not enter into a contract that would result in the conversion of a private school to a charter school.

SECTION 3990. 118.40 (3m) of the statutes is repealed.

SECTION 3992m. 118.40 (7) (a) of the statutes is amended to read:

118.40 **(7)** (a) A charter school is an instrumentality of the school district in which it is located and the school board of that school district shall employ all personnel for the charter school. This paragraph does not apply to charter schools located in the school district operating under ch. 119.

SECTION 3994m. 118.43 of the statutes is created to read:

118.43 Achievement guarantee contracts; state aid. (1) DEFINITIONS. In this section:

(a) "Class size" means the number of pupils assigned to a regular classroom teacher on the 3rd Friday of September.

(b) "Low income" means the measure of low income that is used by the school district under 20 USC 2723.

(2) ELIGIBILITY; APPLICATION. (a) The school board of any school district in which a school in the previous school year had an enrollment that was at least 50% low–income is eligible to participate in the program under this section.

(b) In the 1996–97 school year, the school board of an eligible school district may enter into a 5–year achievement guarantee contract with the department on behalf of one school in the school district if all of the following apply:

1. In the previous school year, the school had an enrollment that was at least 30% low–income.

2. The school board is not receiving a grant under the preschool to grade 5 program on behalf of the school under s. 115.45.

(c) Notwithstanding par. (b), the school board of the school district operating under ch. 119 may enter into an achievement guarantee contract on behalf of up to 10 schools.

(d) If an eligible school district has more than one school that qualifies under par. (b), the school board shall apply on behalf of the school with the largest number of low–income pupils in grades kindergarten and one.

(e) 1. If the school board of an eligible school district does not enter into an achievement guarantee contract with the department, a school board that has entered into such a contract, other than the school board of the school district operating under ch. 119, may apply to the department to enter into such a contract on behalf of one additional school that meets the requirements under par. (b).

2. If more than one school board applies under subd. 1., the department shall determine which school board to contract with based on the number of low–income pupils in grades kindergarten and one enrolled in the schools and on the balance of rural and urban school districts currently participating in the program.

(f) The department may not enter into an achievement guarantee contract with a school board on behalf of a school after June 30, 1997.

(3) CONTRACT REQUIREMENTS. An achievement guarantee contract shall require the school board to do all of the following in each participating school:

(a) *Class size.* Reduce each class size to 15 in the following manner:

1. In the 1996–97 school year, in at least grades kindergarten and one.

2. In the 1997–98 school year, in at least grades kindergarten to 2.

3. In the 1998–99 to 2000–01 school years, in at least grades kindergarten to 3.

(b) *Education and human services.* 1. Keep the school open every day from early in the morning until late in the day, as specified in the contract.

2. Collaborate with community organizations to make educational and recreational opportunities, as well as a variety of community and social services, available in the school to all school district residents.

(c) *Curriculum.* 1. Provide a rigorous academic curriculum designed to improve pupil academic achievement and to prepare pupils to live and work with people of all backgrounds, cultures and beliefs.

2. In consultation with the department and with the participation of the school's teachers and administrators and school district residents, review the school's current curriculum to determine how well it promotes pupil academic achievement and prepares pupils for life and work and the extent to which it includes the contributions of women and minorities to our history and culture.

3. If necessary, outline any changes necessary to make the curriculum more accurate and relevant to the lives of the pupils and provide a schedule for accomplishing those changes.

4. Encourage the school's teachers and administrators to participate in training designed to help them learn about multicultural education and how to infuse it into the curriculum to help improve pupil academic achievement.

(d) *Staff development and accountability.* 1. Develop a one–year program for all newly hired employes that helps them make the transition from their previous employment or school to their current employment.

2. Provide time for employes to collaborate and plan.

3. Require that each teacher and administrator submit to the school board a professional development plan that focuses on how the individual will help improve pupil academic achievement. The plan shall include a method by which the individual will receive evaluations on the success of his or her efforts from a variety of sources.

4. Regularly review staff development plans to determine if they are effective in helping to improve pupil academic achievement.

5. Establish an evaluation process for professional staff members that does all of the following:

a. Identifies individual strengths and weaknesses.

b. Clearly describes areas in need of improvement.

c. Includes a support plan that provides opportunities to learn and improve.

d. Systematically documents performance in accordance with the plan.

e. Allows professional staff members to comment on and contribute to revisions in the evaluation process.

f. Provides for the dismissal of professional staff members whose failure to learn and improve has been documented over a 2–year period.

(4) OTHER CONTRACT PROVISIONS. Each achievement guarantee contract shall include all of the following:

(a) A description of how the school will implement each of the elements under sub. (3), including any alternative class configurations for specific educational activities that may be used to meet the class size requirement under sub. (3) (a).

(b) A description of the method that the school district will use to evaluate the academic achievement of the pupils enrolled in the school.

(c) A description of the school's performance objectives for the academic achievement of the pupils enrolled in the school and the means that will be used to evaluate success in attaining the objectives. Performance objectives shall include all of the following:

1. Where applicable, improvement in the scores on the examination administered to pupils under s. 121.02 (1) (r).

2. The attainment of any educational goals adopted by the school board.

3. Professional development with the objective of improving pupil academic achievement.

4. Methods by which the school involves pupils, parents or guardians of pupils and other school district residents in decisions affecting the school.

(d) A description of any statute or rule that is waived under s. 118.38 if the waiver is related to the contract.

(e) A description of the means by which the department will monitor compliance with the terms of the contract.

(5) ANNUAL REVIEW; NONCOMPLIANCE. (a) At the end of the 1996–97 school year, the department may terminate a contract if the department determines that the school board has failed to fully implement the provisions under sub. (3).

(b) At the end of the 1997–98, 1998–99 and 1999–2000 school years, a committee consisting of the state superintendent, the chairpersons of the education committees in the senate and assembly and the individual chiefly responsible for the evaluation under sub. (7) shall review the progress made by each school for which an achievement guarantee contract has been entered into. The committee may recommend to the department that the department terminate a contract if the committee determines that the school board has violated the contract or if the school has made insufficient progress toward achieving its performance objectives under sub. (4) (c). The department may terminate the contract if it agrees with the committee's recommendation.

(6) STATE AID. (a) In this subsection, "amount appropriated" means the amount appropriated under s. 20.255 (2) (cu) in any fiscal year less $250,000.

(b) From the appropriation under s. 20.255 (2) (cu), subject to par. (c), the department shall pay to each school district that has entered into a contract with the department under this section an amount determined as follows:

1. In the 1996–97 school year, divide the amount appropriated by the number of low–income pupils enrolled in grades kindergarten and one in each school in this state covered by contracts under this section and multiply the quotient by the number of pupils enrolled in those grades in each school in the school district covered by contracts under this section.

2. In the 1997–98 school year, divide the amount appropriated by the number of low–income pupils enrolled in grades kindergarten to 2 in each school in this state covered by contracts under this section and multiply the quotient by the number of pupils enrolled in those grades in each school in the school district covered by contracts under this section.

3. In the 1998–99, 1999–2000 and 2000–01 school years, divide the amount appropriated by the number of low–income pupils enrolled in grades kindergarten to 3 in each school in this state covered by contracts under this section and multiply the quotient by the number of pupils enrolled in those grades in each school in the school district covered by contracts under this section.

(c) The amount paid to a school district in any school year under par. (b) may not exceed an amount equal to $2,000 multiplied by the number of low–income pupils enrolled in grades eligible for funding in each school in the school district covered by contracts under this section.

(d) The school board shall use the aid under this section to satisfy the terms of the contract.

(e) The department shall cease payments under this section to any school district if the school board withdraws from the contract before the expiration of the contract.

(7) EVALUATION. Beginning in the 1996–97 school year, the department shall arrange for an evaluation of the program under this section and shall allocate from the appropriation under s. 20.255 (2) (cu) $250,000 for that purpose.

SECTION 3996. 119.04 (title) of the statutes is amended to read:

119.04 (title) ~~**Public instruction**~~ **Education laws applicable.**

SECTION 3997. 119.04 (1) of the statutes is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.32, 115.33, 115.34, 115.343, 115.345, 115.361, ~~115.364, 115.366,~~ 115.38 (2), 115.40, 115.45, ~~118.01~~ 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30

to ~~118.42~~ 118.43, 120.12 (5) and (15) to (23), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26)~~,~~ and (34) ~~and (35)~~ to (36) and 120.14 are applicable to a 1st class city school district and board.

SECTION 3998. 119.18 (1) of the statutes is renumbered 119.18 (1r).

SECTION 3999. 119.18 (1g) of the statutes is created to read:

119.18 **(1g)** GENERALLY. The board may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils.

SECTION 4000. 119.18 (23) of the statutes is created to read:

119.18 **(23)** SCHOOL CLOSINGS. The board may close any school that it determines is low in performance by adopting a resolution to that effect. If the superintendent of schools recommends to the board that a school be closed, he or she shall state the reasons for the recommendation in writing. If the board closes a school, the superintendent of schools may reassign the school's staff members without regard to seniority in service. If the board reopens the school, the superintendent of schools may reassign staff members to the school without regard to seniority in service.

SECTION 4002. 119.23 (2) (a) (intro.), 2. and 3. of the statutes are amended to read:

119.23 **(2)** (a) (intro.) Subject to par. (b), beginning in the 1990–91 school year, any pupil in grades kindergarten to 12 who resides within the city may attend, at no charge, any ~~nonsectarian~~ private school located in the city if all of the following apply:

2. In the previous school year the pupil was enrolled in the school district operating under this chapter, was attending a private school under this section, was

enrolled in grades kindergarten to 3 in a private school located in the city other than under this section or was not enrolled in school.

3. The private school notified the state superintendent of its intent to participate in the program under this section by May 1 of the previous school year. The notice shall specify the number of pupils participating in the program under this section for which the school has space.

SECTION 4003. 119.23 (2) (b) of the statutes is repealed and recreated to read:

119.23 **(2)** (b) In the 1995–96 school year, no more than 7% of the school district's membership may attend private schools under this section. Beginning in the 1996–97 school year, no more than 15% of the school district's membership may attend private schools under this section.

SECTION 4004. 119.23 (3) of the statutes is renumbered 119.23 (3) (a) and amended to read:

119.23 **(3)** (a) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend ~~by June 30 of the school year immediately preceding the school year in which he or she wishes to enroll~~. Within 60 days after receiving the application, the private school shall notify the applicant, in writing, whether the application has been accepted. The state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference in accepting applications to siblings of pupils accepted on a random basis.

SECTION 4005. 119.23 (3) (b) of the statutes is created to read:

119.23 **(3)** (b) If the private school rejects an applicant because it has too few available spaces, the pupil may transfer his or her application to a participating private school that has space available.

SECTION 4006m. 119.23 (4) of the statutes is amended to read:

119.23 **(4)** Upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school, the state superintendent shall pay to the ~~private school~~ parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the total amount to which the school district is entitled under s. 121.08 divided by the school district membership, or an amount equal to the private school's operating cost per pupil, as determined by the department, whichever is less. The state superintendent shall pay 25% of the total amount in September, 25% in November, 25% in February and 25% in May. The department shall send the check to the private school. The parent or guardian shall restrictively endorse the check for the use of the private school.

SECTION 4007m. 119.23 (5) (d) of the statutes is repealed.

SECTION 4007r. 119.23 (7) (am) of the statutes is created to read:

119.23 **(7)** (am) Each private school participating in the program under this section is subject to uniform financial accounting standards established by the department and annually shall submit to the department an independent financial audit of the private school.

SECTION 4008e. 119.23 (7) (c) of the statutes is created to read:

119.23 **(7)** (c) A private school may not require a pupil attending the private school under this section to participate in any religious activity if the pupil's parent or guardian submits to the pupil's teacher or the private school's principal a written request that the pupil be exempt from such activities.

SECTION 4008m. 119.23 (9) (a) of the statutes is repealed.

SECTION 4008s. 119.23 (9) (b) of the statutes is renumbered 119.23 (9) and amended to read:

119.23 **(9)** The legislative audit bureau shall perform a financial and performance evaluation audit on the program under this section. The bureau shall submit copies of the audit report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) by January 15, ~~1995~~ 2000.

SECTION 4009. 119.23 (10) of the statutes is repealed.

SECTION 4010. 119.235 of the statutes is created to read:

119.235 Contracts with private schools and agencies. (1) The board may contract with any nonprofit, nonsectarian private school located in the city or any nonprofit, nonsectarian private agency located in the city to provide educational programs to pupils enrolled in the school district operating under this chapter. The board shall ensure that each private school or agency under contract with the board complies with ss. 118.125 and 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42 USC 2000d and 42 USC 6101 to 6107, and all health and safety laws and rules that apply to public schools.

(2) Each private school or agency under contract with the board shall do all of the following:

(a) Offer a full school year educational program.

(b) Participate in the board's parent information program.

(c) Offer diverse opportunities for parents to participate in the school's programs.

(d) Meet insurance and financial requirements established by the board.

(e) Develop a pupil recruitment and enrollment plan that incorporates all of the following:

1. A good faith effort to achieve racial balance.

2. A pupil selection process that gives preference to the siblings of enrolled pupils and that gives no other preferences except those approved by the board.

3. A statement describing how the plan will serve the needs of low–academic achievers and pupils from low–income families.

(f) Report to the board any information requested by the board.

(3) Any pupil enrolled in the school district operating under this chapter may attend, at no charge, any private school or agency with which the board has contracted under sub. (1) if space is available in the private school or agency.

(4) The board shall establish appropriate, quantifiable performance standards for pupils at each private school or agency with which it contracts in such areas as attendance, reading achievement, pupil retention, pupil promotion, parent surveys, credits earned and grade point average.

(5) Annually, the board shall monitor the performance of the program under this section. The board may use the results of standardized basic educational skills tests to do so. The board shall include a summary of its findings in its annual report to the state superintendent under s. 119.44.

SECTION 4012. 119.28 (5) of the statutes is amended to read:

119.28 **(5)** Any action under subs. (3) and (4) shall be subject to the direction of the ~~state superintendent~~ department and the division for learning support, equity and advocacy in the department ~~of public instruction~~ as provided by law.

SECTION 4013. 119.32 (title) of the statutes is amended to read:

119.32 (title) **Superintendent of schools; business manager.**

SECTION 4014. 119.32 (1) of the statutes is amended to read:

119.32 **(1)** The board shall elect by roll call vote at a regular meeting a superintendent of schools whenever that office becomes vacant. The superintendent of schools shall be a person of suitable learning and experience in the art of instruction and shall have practical familiarity with the most approved methods of organizing and conducting a system of schools.

(7) Notwithstanding ss. 115.28 (7), 118.19 (1) and 121.02 (1) (a), ~~prior to July 1, 1999,~~ the board may elect a superintendent of schools, and may employ a business manager, who ~~is~~ are not licensed ~~or certified~~ by the department.

SECTION 4017g. 119.46 (1) of the statutes is renumbered 119.46 and amended to read:

119.46 Taxes for school operations fund. As part of the budget transmitted annually to the common council under s. 119.16 (8) (b), the board shall report the amount of money required for the ensuing school year to operate all public schools in the city under this chapter, to repair and keep in order school buildings and equipment, to make material improvements to school property and to purchase necessary additions to school sites. The common council shall levy and collect a tax upon all the property subject to taxation in the city, which shall be equal to the amount of money required by the board for the purposes set forth in this ~~subsection~~ section, at the same time and in the same manner as other taxes are levied and collected. Such taxes shall be in addition to all other taxes which the city is authorized to levy. The taxes so levied and collected, together with the other funds provided by law and placed at the disposal of the city for the same purposes, shall constitute the school operations fund.

SECTION 4017r. 119.46 (2) of the statutes is repealed.

SECTION 4017t. 119.55 (title) of the statutes is created to read:

119.55 (title) **Youth service centers, truancy abatement and burglary suppression.**

SECTION 4017u. 119.55 (1) (b) and (2) of the statutes are created to read:

119.55 **(1)** (b) Beginning on July 1, 1996, the board shall establish 2 youth service centers under par. (a).

(2) Beginning on July 1, 1996, the board shall pay the city a sum sufficient to pay the costs of salaries and fringe benefits of 4 law enforcement officers to work on truancy abatement and burglary suppression on a full–time basis.

SECTION 4018. 119.72 (2) (b) of the statutes is amended to read:

119.72 **(2)** (b) Children with a parent in need of child care services funded under s. 46.40 ~~(3) (a)~~ (2).

SECTION 4019. 119.80 (1) of the statutes is amended to read:

119.80 **(1)** The board shall submit to the governor for his or her approval a proposal for the expenditure of the funds in the appropriation under s. 20.255 (2) (ec) in the ~~1993–94~~ 1995–96 school year. The governor may modify the plan.

SECTION 4020. 119.80 (2) (a) of the statutes is renumbered 119.80 (2) (am) and amended to read:

119.80 **(2)** (am) By ~~January~~ June 1, ~~1994~~ 1996, and annually thereafter by June 1, the governor ~~and the state superintendent~~ shall submit to the joint committee on finance and to the appropriate standing committees of the legislature under s. 13.172 (3) a ~~joint~~ proposal for the expenditure of the funds in the appropriation under s. 20.255 (2) (ec) in the ~~1994–95~~ following school year. ~~Within 30 days after receiving the proposal~~ By June 15, each such standing committee may submit written recommendations on the proposal to the joint committee on finance.

SECTION 4020g. 119.80 (2) (a) of the statutes is created to read:

119.80 **(2)** (a) The board shall submit to the governor a proposal for the expenditure of the funds in the appropriation under s. 20.255 (2) (ec) in the 1996–97 school year and in each school year thereafter.

SECTION 4020r. 119.80 (2) (b) of the statutes is repealed and recreated to read:

119.80 **(2)** (b) By June 30, the joint committee on finance may schedule a meeting to act on the proposal. At the meeting, the committee may approve, modify and approve as modified, or reject the proposal. If the committee does not schedule a meeting by June 30, the proposal shall be considered approved by the committee.

SECTION 4021. 119.82 (1) (a) 3. of the statutes is amended to read:

119.82 **(1)** (a) 3. Has been or is being sanctioned under s. ~~49.50 (7) (h)~~ 49.26 (1) (h) or is subject to the monthly attendance requirement under s. HSS 201.195 (4) (b) 2., Wis. adm. code.

SECTION 4022. 119.84 of the statutes is amended to read:

119.84 Professional development. Annually, the state superintendent shall pay the amount appropriated in that fiscal year under s. 20.255 (2) (dc) to the board. The board shall use ~~67% of the funds to provide a mentor teacher program for inexperienced teachers and a peer coaching program for experienced teachers. The board shall use the balance of~~ the funds for ~~school administrator assessment and~~ professional staff development activities. This subsection does not apply after June 30, 1996.

SECTION 4022g. 120.105 of the statutes is repealed.

SECTION 4022r. 120.12 (3) (e) of the statutes is repealed.

SECTION 4024. 120.13 (intro.) of the statutes is amended to read:

120.13 School board powers. (intro.) The school board of a common or union high school district may do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

SECTION 4027m. 120.13 (25m) of the statutes is created to read:

120.13 **(25m)** CONTRACTS FOR SERVICES. Contract in writing with any person for services that are not required to be provided by an individual licensed by the department.

SECTION 4029. 120.17 (8) (bm) of the statutes is amended to read:

120.17 **(8)** (bm) If the equalized valuation of that part of a municipality lying within a school district is reduced due to the removal of property from the tax roll because the imposition of the property tax on that property is found unconstitutional, the school district clerk shall notify the supervisor of equalization. The supervisor of equalization shall reduce the equalized valuation by the full value of the property so removed and certify the resulting equalized valuation to the ~~state superintendent~~ department and the school district clerk for use in computing the tax levy certifications under this subsection. Corrections may be made under this paragraph only for the valuations used by the department ~~of public instruction~~ for the last 2 school years.

SECTION 4030m. 120.44 (3) of the statutes is repealed.

SECTION 4031. 121.006 (1) (a) of the statutes is amended to read:

121.006 **(1)** (a) The ~~state superintendent~~ department may withhold state aid from any school district in which the scope and character of the work are not maintained in such manner as to meet the ~~state superintendent's~~ department's approval.

SECTION 4036. 121.02 (1) (m) of the statutes is amended to read:

121.02 **(1)** (m) Provide access to an education for employment program approved by the state superintendent. Beginning in the 1997–98 school year, the program shall incorporate applied curricula; guidance and counseling services under par. (e); technical preparation under s. 118.34; college preparation; youth apprenticeship under s. ~~101.265~~ 106.13 or other job training and work experience; and instruction in skills relating to employment. The state superintendent shall assist school boards in complying with this paragraph.

SECTION 4037. 121.02 (1) (s) of the statutes is amended to read:

121.02 **(1)** (s) Beginning in the 1993–94 school year, administer the examinations required by the state superintendent under s. 118.30~~. A school board may administer additional examinations only if they are aligned with the school district's curriculum~~, and beginning in the 1996–97 school year, administer the examinations and performance assessments required by the state superintendent under s. 118.30.

SECTION 4038. 121.02 (2) of the statutes is amended to read:

121.02 **(2)** In order to ensure compliance with the standards under sub. (1), the ~~state superintendent~~ department shall ~~annually~~ conduct ~~a general on–site audit of at least 10% of all school districts, selected by means of a stratified, random sample. The state superintendent shall audit each school district at least once every 10 years but may not audit a school district more than once every 6 years. The state superintendent shall ensure that the audit process involves school board members, school district administrators, teachers, pupils, parents of pupils and other residents of the school district. Nothing in this subsection prohibits the state superintendent~~

~~from conducting~~ an inquiry into compliance with the standards upon receipt of a complaint and may, on its own initiative, conduct an audit of a school district.

SECTION 4040x. 121.05 (1) (a) 4. of the statutes is amended to read:

121.05 **(1)** (a) 4. Pupils enrolled in a private school under s. 119.23 ~~who, in the school year prior to their initial enrollment in the private school, were enrolled in the school district operating under ch. 119 or were not enrolled in school~~.

SECTION 4042. 121.05 (1) (a) 10. of the statutes is created to read:

121.05 **(1)** (a) 10. Pupils attending a private school or agency under contract with the board under s. 119.235.

SECTION 4044. 121.06 (1) of the statutes is amended to read:

121.06 **(1)** Annually on or before October 1, the full value of the taxable property in each part of each city, village and town in each school district shall be determined by the department of revenue according to its best judgment from all sources of information available to it and shall be certified by the department of revenue to the ~~state superintendent~~ department.

SECTION 4046m. 121.07 (1) (a) of the statutes is amended to read:

121.07 **(1)** (a) The membership of the school district in the previous school year and the shared cost for the previous school year shall be used in computing general aid, except that beginning with state aid paid in the 1995–96 school year the membership used to compute state aid to the school district operating under ch. 119 shall include those pupils who are attending a private school under s. 119.23 in the current school year and were enrolled in grades kindergarten to 3 in a private school located in the city of Milwaukee other than under s. 119.23 in the previous school year. If a school district has a state trust fund loan as a result of s. 24.61 (3) (c) 2.,

the school district's debt service costs shall be based upon current school year costs for the term of the loan and for one additional school year.

SECTION 4048g. 121.07 (6) (a) (intro.) of the statutes is amended to read:

121.07 **(6)** (a) (intro.) "Shared cost" is the sum of the net cost of the general fund and the net cost of the debt service fund, except that "shared cost" excludes any costs, including attorney fees, incurred by a school district as a result of its participation in a lawsuit commenced against the state, beginning with such costs incurred in the fiscal year in which the lawsuit is commenced. In this paragraph, "net cost of the debt service fund" includes all of the following amounts:

SECTION 4048r. 121.07 (6) (am) of the statutes is created to read:

121.07 **(6)** (am) 1. In calculating shared cost under par. (a) for the purpose of computing state aid paid under s. 121.08 in the 1997–98 to 2000–01 school years, if a school district's equalized valuation exceeds its tertiary guaranteed valuation, the department shall deduct an amount equal to the following percentages of the amount received by the school district under s. 121.85 (6) (b) 3. in the 1995–96 school year that is in addition to the amount received by the school district under s. 121.85 (6) (b) 2. in that school year:

a. In the 1997–98 school year, 100%.

b. In the 1998–99 school year, 75%.

c. In the 1999–2000 school year, 50%.

d. In the 2000–01 school year, 25%.

2. The amount deducted under subd. 1. may not exceed the amount by which the school district's shared cost, including the additional aid paid under s. 121.85 (6) (b) 3. in the 1995–96 school year, exceeds the school district's secondary ceiling cost per member multiplied by its membership.

SECTION 4049. 121.07 (6) (b) of the statutes is repealed and recreated to read:

121.07 **(6)** (b) The "primary ceiling cost per member" is $1,000, except that, if the amount determined by the joint committee on finance under s. 121.15 (3m) (c) is less than the amount certified to the committee under s. 121.15 (3m) (b), the "primary ceiling cost per member" shall be reduced by the following amount:

1. One hundred dollars if the sum of state school aids, as defined in s. 121.15 (3m) (a) 2., and the school levy tax credit under s. 79.10 (4) is equal to or greater than 65.7% but less than 66.7% of partial school revenues, as defined in s. 121.15 (3m) (a) 1.

2. An additional $100 for each percentage point that the sum described under subd. 1. falls below 65.7% of partial school revenues, as defined in s. 121.15 (3m) (a) 1.

SECTION 4050. 121.07 (6) (c) of the statutes is amended to read:

121.07 **(6)** (c) The "primary shared cost" is that portion of a district's shared cost which is less than or equal to the primary ceiling cost per member multiplied by its membership.

SECTION 4051. 121.07 (6) (d) of the statutes is repealed and recreated to read:

121.07 **(6)** (d) 1. The "secondary ceiling cost per member" in the 1996–97 school year is an amount determined by multiplying the primary ceiling cost per member in the 1995–96 school year by 1.0 plus the rate certified under s. 73.03 (46) expressed as a decimal.

2. The "secondary ceiling cost per member" in the 1997–98 school year and in each school year thereafter is an amount determined by multiplying the secondary ceiling cost per member in the previous school year by 1.0 plus the rate certified under s. 73.03 (46) expressed as a decimal.

SECTION 4052. 121.07 (6) (dg) of the statutes is created to read:

121.07 **(6)** (dg) The "secondary shared cost" is that portion of a school district's shared cost which is greater than the primary ceiling cost per member multiplied by its membership and less than or equal to the secondary ceiling cost per member multiplied by its membership.

SECTION 4053. 121.07 (6) (dr) of the statutes is created to read:

121.07 **(6)** (dr) The "tertiary shared cost" is that portion of a school district's shared cost which is greater than the secondary ceiling cost per member multiplied by its membership.

SECTION 4054. 121.07 (6) (e) of the statutes is amended to read:

121.07 **(6)** (e) For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 4 school years, the amounts under ~~par.~~ pars. (b) and (d) shall be multiplied by 1.1 and rounded to the next lowest dollar.

SECTION 4056. 121.07 (7) (a) of the statutes is repealed and recreated to read:

121.07 **(7)** (a) The "primary guaranteed valuation per member" is $2,000,000.

SECTION 4057. 121.07 (7) (b) of the statutes is repealed and recreated to read:

121.07 **(7)** (b) The "secondary guaranteed valuation per member" is an amount, rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09, 121.10, 121.105 and 121.85 (6) (b) 2. and 3. and (c), fully distributes the amount remaining in the appropriation under s. 20.255 (2) (ac) for payments under ss. 121.08 and 121.85 (6) (a) and (g).

SECTION 4058. 121.07 (7) (bm) of the statutes is created to read:

121.07 **(7)** (bm) The "tertiary guaranteed valuation per member" is the amount rounded to the next lower dollar determined by dividing the equalized valuation of the state by the state total membership.

SECTION 4059. 121.07 (7) (c) of the statutes is amended to read:

121.07 **(7)** (c) For districts operating only high school grades, the amounts in pars. (a) ~~and (b)~~ to (bm) shall be multiplied by 3 and rounded to the next ~~lowest~~ lower dollar.

SECTION 4060. 121.07 (7) (d) of the statutes is amended to read:

121.07 **(7)** (d) For districts operating only elementary grades, the amounts in pars. (a) ~~and (b)~~ to (bm) shall be multiplied by 1.5 and rounded to the next ~~lowest~~ lower dollar.

SECTION 4061. 121.07 (7) (e) of the statutes is amended to read:

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

SECTION 4062. 121.07 (8) of the statutes is amended to read:

121.07 **(8)** GUARANTEED VALUATION. A school district's primary ~~and~~, secondary and tertiary guaranteed valuations are determined by multiplying the amounts in sub. (7) by the district's membership.

SECTION 4063. 121.07 (10) (a) of the statutes is amended to read:

121.07 **(10)** (a) The "required levy rate" is the sum of the rates derived in pars. (b) ~~and (c)~~ to (d).

SECTION 4064. 121.07 (10) (d) of the statutes is created to read:

121.07 **(10)** (d) The "tertiary required levy rate" is the tertiary shared cost divided by the tertiary guaranteed valuation.

SECTION 4065. 121.08 (1) of the statutes is renumbered 121.08 (1) (intro.) and amended to read:

121.08 **(1)** (intro.) The state shall pay to the school district ~~a~~ the sum ~~equal to~~ of the following amounts:

(a) The amount by which the primary guaranteed valuation exceeds the school district equalized valuation, multiplied by the primary required levy rate ~~and a sum equal to the~~.

(b) The amount by which the secondary guaranteed valuation exceeds the school district equalized valuation multiplied by the secondary required levy rate.

SECTION 4066. 121.08 (1) (c) of the statutes is created to read:

121.08 **(1)** (c) The amount by which the tertiary guaranteed valuation exceeds the school district equalized valuation multiplied by the tertiary required levy rate.

SECTION 4067. 121.08 (2) of the statutes is amended to read:

121.08 **(2)** The aid computed under sub. (1) shall be reduced by the sum of the amount by which the school district equalized valuation exceeds the secondary guaranteed valuation, multiplied by the secondary required levy rate, and the amount by which the school district equalized valuation exceeds the tertiary guaranteed valuation, multiplied by the tertiary required levy rate. In no case may the aid under this section be less than ~~zero~~ the amount under sub. (1) (a).

SECTION 4069. 121.10 (7) of the statutes is created to read:

121.10 **(7)** No aid may be paid under this section after the 1995–96 school year.

SECTION 4072. 121.135 (1) of the statutes is amended to read:

121.135 **(1)** If, upon receipt of the report under s. 115.84, the ~~state superintendent~~ department is satisfied that there are children participating in a special education program provided by a county handicapped children's education board, the ~~superintendent~~ department shall certify to the department of administration from the appropriation under s. 20.255 (2) (bh) in favor of the county handicapped children's education board the amount determined under sub. (2), except as provided under sub. (3).

SECTION 4073. 121.15 (2) (c) of the statutes is amended to read:

121.15 **(2)** (c) If the ~~state superintendent~~ department notifies a school district that a state aid payment may be withheld under par. (a) or (b), ~~he or she~~ the department shall notify each member of the school board or the school district clerk. If the ~~state superintendent~~ department notifies the school district clerk, the school district clerk shall promptly distribute a copy of the notice to each member of the school board.

SECTION 4075. 121.15 (3) of the statutes is repealed.

SECTION 4075m. 121.15 (3m) of the statutes is created to read:

121.15 **(3m)** (a) In this subsection:

1. "Partial school revenues" means the sum of state school aids and property taxes levied for school districts.

2. "State school aids" means those aids appropriated under s. 20.255 (2), other than s. 20.255 (2) (fu), (k) and (m), and under s. 20.505 (4) (er).

(b) By June 15, 1996, and annually by June 15 thereafter, the department, the department of administration and the legislative fiscal bureau shall jointly certify to the joint committee on finance an estimate of the amount necessary to appropriate under s. 20.255 (2) (ac) in the following school year to ensure that the sum of state

school aids and the school levy tax credit under s. 79.10 (4) equals 66.7% of partial school revenues.

(c) By June 30, 1996, and annually by June 30 thereafter, the joint committee on finance shall determine the amount appropriated under s. 20.255 (2) (ac) in the following school year.

SECTION 4076. 121.17 of the statutes is amended to read:

121.17 Use of federal revenue sharing funds. It is the intent of the legislature that school districts receiving federal revenue sharing funds through the state under this subchapter shall utilize these funds in compliance with the federal revenue sharing requirements as defined in the state and local fiscal assistance act of 1972 (P.L. 92–512), as amended by P.L. 94–488. The department ~~of public instruction~~ shall assure compliance with this section.

SECTION 4077. 121.23 (2) (intro.) of the statutes is amended to read:

121.23 **(2)** (intro.) If a school district holds less than 180 days of school as the result of a strike by school district employes, for the purposes of computing general aid, the state superintendent shall compute the school district's primary and secondary ceiling ~~cost~~ costs per member in accordance with the procedure specified in pars. (a) to (e). In making the calculation, the state superintendent shall:

SECTION 4079. 121.52 (4) of the statutes is amended to read:

121.52 **(4)** The use of any motor vehicle to transport pupils shall be discontinued upon receipt of an order signed by the ~~state superintendent~~ secretary or the secretary of transportation ordering such discontinuance. Personnel under the ~~state superintendent~~ secretary or the secretary of transportation may ride any school bus at any time for the purpose of inspection.

SECTION 4080g. 121.555 (1) (a) and (b) of the statutes are amended to read:

121.555 **(1)** (a) A motor vehicle transporting ~~9~~ 15 or less passengers in addition to the operator.

(b) A motor vehicle transporting ~~10~~ 16 or more passengers in addition to the operator and used temporarily to provide transportation for purposes specified under s. 340.01 (56) (a) when the school board or the governing body requests the secretary of transportation to determine that an emergency exists because no regular transportation is available. The secretary of transportation shall approve or deny the request in writing. Any authorization granted under this paragraph shall specify the purpose and need for the emergency transportation service.

SECTION 4080m. 121.555 (2) (a) of the statutes is amended to read:

121.555 **(2)** (a) *Insurance.* If the vehicle is owned or leased by a school or a school bus contractor, or is a vehicle authorized under sub. (1) (b), it shall comply with s. 121.53. If the vehicle is transporting ~~9~~ 15 or less persons in addition to the operator and is not owned or leased by a school or by a school bus contractor, it shall be insured by a policy providing property damage coverage with a limit of not less than $10,000 and bodily injury liability coverage with limits of not less than $25,000 for each person, and, subject to the limit for each person, a total limit of not less than $50,000 for each accident.

SECTION 4081. 121.56 of the statutes is amended to read:

121.56 School bus routes. The school board of each district shall make and be responsible for all necessary provisions for the transportation of pupils, including establishment, administration and scheduling of school bus routes. Upon the request of any school board, the ~~state superintendent~~ department shall provide advice and counsel on problems of school transportation. Any private school shall, upon the request of the public school officials, supply all necessary information and reports.

The transportation of public and private school pupils shall be effectively coordinated to insure the safety and welfare of the pupils. Upon receipt of a signed order from the ~~state superintendent~~ secretary, the school board shall discontinue any route specified by the ~~state superintendent~~ secretary.

SECTION 4084. 121.58 (5) of the statutes is amended to read:

121.58 **(5)** (title) ~~STATE SUPERINTENDENT~~ DEPARTMENT APPROVAL. If the ~~state superintendent~~ department is satisfied that transportation or board and lodging was provided in compliance with law, the ~~state superintendent~~ department shall certify to the department of administration the sum due the school district. In case of differences concerning the character and sufficiency of the transportation or board and lodging, the ~~state superintendent~~ department may determine such matter and ~~his or her decision thereon~~ its decision is final.

SECTION 4093. 121.845 (3) of the statutes is amended to read:

121.845 **(3)** "School" means an organized educational activity operated by the school board and approved by the department ~~of public instruction~~.

SECTION 4095m. 121.85 (6) (a) 2. of the statutes is amended to read:

121.85 **(6)** (a) 2. Multiply the number of transfer pupils by ~~0.325~~ 0.25.

SECTION 4096m. 121.85 (6) (b) 2. of the statutes is amended to read:

121.85 **(6)** (b) 2. ~~If, in any one~~ In each school year, ~~the number of pupils transferring from one school district to another under sub. (3) (a) constitute less than 5% of the total membership of the school district of attendance,~~ the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) shall receive an amount equal to that produced by multiplying the number of pupils transferred into the school district under sub. (3) (a) in the previous school year by the amount produced by dividing the school district's net school cost by the

sum of the membership, plus the number of pupils transferred into the school district of attendance in the previous school year under sub. (3) (a). This subdivision applies to aid paid in the 1995–96 school year only if the number of pupils transferring from one school district to another under sub. (3) (a) in the 1994–95 school year constitutes less than 5% of the total membership of the school district of attendance.

SECTION 4098. 121.85 (6) (b) 3. of the statutes is amended to read:

121.85 **(6)** (b) 3. If, in ~~any one~~ the 1994–95 school year, the number of pupils transferring from one school district to another under sub. (3) (a) constitute 5% or more of the total membership of the school district of attendance, in the 1995–96 school year the school district of attendance shall receive an amount equal to 1.2 multiplied by the amount to which the district is entitled under subd. 2.

SECTION 4105m. 121.90 (1) of the statutes is amended to read:

121.90 **(1)** "Number of pupils" means the number of pupils enrolled on the 3rd Friday of September, except that "number of pupils" excludes the number of pupils attending private schools under s. 119.23.

SECTION 4106. 121.90 (2) of the statutes is amended to read:

121.90 **(2)** "State aid" means aid under ss. 121.08, 121.09, 121.10 and 121.105 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4), except that "state aid" excludes any additional aid that a school district receives as a result of ss. 121.07 (6) (e) and (7) (e) and 121.105 (3) for school district consolidations that are effective on or after July 1, 1995, as determined by the department.

SECTION 4107. 121.905 of the statutes is created to read:

121.905 Applicability. (1) In this section, "revenue ceiling" means $5,300 in the 1995–96 school year and in any subsequent school year means $5,600.

(2) The revenue limit under s. 121.91 does not apply to any school district in any school year in which its base revenue per member, as calculated under sub. (3), is less than its revenue ceiling.

(3) A school district's base revenue per member is determined as follows:

(a) Calculate the sum of the amount of aid received under ss. 121.08, 121.10 and 121.105 and subch. VI in the previous school year and property taxes levied for the previous school year, excluding funds described under s. 121.91 (4) (c), and the costs of the county handicapped children's education board program, as defined in s. 121.135 (2) (a) 2., for pupils who were school district residents and solely enrolled in a special education program provided by a county handicapped children's education board in the previous school year.

(b) Divide the result in par. (a) by the sum of the average of the number of pupils in the 3 previous school years and the number of pupils who were school district residents and solely enrolled in a special education program provided by a county handicapped children's education board program in the previous school year.

(c) 1. For the limit for the 1995–96 school year, add $200 to the result under par. (b).

2. For the limit for the 1996–97 school year, add $206 to the result under par. (b).

3. For the limit for the 1997–98 school year, add the result under s. 121.91 (2m) (c) 2. to the result under par. (b).

4. For the limit for the 1998–99 school year or for any school year thereafter, add the result under s. 121.91 (2m) (d) 2. to the result under par. (b).

(4) A school district that is exempt from the revenue limits under this section may not increase its base revenue per member to an amount that is greater than its

revenue ceiling unless that school district follows the procedures prescribed in s. 121.91 (3).

SECTION 4108m. 121.91 (2m) (intro.) and (a) (intro.) of the statutes are consolidated, renumbered 121.91 (2m) (a) (intro.) and amended to read:

121.91 **(2m)** (a) (intro.) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1995–96~~, 1996–97 or 1997–98~~ school year to an amount that exceeds the ~~greater of the following: (a) The~~ amount calculated as follows:

SECTION 4109m. 121.91 (2m) (a) 2. of the statutes is repealed.

SECTION 4110m. 121.91 (2m) (a) 3. of the statutes is amended to read:

121.91 **(2m)** (a) 3. Add $200 to the result under subd. 1. ~~to the result under subd. 2~~.

SECTION 4111m. 121.91 (2m) (b) of the statutes is repealed and recreated to read:

121.91 **(2m)** (b) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1996–97 school year to an amount that exceeds the amount calculated as follows:

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

2. Add $206 to the result under subd. 1.

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

SECTION 4112m. 121.91 (2m) (c) and (d) of the statutes are created to read:

121.91 **(2m)** (c) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1997–98 school year to an amount that exceeds the amount calculated as follows:

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

2. Multiply $206 by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

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

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

(d) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1998–99 school year or for any school year thereafter to an amount that exceeds the amount calculated as follows:

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

2. Multiply the amount determined under par. (c) 2. for the previous school year by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

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

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

SECTION 4113g. 121.91 (4) (a) 3. of the statutes is created to read:

121.91 **(4)** (a) 3. If responsibility for providing a service is transferred from one school board to another under subds. 1. and 2., the department shall ensure that the amount of the decrease in the former school district's limit under sub. (2m) shall be equal to or greater than the amount of the increase in the latter school district's limit under sub. (2m).

SECTION 4113m. 121.91 (4) (d) and (e) of the statutes are created to read:

121.91 **(4)** (d) If a school district's revenue in the preceding school year was less than the limit under sub. (2) or (2m) in the preceding school year, the limit otherwise applicable to the school district's revenue in the current school year under sub. (2m) is increased by an amount equal to 65% of the difference between the amount of its revenue in the preceding school year and the amount of the limit in the preceding school year under sub. (2) or (2m).

(e) If a school district receives less aid under 20 USC 7701 to 7703 in the 1994–95 school year or in any school year thereafter than it received in the previous school year, the limit otherwise applicable to the school district's revenue in the following school year under sub. (2m) is increased by an amount equal to the reduction in such aid.

SECTION 4114. 121.91 (5) (a) of the statutes is amended to read:

121.91 **(5)** (a) Upon request by a school board, the ~~state superintendent~~ department may increase the school district's limit under sub. (1) by the amount necessary to allow the school district to avoid increasing its level of short–term borrowing over the amount of short–term borrowing incurred by the school district in the 1992–93 school year if the school district presents clear and convincing evidence of the need for the increase in the limit. The school board shall provide the

~~state superintendent~~ department with any information that the ~~state superintendent~~ department requires to make ~~his or her~~ the determination.

SECTION 4117b. 125.04 (11) (a) 1. of the statutes is renumbered 125.04 (11) (a) and amended to read:

125.04 **(11)** (a) *Permits.* ~~Retail~~ All permits to sell alcohol beverages shall expire ~~on June 30 of each year~~ as specified in the valid certificate issued under s. 73.03 (50).

SECTION 4117c. 125.04 (11) (a) 2. of the statutes is repealed.

SECTION 4117g. 125.14 (2) (e) of the statutes is amended to read:

125.14 **(2)** (e) *Disposal.* The department shall dispose of the alcohol beverages turned over to it by the court by either giving it to state–operated veterans' hospitals in amounts needed for medicinal purposes, selling it to the highest bidder if the bidder is a person holding a license or permit issued under this chapter, or destroying it, at the discretion of the department. If the department elects to sell the alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids from qualified bidders. Any items or groups of items in the inventory subject to a security interest, the existence of which was established in the proceedings for conviction as being bona fide and as having been created without the secured party having notice that the items were being used or were to be used in connection with the violation, shall be sold separately. The net proceeds from the sale, less all costs of seizure, storage and sale, shall be turned over to the ~~state treasurer~~ secretary of administration and credited to the common school fund.

SECTION 4117r. 125.14 (2) (f) of the statutes is amended to read:

125.14 **(2)** (f) *Sale.* Any personal property, other than alcohol beverages, seized under par. (a) and fit for sale, shall be turned over by the department to the department of administration for disposal at public auction to the highest bidder, at

a time and place stated in a notice of sale which describes the property to be sold. The sale shall be held in a conveniently accessible place in the county where the property was confiscated. A copy of the notice shall be published as a class 2 notice under ch. 985. The last insertion shall be at least 10 days before the sale. The department of revenue shall serve a copy of the notice of sale at least 2 weeks before the date thereof on all persons who are or may be owners or holders of security interests in the property. Any confiscated property worth more than $100 shall be sold separately, and the balance of the confiscated property shall be sold in bulk or separately at the discretion of the department of administration. The net proceeds from the sale, less all costs of seizure, storage and sale, shall be turned over to the ~~state treasurer~~ secretary of administration. No motor vehicle or motorboat confiscated under this section may be sold within 30 days after the date of seizure.

SECTION 4118m. 125.19 (2) of the statutes is amended to read:

125.19 **(2)** ELIGIBILITY. Alcohol beverage warehouse permits may be issued only to ~~any~~ a person who holds a valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

SECTION 4118r. 125.19 (3) of the statutes is repealed.

SECTION 4119g. 125.27 (1) (a) of the statutes is amended to read:

125.27 **(1)** (a) The department shall issue Class "B" permits to clubs holding a valid certificate issued under s. 73.03 (50) that are operated solely for the playing of golf or tennis and are commonly known as country clubs and to clubs that are operated solely for curling, ski jumping or yachting, if the club is not open to the

general public and if no Class "B" licenses are issued by the governing body of the municipality in which the club is located. A Class "B" permit authorizes retail sales of fermented malt beverages to be consumed on the premises where sold. Persons holding a Class "B" permit may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license under s. 66.053 (1).

SECTION 4119m. 125.27 (1) (c) of the statutes is repealed.

SECTION 4119r. 125.27 (2) (a) 1. (intro.) of the statutes is amended to read:

125.27 **(2)** (a) 1. (intro.) The department may issue a Class "B" permit to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5) authorizing the sale of fermented malt beverages for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.01 (9) and (11) if any of the following applies:

SECTION 4120m. 125.27 (2) (c) of the statutes is repealed.

SECTION 4121m. 125.275 (1) of the statutes is amended to read:

125.275 **(1)** The department may issue an industrial fermented malt beverages permit which authorizes the permittee to purchase and use fermented malt beverages for industrial purposes only. Such permits may be issued only to persons who prove to the department that they use alcohol for industrial purposes and who holds a valid certificate issued under s. 73.03 (50).

SECTION 4121r. 125.275 (4) of the statutes is repealed.

SECTION 4122m. 125.29 (1) of the statutes is amended to read:

125.29 **(1)** PERMIT. No person may operate as a brewer unless that person obtains a permit from the department. Each wholesaler required to register under s. 139.09 shall obtain a permit under this subsection. ~~The fee for a permit under this subsection is $25, and that permit is valid for 2 years, except that, if a person applies~~

~~for the permit after the beginning of the permit period, the permit is valid until the end of the permit period~~ A permit under this section may only be issued to a person who holds a valid certificate issued under s. 73.03 (50).

SECTION 4123c. 125.30 (3) of the statutes is amended to read:

125.30 **(3)** Out–of–state shippers' permits may be issued only to ~~any~~ a person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5). Notwithstanding s. 125.04 (5) (a), natural persons obtaining out–of–state shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section. Notwithstanding s. 125.04 (6), corporations or limited liability companies obtaining out–of–state shippers' permits are not required to appoint agents.

SECTION 4123d. 125.30 (4) of the statutes is repealed.

SECTION 4123g. 125.51 (4) (t) of the statutes is renumbered 125.51 (4) (t) 1.

SECTION 4123h. 125.51 (4) (t) 2. of the statutes is created to read:

125.51 **(4)** (t) 2. No license may be issued under subd. 1. after the effective date of this subdivision .... [revisor inserts date], but a license issued under subd. 1. before the effective date of this subdivision .... [revisor inserts date], may be renewed.

SECTION 4123m. 125.51 (4) (u) of the statutes is created to read:

125.51 **(4)** (u) 1. Notwithstanding the quota of a municipality, its governing body may issue a license to a corporation that holds a Class "B" license, a "Class C" license and a "Class A" license since January 1, 1992, if the licenses are issued by that governing body.

2. No license may be issued under subd. 1. after September 1, 1995, or 30 days after the effective date of this subdivision .... [revisor inserts date], whichever is later,

but a license issued under subd. 1. on or before September 1, 1995, or on or before 30 days after the effective date of this subdivision .... [revisor inserts date], whichever is later, may be renewed.

SECTION 4124m. 125.51 (5) (a) 1. of the statutes is amended to read:

125.51 **(5)** (a) 1. The department shall issue "Class B" permits to clubs ~~which~~ that are operated solely for the playing of golf or tennis and are commonly known as country clubs and to clubs which are operated solely for curling, ski jumping or yachting. A "Class B" permit may be issued only to a club that holds a valid certificate issued under s. 73.03 (50), that is not open to the general public and that is located in a municipality that does not issue "Class B" licenses or to a club located in a municipality that issues "Class B" licenses, if the club holds a valid certificate issued under s. 73.03 (50), is not open to the general public, was not issued a license under s. 176.05 (4a), 1979 stats., and does not currently hold a "Class B" license. The permits may be issued by the department without regard to any local option exercised under s. 125.05 and without regard to any quota under sub. (4). The holder of a "Class B" permit may sell intoxicating liquor for consumption by the glass and not in the original package or container on the premises covered by the permit.

SECTION 4124r. 125.51 (5) (a) 4. of the statutes is amended to read:

125.51 **(5)** (a) 4. The department may annually issue a "Class B" permit to any club that holds a valid certificate issued under s. 73.03 (50), is organized to engage in sports similar to curling, golf, tennis or yachting ~~which~~ and that held a license from July 1, 1950, to June 30, 1951, as long as it is continuously operated under substantially the same circumstances under which it operated during the year beginning July 1, 1950, if the club is located in a municipality that does not issue "Class B" licenses.

SECTION 4125g. 125.51 (5) (a) 5. of the statutes is repealed.

SECTION 4125m. 125.51 (5) (b) 2. of the statutes is amended to read:

125.51 **(5)** (b) 2. The department shall issue a "Class B" permit to a concessionaire ~~conducting~~ that holds a valid certificate issued under s. 73.03 (50) and that conducts business in an operating airport or public facility, if the county or municipality which owns the airport or public facility has, by resolution of its governing body, annually applied to the department for the permit. The permit authorizes the sale of intoxicating liquor for consumption by the glass and not in the original package or container on the premises.

SECTION 4125r. 125.51 (5) (b) 5. of the statutes is repealed.

SECTION 4126g. 125.51 (5) (c) 1. of the statutes is amended to read:

125.51 **(5)** (c) 1. The department may issue a "Class B" permit to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.01 (9) and (11) if the vessel either serves food and has an approved passenger capacity of not less than 40 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of all of the food and beverages served on the vessel or if the vessel has an approved passenger capacity of at least 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50% of the gross receipts of the vessel. The department may issue the permit only if the vessel leaves its place of mooring while the sale of intoxicating liquor is taking place and if the vessel fulfills the requirement under par. (c) 1m. A permit issued under this subdivision also authorizes the permittee to store intoxicating liquor purchased for

sale on the vessel on premises owned or leased by the permittee and located near the vessel's regular place of mooring. The permittee shall describe on the permit application under s. 125.04 (3) (a) 3 the premises where the intoxicating liquor will be stored. The premises shall be open to inspection by the department upon request.

SECTION 4127m. 125.51 (5) (c) 2. of the statutes is repealed.

SECTION 4128m. 125.52 (3) of the statutes is amended to read:

125.52 **(3)** PERSONS ELIGIBLE. Except as provided under s. 125.69, a manufacturer's or rectifier's permit may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

SECTION 4129m. 125.52 (4) of the statutes is repealed.

SECTION 4130m. 125.52 (5) of the statutes is repealed.

SECTION 4131m. 125.53 (1) of the statutes is amended to read:

125.53 **(1)** The department shall issue only to a manufacturing winery in this state that holds a valid certificate issued under s. 73.03 (50) a winery permit authorizing the manufacture and bottling of wine on the premises covered by the permit for sale at wholesale to other licensees or permittees. A permittee under this section may offer on the premises taste samples of wine manufactured on the premises to persons who have attained the legal drinking age. A permittee under this section may also have either a "Class A" or "Class B" license, but not both. If a "Class A" or "Class B" liquor license has also been issued to the winery, the winery may offer the taste samples on the "Class A" or "Class B" premises.

SECTION 4132m. 125.53 (3) of the statutes is repealed.

SECTION 4132r. 125.54 (2) of the statutes is amended to read:

125.54 **(2)** PERSONS ELIGIBLE. Except as provided under s. 125.69, a wholesaler's permit may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

SECTION 4133g. 125.54 (3) of the statutes is repealed.

SECTION 4134g. 125.54 (4) of the statutes is repealed.

SECTION 4134m. 125.55 (3) of the statutes is repealed.

SECTION 4134r. 125.58 (2) of the statutes is amended to read:

125.58 **(2)** Out–of–state shippers' permits may be issued only to ~~any~~ a person ~~except~~ who holds a valid certificate issued under s. 73.03 (50), but may not be issued to a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a), natural persons obtaining out–of–state shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section. Notwithstanding s. 125.04 (6), corporations or limited liability companies obtaining out–of–state shippers' permits are not required to appoint agents.

SECTION 4135g. 125.58 (3) of the statutes is repealed.

SECTION 4135m. 125.60 (2) of the statutes is amended to read:

125.60 **(2)** Wholesale alcohol permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

SECTION 4136m. 125.60 (5) of the statutes is repealed.

SECTION 4137m. 125.62 (2) of the statutes is amended to read:

125.62 **(2)** Industrial alcohol permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

SECTION 4138m. 125.62 (4) of the statutes is repealed.

SECTION 4139m. 125.63 (2) of the statutes is amended to read:

125.63 **(2)** Industrial wine permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

SECTION 4140m. 125.63 (4) of the statutes is repealed.

SECTION 4141m. 125.65 (2) of the statutes is amended to read:

125.65 **(2)** Permits for wholesale sale for future delivery may be issued to any person who holds a valid certificate issued under s. 73.03 (50), who is qualified under s. 125.04 (5) (a) 1. and (b) and who is at least 18 years of age.

SECTION 4142m. 125.65 (5) of the statutes is repealed.

SECTION 4143b. 125.66 (4) of the statutes is created to read:

125.66 **(4)** Notwithstanding sub. (1) and s. 125.04 (1), a "Class A" licensee who sells intoxicating liquor to a "Class B" licensee for resale may be fined not more than $100.

SECTION 4143g. 125.69 (6) of the statutes is amended to read:

125.69 **(6)** CAMPUSES AND RETAILERS TO PURCHASE FROM PERSONS HOLDING PERMITS. (a) No campus or retail licensee or permittee may purchase or possess intoxicating liquor purchased from any person other than a manufacturer, rectifier or wholesaler holding a permit under this chapter for the sale of intoxicating liquor.

(b) Any person who violates ~~this subsection may~~ par. (a), if the total volume of intoxicating liquor purchased or possessed by that person in one month is 12 liters or less, may be fined not more that $10. A person who purchases or possesses more than 12 liters of intoxicating liquor in one month in violation of par. (a) shall be fined not less than $1,000 nor more than $10,000 ~~or imprisoned for not more than 9 months or both~~.

SECTION 4143m. 125.69 (6) (c) of the statutes is created to read:

125.69 **(6)** (c) Notwithstanding par. (b), a "Class B" licensee who purchases intoxicating liquor from a "Class A" licensee for resale or who possesses intoxicating liquor purchased from a "Class A" licensee for resale may be fined not more than $100.

SECTION 4144. 132.13 (2) of the statutes is amended to read:

132.13 **(2)** It shall be the duty of the ~~department of industry, labor and human relations and of the~~ district attorneys of the several counties to enforce this section, whenever any complaint or other evidence leads them to reasonably believe that this section has been violated. The district attorney shall upon receipt of such complaint

or other evidence at once institute proper legal proceedings to compel compliance therewith.

SECTION 4146. 133.16 of the statutes is amended to read:

133.16 Injunction; pleading; practice. Any circuit court may prevent or restrain, by injunction or otherwise, any violation of this chapter. The department of justice, any district attorney or any person by complaint may institute actions or proceedings to prevent or restrain a violation of this chapter, setting forth the cause and grounds for the intervention of the court and praying that such violation, whether intended or continuing be enjoined or prohibited. When the parties informed against or complained of have been served with a copy of the information or complaint and cited to answer it, the court shall proceed, as soon as may be in accordance with its rules, to the hearing and determination of the case; and pending the filing of the answer to such information or complaint may, at any time, upon proper notice, make such temporary restraining order or prohibition as is just. Whenever it appears to the court that the ends of justice require that other persons be made parties to the action or proceeding the court may cause them to be made parties in such manner as it directs. ~~Where~~ The party commencing or maintaining the action or proceeding ~~is brought and maintained by a private party, that party~~ may demand and recover the cost of suit including reasonable attorney fees. In an action commenced by the department of justice, the court may award the department of justice the costs of investigation and an amount reasonably necessary to remedy the harmful effects of the violation. The department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department or the state under this section. Ten percent of the money deposited in the general fund that was awarded under this section for the costs of investigation

and the costs of suit, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh). All of the money deposited in the general fund that was awarded under this section to remedy the harmful effects of the violation shall be credited to the appropriation account under s. 20.455 (1) (gm). Copies of all pleadings filed under this section shall be served on the department of justice.

SECTION 4146e. 134.22 (4) (intro.) of the statutes is amended to read:

134.22 **(4)** (intro.) The department of ~~justice~~ agriculture, trade and consumer protection shall investigate violations of this section. The department of ~~justice~~ agriculture, trade and consumer protection, or any district attorney~~,~~ upon informing the department of ~~justice~~ agriculture, trade and consumer protection, may, on behalf of the state, do any of the following:

SECTION 4146m. 134.22 (4) (a) of the statutes is amended to read:

134.22 **(4)** (a) Bring an action for temporary or permanent injunctive relief in any court of competent jurisdiction for any violation of this section. The relief sought by the department of ~~justice~~ agriculture, trade and consumer protection or district attorney may include the payment by a promoter into an escrow account of an amount estimated to be sufficient to pay for ticket refunds. The court may, upon entry of final judgment, award restitution when appropriate to any person suffering loss because of violations of this section if proof of such loss is submitted to the satisfaction of the court.

SECTION 4146s. 134.42 (4) (b) of the statutes is amended to read:

134.42 **(4)** (b) The ~~attorney general~~ department of agriculture, trade and consumer protection and the district attorneys of this state have concurrent authority to institute civil proceedings under this section.

SECTION 4148b. 134.68 (5) (a) (intro.) of the statutes is amended to read:

134.68 **(5)** (a) (intro.) No person may collect or by contract require a buyer to pay more than $100 for dating services before the buyer receives or has the opportunity to receive those services unless the person selling dating services establishes proof of financial responsibility by maintaining any of the following commitments approved by the department of ~~justice~~ agriculture, trade and consumer protection in an amount not less than $25,000:

SECTION 4148d. 134.68 (5) (b) of the statutes is amended to read:

134.68 **(5)** (b) The commitment described in par. (a) shall be established in favor of or made payable to the state, for the benefit of any buyer who does not receive a refund under the contractual provision described in sub. (3). The person selling dating services shall file with the department of ~~justice~~ agriculture, trade and consumer protection any agreement, instrument or other document necessary to enforce the commitment against the person selling dating services or any relevant 3rd party, or both.

SECTION 4148e. 134.68 (7) (a) (intro.) of the statutes is amended to read:

134.68 **(7)** (a) (intro.) The department of ~~justice~~ agriculture, trade and consumer protection or any district attorney may on behalf of the state:

SECTION 4148f. 134.68 (7) (b) of the statutes is amended to read:

134.68 **(7)** (b) The department ~~of justice~~ may bring an action in circuit court to recover on a financial commitment maintained under sub. (5) against a person selling dating services or relevant 3rd party, or both, on behalf of any buyer who does not receive a refund due under the contractual provision described in sub. (3).

SECTION 4148h. 134.70 (13) (b) 1. (intro.) of the statutes is amended to read:

134.70 **(13)** (b) 1. (intro.) Except as provided in subd. 3., a center may establish proof of financial responsibility required under par. (a) by maintaining an

established escrow account approved by the department of ~~justice~~ agriculture, trade and consumer protection for all amounts received from buyers in advance of the receipt of services or by maintaining any of the following commitments approved by the department of ~~justice~~ agriculture, trade and consumer protection in an amount not less than $25,000, subject to subd. 2.:

SECTION 4148j. 134.70 (13) (b) 2. of the statutes is amended to read:

134.70 **(13)** (b) 2. The commitment described in subd. 1. shall be established in favor of or made payable to the state, for the benefit of any buyer who does not receive a refund under sub. (11) (a). The center shall file with the department of ~~justice~~ agriculture, trade and consumer protection any agreement, instrument or other document necessary to enforce the commitment against the center or any relevant 3rd party, or both.

SECTION 4148L. 134.70 (13) (b) 3. of the statutes is amended to read:

134.70 **(13)** (b) 3. For 6 or more weight reduction centers owned or operated under the same trade name, the amount of the financial commitment under pars. (a) and (b) for those weight reduction centers is not required to exceed a total of $150,000. For a weight reduction center that submits to the department of ~~justice~~ agriculture, trade and consumer protection evidence satisfactory to the department ~~of justice~~ that the weight reduction center collected a total of $50,000 or more but less than $100,000 from buyers of its center services in the previous calendar year, the amount of the financial commitment under pars. (a) and (b) is not required to exceed $10,000. For a weight reduction center that submits to the department ~~of justice~~ evidence satisfactory to the department ~~of justice~~ that the weight reduction center collected less than a total of $50,000 from buyers of its center services in the previous

calendar year, the amount of the financial commitment under pars. (a) and (b) is not required to exceed $5,000.

SECTION 4148m. 134.70 (15) (a) (intro.) of the statutes is amended to read:

134.70 **(15)** (a) (intro.) The department of agriculture, trade and consumer protection ~~and the department of justice~~ shall ~~cooperatively~~ investigate violations of this section or s. 134.705 (2) or (4). The department of ~~justice~~ agriculture, trade and consumer protection may on behalf of the state:

SECTION 4148n. 134.70 (15) (am) of the statutes is amended to read:

134.70 **(15)** (am) The department of ~~justice~~ agriculture, trade and consumer protection may bring an action in circuit court to recover on a financial commitment maintained under sub. (13) against a center or relevant 3rd party, or both, on behalf of any buyer who does not receive a refund due under sub. (11) (a).

SECTION 4148p. 134.71 (12) of the statutes is amended to read:

134.71 **(12)** APPLICATIONS AND FORMS. The department of ~~justice~~ agriculture, trade and consumer protection shall develop applications and other forms required under subs. (5) (intro.) and (8) (c). The department ~~of justice~~ shall print a sufficient number of applications and forms to provide to counties and municipalities for distribution to pawnbrokers, secondhand article dealers and secondhand jewelry dealers at no cost.

SECTION 4148q. 134.74 (7) (b) of the statutes is amended to read:

134.74 **(7)** (b) Whoever intentionally violates this section may be fined not more than $10,000 or imprisoned for not more than 2 years or both. A person intentionally violates this section if the violation occurs after the department of ~~justice~~ agriculture, trade and consumer protection or a district attorney has notified the person by certified mail that the person is in violation of this section.

SECTION 4148r. 134.74 (8) (intro.) of the statutes is amended to read:

134.74 **(8)** ENFORCEMENT. (intro.) The department of ~~justice~~ agriculture, trade and consumer protection shall investigate violations of this section. The department of ~~justice~~ agriculture, trade and consumer protection or any district attorney may on behalf of the state:

SECTION 4148s. 134.83 (5) (intro.) of the statutes is amended to read:

134.83 **(5)** (intro.) The department of ~~justice~~ agriculture, trade and consumer protection or any district attorney may on behalf of the state:

SECTION 4148t. 134.83 (6) of the statutes is amended to read:

134.83 **(6)** The department of ~~justice and the department of~~ agriculture, trade and consumer protection shall ~~cooperate in the investigation of~~ investigate violations of and ~~the enforcement of~~ enforce this section.

SECTION 4148u. 134.85 (3) (a) of the statutes is amended to read:

134.85 **(3)** (a) The department of ~~justice~~ agriculture, trade and consumer protection on behalf of the state or any person who claims injury as a result of a violation of sub. (2) may bring an action for temporary or permanent injunctive relief in any circuit court. It is no defense to an action under this paragraph that an adequate remedy exists at law.

SECTION 4148v. 136.03 (title) and (1) (intro.) of the statutes are amended to read:

136.03 (title) **Duties of the department of ~~justice~~ agriculture, trade and consumer protection. (1) (**intro.) The department of ~~justice~~ agriculture, trade and consumer protection shall investigate violations of this chapter and of rules and orders issued under s. 136.04. The department may subpoena persons and records

to facilitate its investigations, and may enforce compliance with such subpoenas as provided in s. 885.12. The department may in behalf of the state:

SECTION 4149. 138.052 (5) (am) 2. a. of the statutes, as created by 1993 Wisconsin Act 68, is amended to read:

138.052 **(5)** (am) 2. a. On January 1, 1994, and annually thereafter, the ~~commissioner~~ division of banking for banks, the ~~commissioner~~ division of savings and loan for savings and loan associations and savings banks~~,~~ and the ~~commissioner~~ office of credit unions for credit unions shall determine the interest rate that is the average of the interest rates paid, rounded to the nearest one–hundredth of a percent, on regular passbook deposit accounts by institutions under the ~~commissioner's~~ division's or office's jurisdiction at the close of the last quarterly reporting period that ended at least 30 days before the determination is made.

SECTION 4150. 138.052 (5) (am) 2. b. of the statutes, as created by 1993 Wisconsin Act 68, is amended to read:

138.052 **(5)** (am) 2. b. ~~Each commissioner~~ The office of credit unions shall report the rate calculated to the ~~commissioner~~ division of savings and loan within 5 days after the date on which the determination is made. The ~~commissioner~~ division of savings and loan shall calculate the average, rounded to the nearest one–hundredth of a percent, of the 3 rates and report that interest rate to the revisor of statutes within 5 days after the date on which the determination is made.

SECTION 4151b. 138.055 (4) (a) of the statutes is amended to read:

138.055 **(4)** (a) The ~~commissioner~~ division of savings and loan, if the lender is a savings and loan association or savings bank;

SECTION 4152. 138.055 (4) (b) of the statutes is amended to read:

138.055 **(4)** (b) The ~~commissioner~~ office of credit unions, if the lender is a credit union;

SECTION 4153. 138.055 (4) (d) of the statutes is amended to read:

138.055 **(4)** (d) The ~~commissioner~~ division of banking for all other lenders.

SECTION 4154b. 138.056 (1) (a) 4. a. of the statutes is amended to read:

138.056 **(1)** (a) 4. a. The ~~commissioner~~ division of savings and loan, if the lender is a savings and loan association or savings bank;

SECTION 4155. 138.056 (1) (a) 4. b. of the statutes is amended to read:

138.056 **(1)** (a) 4. b. The ~~commissioner~~ office of credit unions, if the lender is a credit union;

SECTION 4156. 138.056 (1) (a) 4. d. of the statutes is amended to read:

138.056 **(1)** (a) 4. d. The ~~commissioner~~ division of banking for all other lenders.

SECTION 4157. 138.09 (1) of the statutes is amended to read:

138.09 **(1)** Before any person may do business under this section or charge the interest authorized by sub. (7) and before any creditor other than a bank, savings bank, savings and loan association or credit union may assess a finance charge on a consumer loan in excess of 18% per ~~annum, such~~ year, that person shall first obtain a license from the commissioner of banking. Applications for ~~such~~ a license shall be in writing and upon forms provided for this purpose by the commissioner. ~~Every such~~ An applicant at the time of making ~~such~~ an application shall pay to the commissioner a nonrefundable $300 fee ~~of $100~~ for investigating the application and ~~the sum of $200 as an~~ a $500 annual license fee for the period terminating on the last day of the current calendar year. If the cost of the investigation exceeds ~~$100~~ $300, the applicant shall upon demand of the commissioner pay to the commissioner the amount by which the cost of the investigation exceeds the ~~$100~~ nonrefundable fee.

SECTION 4158. 138.09 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 138.09 (1m) and amended to read:

138.09 **(1m)** Before any person may do business under this section or charge the interest authorized by sub. (7) and before any creditor other than a bank, savings bank, savings and loan association or credit union may assess a finance charge on a consumer loan in excess of 18% per year, that person shall first obtain a license from the ~~commissioner of banking~~ division. Applications for a license shall be in writing and upon forms provided for this purpose by the ~~commissioner~~ division. An applicant at the time of making an application shall pay to the ~~commissioner~~ division a nonrefundable $300 fee for investigating the application and a $500 annual license fee for the period terminating on the last day of the current calendar year. If the cost of the investigation exceeds $300, the applicant shall upon demand of the ~~commissioner~~ division pay to the ~~commissioner~~ division the amount by which the cost of the investigation exceeds the nonrefundable fee.

SECTION 4159. 138.09 (1d) of the statutes is created to read:

138.09 **(1d)** In this section, "division" means the division of banking.

SECTION 4160. 138.09 (2) of the statutes is amended to read:

138.09 **(2)** The ~~commissioner~~ division may also require the applicant to file with the ~~commissioner~~ division, and to maintain in force, a bond in which the applicant shall be the obligor, in a sum not to exceed $5,000 with one or more corporate sureties licensed to do business in Wisconsin, whose liability as such sureties shall not exceed the sum of $5,000 in the aggregate, to be approved by the ~~commissioner~~ division, and such bond shall run to the state of Wisconsin for the use of the state and of any person or persons who may have a cause of action against the obligor of the bond under the provisions of this section. Such bonds shall be

conditioned that the obligor will conform to and abide by each and every provision of this section, and will pay to the state or to any person or persons any and all moneys that may become due or owing to the state or to such person or persons from the obligor under and by virtue of the provisions of this chapter.

SECTION 4161. 138.09 (3) (a) of the statutes is amended to read:

138.09 **(3)** (a) Upon the filing of such application and the payment of such fee, the ~~commissioner~~ division shall investigate the relevant facts, and if the ~~commissioner~~ division shall find that the character and general fitness and the financial responsibility of the applicant, and the members thereof if the applicant is a partnership, limited liability company or association, and the officers and directors thereof if the applicant is a corporation, warrant the belief that the business will be operated in compliance with this section the ~~commissioner~~ division shall thereupon issue a license to said applicant to make loans in accordance with the provisions of this section. If the ~~commissioner~~ division shall not so find, ~~he or she~~ the division shall deny such application.

SECTION 4162. 138.09 (3) (b) of the statutes is amended to read:

138.09 **(3)** (b) Every license shall remain in force and effect until suspended or revoked in accordance with this section or surrendered by the licensee, and every licensee shall, on or before each December 10, pay to the ~~commissioner~~ division the annual license fee for the next succeeding calendar year.

SECTION 4163. 138.09 (3) (c) of the statutes is amended to read:

138.09 **(3)** (c) Such license shall not be assignable and shall permit operation under it only at or from the location specified in the license at which location all loans shall be consummated, but this provision shall not prevent the licensee from making loans under this section which are not initiated or consummated by face to face

contact away from the licensed location if permitted by the ~~commissioner~~ division in writing or by rule or at an auction sale conducted or clerked by a licensee.

SECTION 4164. 138.09 (3) (d) of the statutes is amended to read:

138.09 **(3)** (d) A separate license shall be required for each place of business maintained by the licensee. Whenever a licensee shall change the address of its place of business to another location within the same city, village or town the licensee shall at once give written notice thereof to the ~~commissioner, who~~ division, which shall replace the original license with an amended license showing the new address, provided the location meets with the requirements of par. (e). No change in the place of business of a licensee to a different city, village or town shall be permitted under the same license.

SECTION 4165. 138.09 (3) (e) of the statutes is amended to read:

138.09 **(3)** (e) A licensee may conduct, and permit others to conduct, at the location specified in its license, any one or more of the following businesses not subject to this section: A business engaged in making loans for business or agricultural purposes or exceeding $25,000 in principal amount except that all such loans having terms of 49 months or more are subject to sub. (7) (gm) 2. or 4., a business engaged in making first lien real estate mortgage loans under ss. 138.051 to 138.06, a loan, finance or discount business under s. 218.01, or an insurance business, or a currency exchange under s. 218.05, or a seller of checks business under ch. 217; but merchandise shall not be sold at such location; and no other business shall be conducted at such location unless written authorization is granted the licensee by the ~~commissioner~~ division.

SECTION 4166. 138.09 (3) (f) of the statutes is amended to read:

138.09 **(3)** (f) Every licensee shall make an annual report to the ~~commissioner~~ division for each calendar year on or before March 15 of the following year. Such report shall cover business transacted by the licensee under the provisions of this section and shall give such reasonable and relevant information as the ~~commissioner~~ division may require. Such reports shall be made upon blanks furnished by the ~~commissioner~~ division and shall be signed and verified by the oath or affirmation of the licensee if an individual, one of the partners if a partnership, a member or manager if a limited liability company or an officer of the corporation or association if a corporation or association. Any licensee operating under this section shall keep the records affecting loans made pursuant to this section separate and distinct from the records of any other business of such licensee.

SECTION 4167. 138.09 (4) (intro.) of the statutes is amended to read:

138.09 **(4)** (intro.) The ~~commissioner~~ division for the purpose of discovering violations of this chapter may cause an investigation to be made of the business of the licensee transacted under this section, and shall cause an investigation to be made of convictions reported to the ~~commissioner~~ division by any district attorney for violation by a licensee of this chapter. The place of business, books of account, papers, records, safes and vaults of said licensee shall be open to inspection and examination by the ~~commissioner or the commissioner's representative~~ division for the purpose of such investigation and the ~~commissioner~~ division may examine under oath all persons whose testimony the ~~commissioner~~ division may require relative to said investigation. The ~~commissioner~~ division may, upon notice to the licensee and reasonable opportunity to be heard, suspend or revoke such license after such hearing if:

SECTION 4168. 138.09 (4) (a) of the statutes is amended to read:

138.09 **(4)** (a) The licensee has violated any provision of this chapter and if the ~~commissioner~~ division determines such violation justifies the suspension or revocation of the license;

SECTION 4169. 138.09 (4) (b) of the statutes is amended to read:

138.09 **(4)** (b) Any fact or condition exists which, if it had existed at the time of the original application for such license, would have warranted the ~~commissioner~~ division in refusing to issue such license; and

SECTION 4170. 138.09 (4a) of the statutes is amended to read:

138.09 **(4a)** Any licensee and any other person aggrieved by any order of the ~~commissioner~~ division has the right to appeal to the board of review under this section, provided a written notice of appeal is served upon the ~~commissioner~~ division and upon the chairperson or secretary of the consumer credit review board under s. 220.037 within 10 days from the date of the ~~commissioner's~~ division's order. Upon service of a written notice of appeal as herein provided the review board shall hold a hearing within a reasonable time thereafter. The review board shall give the parties a written notice of the time and place said hearing will be held. The cost of any investigation or examination or hearing, including witness fees or any other expenses, conducted by the ~~commissioner~~ division or the review board shall be paid by the licensee so examined or by the appellant within 30 days after demand therefor by the ~~commissioner~~ division, and the state may maintain an action for the recovery of such costs and expenses in any court of competent jurisdiction, except that no cost shall be charged an appellant by the review board unless the board sustains the ~~commissioner~~ division.

SECTION 4171. 138.09 (6) (a) of the statutes is amended to read:

138.09 **(6)** (a) Except as provided in par. (b), the licensee shall keep such books and records in the licensee's place of business as in the opinion of the ~~commissioner of banking~~ division will enable the ~~commissioner~~ division to determine whether the provisions of this chapter are being observed. Every such licensee shall preserve the records of final entry used in such business, including cards used in the card system, if any, for a period of at least 2 years after the making of any loan recorded therein.

SECTION 4172. 138.09 (6) (b) of the statutes is amended to read:

138.09 **(6)** (b) A licensee may keep the books and records specified in par. (a) at a single location inside or outside of this state if the books and records are kept at a location licensed under this section. The licensee shall organize the books and records by the place of business where the records originated and shall keep the books and records separate from other records for business conducted at that location. Actual costs incurred by the ~~commissioner~~ division to examine books and records maintained outside of this state shall be paid by the licensee.

SECTION 4173. 138.09 (7) (bn) 4. of the statutes is amended to read:

138.09 **(7)** (bn) 4. Information regarding the amount of the maximum finance charge under subds. 1. and 2. for any month or calendar year quarter shall be available at the office of the ~~commissioner~~ division.

SECTION 4174. 138.09 (11) of the statutes is amended to read:

138.09 **(11)** The ~~commissioner~~ division may employ necessary examiners or other personnel from time to time and fix their compensation.

SECTION 4175. 138.12 (1) (a) of the statutes is amended to read:

138.12 **(1)** (a) ~~"Commissioner"~~ "Division" means the ~~commissioner~~ division of banking.

SECTION 4176. 138.12 (1) (c) of the statutes is amended to read:

138.12 **(1)** (c) "Licensee" means an insurance premium finance company holding a license issued by the ~~commissioner~~ division under this section.

SECTION 4177. 138.12 (2) (a) of the statutes is amended to read:

138.12 **(2)** (a) Any insurance company or agent defined in s. 628.02, any savings and loan association, savings bank, sales finance company, motor vehicle instalment seller, bank, trust company, licensed lender or credit union authorized to do business in this state, but such organizations, if otherwise eligible, are exempt from the licensing under this section, but subs. (9) to (12) and any rules promulgated by the ~~commissioner~~ division pertaining to such subsections shall be applicable to all premium finance transactions entered into by such organizations in this state if an insurance policy or any rights thereunder is made the security or collateral for repayment of the debt.

SECTION 4178. 138.12 (3) (b) is amended to read:

138.12 **(3)** (b) The annual license fee is ~~$400~~ $500 and shall be paid to the commissioner. Licenses may be renewed May 1 of each year upon payment of the annual fee ~~of $400~~.

SECTION 4179. 138.12 (3) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

138.12 **(3)** (b) The annual license fee is $500 and shall be paid to the ~~commissioner~~ division. Licenses may be renewed May 1 of each year upon payment of the annual fee.

SECTION 4180. 138.12 (3) (c) of the statutes is amended to read:

138.12 **(3)** (c) The person to whom the license or the renewal thereof is issued shall file sworn answers, subject to the penalties of perjury, to such interrogatories as the ~~commissioner~~ division requires. The ~~commissioner~~ division may, at any time,

require the applicant fully to disclose the identity of all stockholders, partners, members, managers, officers and employes, and the ~~commissioner~~ division may refuse to issue or renew a license in the name of any person if the ~~commissioner~~ division is not satisfied that any officer, employe, stockholder, partner, member or manager thereof, who may materially influence the applicant's conduct, meets the standards of this section.

SECTION 4181. 138.12 (4) (a) of the statutes is amended to read:

138.12 **(4)** (a) Upon the filing of an application and the payment of the ~~license fee~~ required fees under par. (am) 1., the commissioner shall make an investigation of each applicant and shall issue a license if the commissioner finds the applicant is qualified in accordance with this section. If the commissioner does not so find, the commissioner shall, within 30 days after the commissioner has received ~~such~~ the application, ~~so~~ notify the applicant and, at the request of the applicant, give the applicant a full hearing.

SECTION 4182. 138.12 (4) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

138.12 **(4)** (a) Upon the filing of an application and the payment of the required fees under par. (am) 1., the ~~commissioner~~ division shall make an investigation of each applicant and shall issue a license if the ~~commissioner~~ division finds the applicant is qualified in accordance with this section. If the ~~commissioner~~ division does not so find, the ~~commissioner~~ division shall, within 30 days after the ~~commissioner~~ division has received the application, notify the applicant and, at the request of the applicant, give the applicant a full hearing.

SECTION 4183. 138.12 (4) (am) of the statutes is created to read:

138.12 **(4)** (am) 1. An applicant shall pay to the commissioner a nonrefundable $300 license investigation fee and a $500 annual license fee for the period ending on the next April 30.

2. If the cost of the investigation exceeds $300, the applicant shall, upon demand of the commissioner, pay the amount by which the cost of the investigation exceeds the nonrefundable fee.

SECTION 4184. 138.12 (4) (am) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

138.12 **(4)** (am) 1. An applicant shall pay to the ~~commissioner~~ division a nonrefundable $300 license investigation fee and a $500 annual license fee for the period ending on the next April 30.

2. If the cost of the investigation exceeds $300, the applicant shall, upon demand of the ~~commissioner~~ division, pay the amount by which the cost of the investigation exceeds the nonrefundable fee.

SECTION 4185. 138.12 (4) (b) (intro.) of the statutes is amended to read:

138.12 **(4)** (b) (intro.) The ~~commissioner~~ division shall issue or renew a license when the ~~commissioner~~ division is satisfied that the person to be licensed:

SECTION 4186. 138.12 (5) (b) of the statutes is amended to read:

138.12 **(5)** (b) Before the ~~commissioner~~ division revokes, suspends or refuses to renew the license of any premium finance company, the ~~commissioner~~ division shall give the company an opportunity to be fully heard and to introduce evidence in the company's behalf. In lieu of revoking or suspending the license for any of the causes enumerated in this subsection, after hearing, the ~~commissioner~~ division may subject the premium finance company to a penalty of not more than $200 for each offense when in the ~~commissioner's~~ division's judgment the ~~commissioner~~ division

finds that the public interest would not be harmed by the continued operation of such company. The amount of any penalty under this paragraph shall be paid by the company to the ~~commissioner~~ division for the use of the state. At any hearing under this subsection, the ~~commissioner~~ division may administer oaths to witnesses. Anyone testifying falsely, after having been administered the oath, shall be subject to the penalty of perjury.

SECTION 4187. 138.12 (5) (c) of the statutes is amended to read:

138.12 **(5)** (c) Any action of the ~~commissioner~~ division in refusing to issue or renew a license shall be subject to review under subch. III of ch. 227.

SECTION 4188. 138.12 (6) (a) of the statutes is amended to read:

138.12 **(6)** (a) Every licensee shall maintain records of its premium finance transactions and the records shall be open to an examination and investigation by the ~~commissioner~~ division. The ~~commissioner~~ division may make an examination of the books, records and accounts of any licensee as the ~~commissioner~~ division deems necessary. The ~~commissioner~~ division shall determine the cost of an examination and that cost shall be assessed against and paid by the licensee so examined. The ~~commissioner~~ division may, at any time, require any licensee to bring such records as the ~~commissioner~~ division directs to the ~~commissioner's office~~ division for examination.

SECTION 4189. 138.12 (7) of the statutes is amended to read:

138.12 **(7)** RULES AND REGULATIONS. The ~~commissioner~~ division may make and enforce such reasonable rules as are necessary to carry out this section, but such rules shall not be contrary to nor inconsistent with this section.

SECTION 4190. 139.05 (7) (b) of the statutes is amended to read:

139.05 **(7)** (b) Such license shall be issued by the secretary ~~for the period of one year and must be renewed annually~~ to persons who hold a valid certificate issued under s. 73.03 (50). The application for such license shall be verified and shall contain an agreement on the part of the brewer that the brewer shall observe all laws of this state relating to fermented malt beverages, and such other information and statements as the secretary may require. Any such brewer who has, directly or indirectly, violated any law of this state relating to fermented malt beverages shall not be entitled to such a license. ~~No fee shall be required for any such license.~~ The secretary may require the applicant to furnish and file a bond to be approved by the secretary payable to the state in an amount not less than $1,000 nor more than $5,000 conditioned upon the faithful compliance by the applicant with the undertakings set forth in the application for the license.

SECTION 4190c. 139.09 of the statutes is amended to read:

139.09 Registration. Every brewer, bottler, manufacturer, rectifier, wholesaler or retailer liable for payment of the occupational tax imposed in ss. 139.01 to 139.25 shall ~~upon making application therefor be assigned a registration number by the secretary. The form of the application shall be prescribed by the secretary~~ apply for a valid certificate under s. 73.03 (50). The secretary shall assign the person a registration number.

SECTION 4190g. 139.10 (title) of the statutes is amended to read:

139.10 (title) **Refunds by ~~state treasurer~~ the secretary of administration.**

SECTION 4190r. 139.10 (1) of the statutes is amended to read:

139.10 **(1)** On the certificate of the secretary of revenue, the ~~state treasurer~~ secretary of administration shall refund to any purchaser or any banking institution

in Wisconsin the tax paid on intoxicating liquor or on whole cases or full kegs of fermented malt beverages which are spoiled or unfit to drink and the tax paid on fermented malt beverages sold to the U.S. armed forces or the secretary of revenue may make allowance of the amount of the tax.

SECTION 4190u. 139.34 (1) (c) 7. of the statutes is amended to read:

139.34 **(1)** (c) 7. The person does not hold a permit under s. 77.52 ~~(7)~~ (9), if the person is a retailer.

SECTION 4191m. 139.34 (1) (f) of the statutes is created to read:

139.34 **(1)** (f) The person holds a valid certificate issued under s. 73.03 (50).

SECTION 4191r. 139.34 (2) of the statutes is repealed.

SECTION 4191t. 139.34 (3) of the statutes is repealed.

SECTION 4194. 139.37 (1) (a) of the statutes is amended to read:

139.37 **(1)** (a) No person shall sell or take orders for cigarettes for resale in this state for any manufacturer or permittee without first obtaining a salesperson's permit from the department of revenue. No manufacturer or permittee shall authorize any person to sell or take orders for cigarettes in this state without first having such person secure a salesperson's permit. The ~~fee for such permit is $2~~ department shall issue the required number of permits to manufacturers and permittees who hold a valid certificate issued under s. 73.03 (50). Each application for a permit shall disclose the name and address of the employer and such permit shall remain effective only while the salesperson represents such named employer. If such salesperson is thereafter employed by another manufacturer or permittee the salesperson shall obtain a new salesperson's permit. Each manufacturer and permittee shall notify the department within 10 days after the resignation or dismissal of any such salesperson holding a permit.

SECTION 4195. 139.39 (4) of the statutes is amended to read:

139.39 **(4)** No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay the tax when due and, if paid under protest, may at any time within 90 days from the date of payment, sue the state to recover the tax paid. If it is finally determined that any part of the tax was wrongfully collected, the ~~department~~ secretary of administration shall ~~issue a warrant on the state treasurer for~~ pay the amount wrongfully collected~~, and the treasurer shall pay the same~~ out of the general fund. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as may have been made.

SECTION 4195m. 139.79 (2) of the statutes is amended to read:

139.79 **(2)** Section 139.34 (1) (b) to ~~(e), (2) to~~ (f), (4) and (9) applies to the permits under this section.

SECTION 4196. Chapter 142 (title) of the statutes is repealed.

SECTION 4197. 142.07 (title) of the statutes is renumbered 233.40 (title) and amended to read:

233.40 (title) **~~Hospital~~ Hospitals charges.**

SECTION 4198. 142.07 (1) of the statutes is renumbered 233.40 (1) and amended to read:

233.40 **(1)** RATES. The ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics shall treat patients so admitted at rates computed in the following manner:

(a) *Room rate.* The ~~superintendent~~ chief executive officer shall establish with the approval of the board of ~~regents~~ directors a schedule of room rates for patients which may be adjusted by the ~~superintendent~~ chief executive officer with the

approval of the board of ~~regents~~ directors to meet changes in the cost of operation. As used in this section "room rates" includes the charges for meals and for ordinary nursing care.

(c) *Ancillary services.* All services provided except those covered by the room rate shall be charged for in accordance with a schedule established and maintained for public inspection by the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics Authority.

SECTION 4199. 142.07 (3) of the statutes is renumbered 233.40 (3) and amended to read:

233.40 **(3)** INDIAN CHILDREN. Indian children whose hospital care is to be paid from funds granted the office of Indian affairs, U.S. department of interior, shall be admitted to the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics at the rates established under sub. (1).

SECTION 4200. 142.07 (4) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is renumbered 233.40 (4) and amended to read:

233.40 **(4)** ADDITIONAL CHARGES FORBIDDEN. The ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics Authority may not charge any compensation other than the amount provided by the board of ~~regents of the university of Wisconsin system~~ directors for any of the following patients:

(c) Any child referred to the ~~hospital or its~~ hospitals or their clinics by the children's consultation service of a mental health institute under s. 46.041.

(d) Any pupil referred to the ~~hospital or its~~ hospitals or their clinics by the ~~state superintendent of public instruction~~ department of education under s. 115.53 (4).

(e) Any American Indian child admitted to the hospitals whose care is being paid under sub. (3).

SECTION 4201. 142.07 (4) (a) of the statutes is repealed.

SECTION 4202. 142.09 of the statutes is renumbered 233.41 and amended to read:

233.41 Soldiers preferred patients. In admitting patients to the ~~hospital~~ University of Wisconsin Hospitals and Clinics, preference shall be given to honorably discharged veterans of any of the wars of the United States or who is otherwise eligible for benefits from the department of veterans affairs. Preference is hereby defined to mean that whenever the ~~superintendent~~ chief executive officer of the ~~hospital~~ authority is notified that the applicant is such a veteran, such veteran shall be the next person so admitted to the hospital, except in case of an emergency.

SECTION 4203. 142.11 of the statutes is renumbered 233.42 and amended to read:

233.42 Subject to ch. 150. The ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics is subject to ch. 150.

SECTION 4204. 144.01 (13) of the statutes is amended to read:

144.01 **(13)** "Sewage" means the water carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in s. 101.01 ~~(2)~~ (12), with such surface water or groundwater as may be present.

SECTION 4206. 144.0252 of the statutes is created to read:

144.0252 Fees for water quality determinations for wetlands. (1) AMOUNT OF FEES. The department shall charge a fee for determining whether a project complies with the standards of water quality promulgated by rule under s.144.025 (2) (b) that are applicable to wetlands. The fee for each project shall be $100.

(2) ADJUSTMENTS IN FEES. (a) The department shall refund the fee if the applicant requests a refund before the department determines that the application for the determination is complete. The department may not refund a fee after the department determines that the application is complete.

(b) If the applicant applies for a permit after the project is begun or after it is completed, the department shall charge an amount equal to twice the amount of the fee that it would have charged under this section.

(c) If more than one fee under this section or s. 30.28 (2) (a) or 31.39 (2) (a) is applicable to a project, the department shall charge only the highest fee of those that are applicable.

(d) The department, by rule, may increase the fee specified in sub. (1).

(3) EXEMPTIONS. This section does not apply to any federal agency or state agency.

SECTION 4208. 144.027 (4) (b) 3. of the statutes is amended to read:

144.027 **(4)** (b) 3. An authority created under ch. 231, 233 or 234.

SECTION 4209. 144.027 (5) (f) of the statutes is amended to read:

144.027 **(5)** (f) The department shall allocate money for the payment of claims according to the order in which completed claims are received. The department may conditionally approve a completed claim even if the appropriation under s. 20.370 ~~(4) (cv)~~ (6) (cr) is insufficient to pay the claim. The department shall allocate money for the payment of a claim which is conditionally approved as soon as funds become available.

SECTION 4210. 144.027 (18) of the statutes is amended to read:

144.027 **(18)** SUSPENSION OR REVOCATION OF LICENSES. The department may suspend or revoke a license issued under ch. 162 if the department finds that the

licensee falsified information submitted under this section. The department of ~~industry, labor and human relations~~ development may suspend or revoke the license of a plumber licensed under ch. 145 if the department of ~~industry, labor and human relations~~ development finds that the plumber falsified information submitted under this section.

SECTION 4214. 144.24 (7) (c) 1. of the statutes is amended to read:

144.24 **(7)** (c) 1. Metropolitan sewerage districts that serve 1st class cities are limited in each fiscal year to receiving total grant awards not to exceed 33% of the sum of the amounts in the schedule for that fiscal year for the appropriation under s. ~~20.445 (1)~~ 20.143 (3) (de) and the amount authorized under sub. (10) for that fiscal year plus the unencumbered balance at the end of the preceding fiscal year for the amount authorized under sub. (10). This subdivision is not applicable to grant awards provided during fiscal years 1985–86, 1986–87, 1988–89 and 1989–90.

SECTION 4215. 144.241 (1) (a) of the statutes is repealed.

SECTION 4217. 144.241 (1) (cm) of the statutes is created to read:

144.241 **(1)** (cm) "Median household income" means median household income determined by the U.S. bureau of the census as adjusted by the department to reflect changes in household income since the most recent federal census.

SECTION 4218. 144.241 (1) (cs) of the statutes is created to read:

144.241 **(1)** (cs) "Residential user" means a structure or part of a structure, including a mobile home, that is used primarily as a home, residence or sleeping place by one person or 2 or more persons maintaining a common household and that uses a publicly owned treatment work. "Residential user" does not include an institutional, commercial, industrial or governmental facility.

SECTION 4219. 144.241 (2) of the statutes is amended to read:

144.241 **(2)** RULES. The department shall promulgate rules that are necessary for the proper execution of its responsibilities under this section.

SECTION 4220. 144.241 (3m) (a) of the statutes is amended to read:

144.241 **(3m)** (a) A list of wastewater treatment projects that the department estimates will ~~receive notices of financial assistance commitment under sub. (15)~~ apply for financial assistance under this section and s. 144.2415 during the next biennium.

SECTION 4221. 144.241 (3m) (c) of the statutes is amended to read:

144.241 **(3m)** (c) The estimated rank of each project on the priority list under sub. ~~(10)~~ (8e).

SECTION 4223d. 144.241 (6) (b) (intro.) of the statutes is amended to read:

144.241 **(6)** (b) (intro.) ~~In approving financial assistance, the department may use the~~ The following methods of providing financial assistance may be used under this section and s. 144.2415:

SECTION 4226. 144.241 (8) (g) of the statutes is amended to read:

144.241 **(8)** (g) The sum of all of the financial assistance to a municipality approved under this section and s. 144.2415, except financial assistance under sub. (13m), for a project may not result in the municipality paying less than ~~30%~~ 50% of the cost of the project.

SECTION 4227. 144.241 (8) (h) of the statutes is amended to read:

144.241 **(8)** (h) Except as provided in par. (k) ~~or (m)~~, a municipality that is a violator of an effluent limitation at the time that ~~the notice of financial assistance commitment is given~~ the application for a treatment work project is approved under sub. (9m) may not receive financial assistance of a method specified under sub. (6) (b) 1., 2., 3., 4. or 5. for that part of ~~a~~ the treatment work project that is needed to

correct the violation. This paragraph does not apply to a municipality that after May 17, 1988, is in compliance with a court or department order to correct a violation of the enforceable requirements of its ch. 147 permit, and that is applying for financial assistance under s. 144.2415 (13) to correct that violation.

SECTION 4228. 144.241 (8) (j) of the statutes is repealed.

SECTION 4230. 144.241 (8) (m) of the statutes is repealed.

SECTION 4231. 144.241 (8m) of the statutes is created to read:

144.241 **(8m)** NOTICE OF INTENT TO APPLY. (a) A municipality shall submit notice to the department of its intent to apply for financial assistance under this section and s. 144.2415 in a year no later than December 31 of the preceding year. The notice shall be in a form prescribed by the department and the department of administration.

(b) If a municipality does not apply for financial assistance under this section and s. 144.2415 by December 31 of the 2nd year following the year in which it submitted notice under par. (a), the municipality shall submit a new notice under par. (a).

(c) The department may waive par. (a) or (b) upon the written request of a municipality.

SECTION 4232. 144.241 (8s) of the statutes is created to read:

144.241 **(8s)** FACILITY PLAN. A municipality seeking financial assistance for a project under this section, except for a municipality seeking a capital cost loan, shall complete a facility plan as required by the department by rule.

SECTION 4233. 144.241 (9) (a) of the statutes is amended to read:

144.241 **(9)** (a) ~~A~~ After the department approves a municipality's facility plan submitted under sub. (8s), the municipality ~~which desires to participate in the~~

~~program under this section and s. 144.2415~~ shall submit an application for participation to the department. The application shall be in such form and include such information as the department and the department of administration prescribe and shall include design plans and specifications that are approvable by the department under this chapter. The department shall review applications for participation in the program under this section and s. 144.2415. The department shall determine which applications meet the eligibility requirements and criteria under subs. (6), (7), (8), ~~(10)~~ (8m) and (13).

SECTION 4233m. 144.241 (9) (ae) of the statutes is created to read:

144.241 **(9)** (ae) A municipality that submits an application under par. (a) without design plans and specifications may obtain an initial determination of financial eligibility from the department of administration. The department of natural resources may not approve a municipality's application until the municipality submits approvable design plans and specifications.

SECTION 4234. 144.241 (9) (am) of the statutes is created to read:

144.241 **(9)** (am) A municipality may not submit more than one application under par. (a) in any 12–month period except that this paragraph does not apply to applications for financial assistance for additional costs of an approved project.

SECTION 4235. 144.241 (9) (b) of the statutes is amended to read:

144.241 **(9)** (b) A municipality seeking financial assistance, except for a municipality seeking a capital cost loan, for a project under this section and s. 144.2415 shall complete ~~a staged facility plan, design plans and specifications and~~ an environmental analysis sequence as required by the department by rule.

SECTION 4235m. 144.241 (9) (e) of the statutes is created to read:

144.241 **(9)** (e) If the governor's recommendation, as set forth in the executive budget bill, for the amount under s. 144.2415 (3) (d), the amount available under s. 20.866 (2) (tc) or the amount available under s. 144.2415 (4) (f) for a biennium is 85% or less of the amount of present value subsidy, general obligation bonding authority or revenue bonding authority, respectively, requested for that biennium in the biennial finance plan submitted under s. 144.2415 (3) (bm) 1., the department shall inform municipalities that, if the governor's recommendations are approved, clean water fund assistance during a fiscal year of that biennium will only be available to municipalities that submit financial assistance applications by the June 30 preceding that fiscal year.

SECTION 4236. 144.241 (9m) of the statutes is created to read:

144.241 **(9m)** ACCEPTANCE OF APPLICATION; ALLOCATION OF FUNDING. (a) Subject to pars. (c) and (d), the department shall approve an application after all of the following occur:

1. The department determines that the project meets the eligibility requirements and criteria under subs. (7), (8), (8m) and (8s).

2. The department of administration initially determines that the municipality will meet the requirements of s. 144.2415 (9) (b).

(e) 1. Except as provided under par. (f) and sub. (13), if a sufficient amount of subsidy is available under s. 144.2415 (3) (d) for the municipality's project, based on the calculation under s. 144.2415 (3) (i), when the department approves the application under par. (a), the department of administration shall allocate that amount to the project.

2. If a sufficient amount of subsidy is not available under s. 144.2415 (3) (d) for the municipality's project when the department approves the application under

subd. 1., the department shall place the project on a list for allocation when additional subsidy becomes available.

(f) If the amount approved under s. 144.2415 (3) (d), the amount available under s. 20.866 (2) (tc) or the amount available under s. 144.2415 (4) (f) for a biennium is 85% or less of the amount of present value subsidy, general obligation bonding authority or revenue bonding authority, respectively, requested for that biennium in the biennial finance plan submitted under s. 144.2415 (3) (bm) 1., all of the following apply:

1. The department shall establish a funding list for each fiscal year of the biennium that ranks projects of municipalities that submit financial assistance applications under sub. (9) (a) no later than the June 30 preceding the fiscal year in the same order that they appear on the priority list under sub. (8e).

2. The department of administration shall allocate funding to projects in the order in which they appear on the funding list under subd. 1.

(fm) The department, in consultation with the department of administration, shall promulgate, by rule, methods to establish deadlines for actions that must be taken by a municipality to which subsidy has been allocated. The methods may provide for extending deadlines under specified circumstances. If a municipality fails to meet a deadline, including any extension, the department of administration shall release the amount of subsidy allocated to the municipality's project.

SECTION 4237. 144.241 (10) (title) of the statutes is renumbered 144.241 (8e) (title).

SECTION 4238. 144.241 (10) (a) of the statutes is renumbered 144.241 (8e), and 144.241 (8e) (intro.), as renumbered, is amended to read:

144.241 **(8e)** (intro.) The department shall establish a priority list ~~under~~ in accordance with 33 USC 1381 to 1387 which ranks each project. The ranking on the priority list shall be based on all of the following:

SECTION 4239. 144.241 (10) (b) of the statutes is repealed.

SECTION 4240. 144.241 (10) (c) to (f) of the statutes are repealed.

SECTION 4241. 144.241 (11) (title), (a) and (b) of the statutes are amended to read:

144.241 **(11)** (title) ~~APPROVAL~~ TYPE OF FINANCIAL ASSISTANCE. (a) ~~The~~ Except as provided in par. (b), the department of administration shall specify the method by which financial assistance is to be provided for each approved application ~~that it approves. The methods by which the department may provide financial assistance are the methods specified under sub. (6) (b)~~.

(b) For municipalities meeting the financial hardship assistance requirements under sub. (13), the department of natural resources may approve financial hardship assistance ~~and shall specify the method by which it will provide financial hardship assistance, including but not limited to a combination of loans at or below the market rate and grants, deferred payment loans, state payment of the loan for a number of years, or longer amortization periods~~.

SECTION 4242. 144.241 (11) (c) of the statutes is renumbered 144.241 (9m) (d) and amended to read:

144.241 **(9m)** (d) The department may not ~~approve financial assistance under this section and s. 144.2415~~ approve an application under par. (a) for a project that is not on the priority list under sub. ~~(10) (a)~~ (8e).

SECTION 4243. 144.241 (11) (d) of the statutes is renumbered 144.241 (9m) (g) and amended to read:

144.241 **(9m)** (g) In ~~approving financial assistance under this section and s. 144.2415~~ allocating subsidy under this subsection, the department of administration shall adhere to the amount approved by the legislature for each biennium under s. 144.2415 (3) (d).

SECTION 4247b. 144.241 (12) (c) of the statutes is repealed and recreated to read:

144.241 **(12)** (c) 1. Except as modified under par. (f), the interest rate for tier 1 projects is 50% of market interest rate.

2. Except as modified under par. (f), the interest rate for tier 2 projects is 70% of market interest rate.

3. The interest rate for tier 3 projects is market interest rate.

SECTION 4251b. 144.241 (12) (d) of the statutes is repealed.

SECTION 4252. 144.241 (12) (f) of the statutes is amended to read:

144.241 **(12)** (f) The department and the department of administration jointly may request the joint committee on finance to take action under s. 13.101 (11) to modify the percentage of market interest rates established by rule for tier 1 and tier 2 projects.

SECTION 4253b. 144.241 (13) of the statutes is repealed and recreated to read:

144.241 **(13)** FINANCIAL HARDSHIP ASSISTANCE. (a) The department shall provide advance funding grants to fund a portion of the costs of preparing facility plans under sub. (8s) and project plans and specifications required under sub. (9) (a). The department shall approve an advance funding grant for a municipality if the median household income in the municipality is 80% or less of the median household income in this state. The amount of an advance funding grant for a facility plan is 50% of the cost of completing the facility plan, but not more than $20,000. The amount of

an advance funding grant for project plans and specifications is 50% of the cost of completing plans and specifications but not more than $40,000.

(b) A municipality with an application that is approved under sub. (9m) is eligible for financial hardship assistance for the project costs that are eligible under this section and s. 144.2415, except for costs to which sub. (8) (b), (c), (f) or (h) applies, if the municipality meets all of the following criteria:

1. The median household income in the municipality is 80% or less of the median household income in this state.

2. The estimated total annual charges per residential user in the municipality that relate to wastewater treatment would exceed 2% of the median household income in the municipality without assistance under this subsection.

(c) The department shall provide assistance in the form of a grant of up to 50% of project costs that are eligible for financial hardship assistance under par. (b). The department shall provide a no–interest or low–interest loan for the remainder of those eligible costs so that estimated total annual charges per residential user in the municipality that relate to wastewater treatment do not exceed 2% of the median household income in the municipality, if possible. The department may not reduce the amount of financial hardship assistance for a municipality's project due to the municipality receiving assistance for the project from another source unless the combination of financial hardship assistance plus the assistance from the other source would reduce the estimated total annual charges per residential user in the municipality that relate to wastewater treatment to less than 2% of the median household income in the municipality.

(d) The department shall establish a financial hardship assistance funding list for each fiscal year that ranks projects of municipalities that are eligible under par.

(b), and that submit complete financial assistance applications under sub. (9) (a) no later than June 30 of the preceding fiscal year, in the same order that they appear on the priority list under sub. (8e).

(e) In each fiscal year, the department shall allocate financial hardship assistance under this subsection in the following order:

1. Advance planning grants under par. (a).

2. Assistance under par. (b) for projects that were on a funding list under par. (d) for a prior fiscal year, that have not previously received funding and that were in the top 20% of projects on the priority list under sub. (8e) for the prior fiscal year, starting with projects on the funding list for the earliest fiscal year.

3. Assistance under par. (b) for projects on the current fiscal year's funding list under par. (d) in the order that they appear on the funding list.

(f) The department shall promulgate, by rule, a formula for estimating operating, maintenance and replacement costs for determining estimated wastewater treatment user charges under this subsection.

SECTION 4254. 144.241 (13m) (b) of the statutes is amended to read:

144.241 **(13m)** (b) Grants provided under this subsection are not included for the purposes of determining under sub. (8) (i) the amount that a municipality may receive for projects under this section and s. 144.2415. Grants awarded under this subsection are not considered for the purposes of sub. ~~(11) (d)~~ (9m) (e) or s. 144.2415 (3) (d).

SECTION 4255. 144.241 (14) (b) 1. of the statutes is amended to read:

144.241 **(14)** (b) 1. Establish a dedicated source of revenue, that is acceptable to the department of administration under s. 144.2415 (9) (am) and (b), for the repayment of any financial assistance.

SECTION 4257. 144.241 (14) (b) 8. of the statutes is repealed.

SECTION 4258. 144.241 (15) (a) (intro.) of the statutes is amended to read:

144.241 **(15)** (a) (intro.) ~~Subject to pars. (b) and (c), the~~ The department ~~shall~~ and the department of administration may, at the request of a municipality, issue a notice of financial assistance commitment to ~~a~~ the municipality ~~within 90 days~~ after all of the following occur:

SECTION 4259. 144.241 (15) (a) 1. of the statutes is repealed and recreated to read:

144.241 **(15)** (a) 1. The department approves the municipality's application under sub. (9m) (a) and the department of administration has allocated subsidy for the municipality's project.

SECTION 4261. 144.241 (15) (a) 3. of the statutes is repealed.

SECTION 4262. 144.241 (15) (am) of the statutes is amended to read:

144.241 **(15)** (am) The notice of financial assistance commitment shall include the conditions that the municipality must meet to secure the financial assistance and shall include the estimated ~~loan payment and~~ repayment schedules~~, as determined by the department and the department of administration,~~ and other terms of the financial assistance.

SECTION 4263. 144.241 (15) (b) of the statutes is repealed.

SECTION 4264. 144.241 (15) (c) of the statutes is renumbered 144.241 (9m) (c) and amended to read:

144.241 **(9m)** (c) The department may ~~issue a notice of financial assistance commitment to a municipality~~ approve an application under par. (a) in a year only after the amount under s. 144.2415 (3) (d) for the biennium in which that year falls has been approved by the legislature under s. 144.2415 (3) (d).

SECTION 4265. 144.241 (15) (e) of the statutes is repealed.

SECTION 4267. 144.2415 (1) (d) 3. of the statutes is repealed.

SECTION 4269. 144.2415 (3) (a) 3. of the statutes is repealed.

SECTION 4270b. 144.2415 (3) (a) 4. of the statutes is amended to read:

144.2415 **(3)** (a) 4. The extent to which the clean water fund will be maintained in perpetuity~~, and the extent to which the clean water fund will retain its purchasing power, meet the requirements of this section and s. 144.241 to provide financial assistance for water quality pollution abatement needs and nonpoint source water pollution management needs, and provide a stable and sustainable annual level of financial assistance under this section and s. 144.241 proportional to the state's long–term water pollution abatement and management needs and priorities~~.

SECTION 4271c. 144.2415 (3) (a) 5. of the statutes is amended to read:

144.2415 **(3)** (a) 5. ~~A fund balance sheet, cash flow of existing loans and commitments, report of loans and commitments, fund profits and losses including yield on prior year loans~~ Audited financial statements of the past operations and activities of the program under this section and s. 144.241, the estimated fund capital available in each of the next 4 fiscal years, and the projected clean water fund balance for each of the next 20 years given existing obligations and financial conditions.

SECTION 4273. 144.2415 (3) (a) 9. of the statutes is amended to read:

144.2415 **(3)** (a) 9. The impact of the biennial finance plan on the ~~guidelines~~ guideline under par. (b).

SECTION 4274. 144.2415 (3) (b) (intro.) and 2. of the statutes are consolidated, renumbered 144.2415 (3) (b) and amended to read:

144.2415 **(3)** (b) The department of administration and the department shall consider ~~the following as guidelines~~ as a guideline in preparing the biennial finance

plan: ~~2. That~~ that all state water pollution abatement general obligation debt service costs should not exceed 50% of all general obligation debt service costs to the state.

SECTION 4275. 144.2415 (3) (b) 1. of the statutes is repealed.

SECTION 4276. 144.2415 (3) (bm) 2. of the statutes is amended to read:

144.2415 **(3)** (bm) 2. No later than 30 days after the day on which the biennial budget is submitted to the legislature under s. 16.45, ~~the version of~~ amendments to the biennial finance plan that ~~contains~~ update the plan to reflect material approved by the governor for inclusion in the budget.

SECTION 4277. 144.2415 (3) (br) of the statutes is amended to read:

144.2415 **(3)** (br) The joint committee on finance and each standing committee may submit to the building commission its recommendations and comments regarding each version of the biennial finance plan and amendments to the biennial finance plan, and whether the version of the biennial finance plan updated to reflect the adopted biennial budget act should be approved or disapproved as specified under s. 13.48 (26). If the building commission disapproves the version of the biennial finance plan that is updated to reflect the adopted biennial budget act, the department and the department of administration shall submit a revised biennial finance plan to the building commission.

SECTION 4278. 144.2415 (3) (c) (intro.) and 1. of the statutes are amended to read:

144.2415 **(3)** (c) (intro.) No moneys from the clean water fund may be expended in a biennium until the legislature reviews and approves all of the following~~, either in 1989 Wisconsin Act 366 for the 1989–91 biennium or~~ as part of the biennial budget act for ~~any other~~ the biennium:

1. An amount that is specified for that biennium under par. (d) and~~, for any biennium after the 1989–91 biennium,~~ is based on the amount included in the biennial finance plan under par. (a) 6.

SECTION 4279. 144.2415 (3) (d) 1. and 3. of the statutes are amended to read:

144.2415 **(3)** (d) 1. Equal to ~~$115,800,000~~ $80,000,000 during the ~~1993–95~~ 1995–97 biennium.

3. Equal to $1,000 for any biennium after the ~~1993–95~~ 1995–97 biennium.

SECTION 4280. 144.2415 (3) (dm) of the statutes is created to read:

144.2415 **(3)** (dm) The department of administration may allocate amounts approved under par. (d) as the present value of subsidies for financial assistance under this section and s. 144.241, including financial hardship assistance and assistance for the additional costs of approved projects. The department of administration may allocate amounts from the amount approved under par. (d) for a biennium until December 30 of the fiscal year immediately following the biennium for projects for which complete applications under s. 144.241 (9) (a) are submitted before the end of the biennium.

SECTION 4281b. 144.2415 (3) (e) of the statutes is amended to read:

144.2415 **(3)** (e) The department may expend, for financial assistance in a biennium other than financial hardship assistance under s. 144.241 (13) (e), an amount up to ~~74%~~ 85% of the amount approved by the legislature under par. (d). The department may expend such amount only from the percentage of the amount approved under par. (d) that is not available under par. (f) for financial hardship assistance ~~or under par. (g) for additional costs~~.

SECTION 4282b. 144.2415 (3) (f) of the statutes is amended to read:

144.2415 **(3)** (f) The department may expend, for financial hardship assistance in a biennium under s. 144.241 (13) (e), an amount up to ~~18%~~ 15% of the amount approved by the legislature under par. (d) for that biennium. The department may expend such amount only from the percentage of the amount approved by the legislature under par. (d) that is not available under par. (e) for financial assistance ~~or under par. (g) for additional costs~~.

SECTION 4283. 144.2415 (3) (g) of the statutes is repealed.

SECTION 4284. 144.2415 (3) (i) of the statutes is amended to read:

144.2415 **(3)** (i) Using the amount approved under par. (d) as a base, the department of administration ~~and the department~~ shall calculate the present value of the actual subsidy of each clean water fund loan or grant to be made for those projects in each biennium that are approved for financial assistance by the 2 departments. The present value shall be discounted as provided under par. (a) 6.

SECTION 4285. 144.2415 (3) (j) of the statutes is amended to read:

144.2415 **(3)** (j) No later than November 1 of each odd–numbered year, the department of administration and the department jointly shall submit a report, to the building commission and committees as required under par. (bm), on the implementation of the amount established under par. (d) as required under s. 144.241 ~~(11) (d)~~ (9m) (e), and on the operations and activities of the clean water fund program for the previous biennium.

SECTION 4286. 144.2415 (9) (a) of the statutes is amended to read:

144.2415 **(9)** (a) A loan approved under this section and s. 144.241 shall be for no longer than 20 years, as determined by the department of administration ~~and the department~~, be fully amortized not later than 20 years after the original date of the note, and require the repayment of principal and interest, if any, to begin not later

than 12 months after the expected date of completion of the project that it funds, as determined by the department of administration ~~and the department~~.

SECTION 4287. 144.2415 (9) (am) of the statutes is amended to read:

144.2415 **(9)** (am) The department of administration, in consultation with the department, may establish those terms and conditions of a financial assistance agreement that relate to its financial management, including what type of municipal obligation, as set forth under s. 66.36, is required for the repayment of the financial assistance. Any terms and conditions established under this paragraph by the department of administration shall comply with the requirements of this section and s. 144.241. In setting such terms and conditions, the department of administration may consider factors that the department of administration finds are relevant, including the type of municipal obligation evidencing the loan ~~or a~~, the pledge of security for the municipal obligation and the municipality's creditworthiness.

SECTION 4288. 144.2415 (11) (a) and (am) of the statutes are amended to read:

144.2415 **(11)** (a) The department of natural resources and the department of administration may enter into a financial assistance agreement with a municipality for which the department ~~issues a notice of financial assistance commitment under this section~~ of administration has allocated subsidy under s. 144.241 (9m) if the municipality meets the ~~condition~~ conditions under sub. (9) and s. 144.241 (14) ~~(b) 8.~~ and the other requirements ~~established by the department and the department of administration~~ under this section and s. 144.241.

(am) The department of administration shall make the financial assistance payments to a municipality ~~with~~ which ~~the department~~ has entered into a financial assistance agreement under par. (a) or to the municipality's designated agent.

SECTION 4289. 144.2415 (11) (c) of the statutes is amended to read:

144.2415 **(11)** (c) The department of administration may ~~not make~~ retain the last payment under a financial assistance agreement until the department of natural resources and the department of administration determine that the project is completed and meets ~~all~~ the applicable requirements of ~~the~~ this section and s. 144.241 and that the conditions of the financial assistance agreement are met.

SECTION 4290. 144.2415 (12) of the statutes is amended to read:

144.2415 **(12)** MUNICIPAL OBLIGATIONS. The department of administration may purchase or refinance obligations specified in s. 144.241 (6) (b) 1. or 2. and guarantee or purchase insurance for municipal obligations specified in s. 144.241 (6) (b) 3. if the department ~~approves~~ of administration and the department of natural resources approve the financial assistance under this section and s. 144.241 ~~and gives a notice of financial assistance commitment under this section~~.

SECTION 4293. 144.2415 (13s) of the statutes is created to read:

144.2415 **(13s)** POWERS. The department of administration may audit, or contract for audits of, projects receiving financial assistance under this section and s. 144.241.

SECTION 4294. 144.2415 (14) of the statutes is amended to read:

144.2415 **(14)** RULES. The department of administration shall promulgate rules that are necessary for the proper execution of this section and of its responsibilities under s. 144.241.

SECTION 4296. 144.25 (4) (g) 9. of the statutes is amended to read:

144.25 **(4)** (g) 9. Complete the planning process in all priority watersheds by December 31, ~~2000~~ 2015.

SECTION 4297. 144.25 (4) (j) of the statutes is amended to read:

144.25 **(4)** (j) A governmental unit may use a grant under this section for training required under s. 92.18 or for any other training necessary to prepare personnel to perform job duties related to this section. ~~The department may contract with any person from the appropriations under s. 20.370 (4) (cc) and (cq) for services to administer or implement this chapter, including information and education and training.~~

SECTION 4298. 144.25 (4) (t) of the statutes is amended to read:

144.25 **(4)** (t) Transfer funds from the appropriation account under s. 20.370 ~~(4) (cc) or (cq)~~ (6) (aa) or (aq) to the appropriation account under s. 20.115 (7) (km) at the request of the department of agriculture, trade and consumer protection, after the land and water conservation board approves the transfer, under s. 92.14 (5) (b).

SECTION 4299. 144.25 (4g) of the statutes is created to read:

144.25 **(4g)** The department may contract with any person from the appropriations under s. 20.370 (6) (aa) and (at) for services to administer or implement this section, including information and education and training services.

SECTION 4300. 144.25 (8) (cm) of the statutes is amended to read:

144.25 **(8)** (cm) Grants may be provided from the appropriations under s. 20.370 ~~(4) (cc) and (cq)~~ (6) (aa) and (aq) to applicants for projects affecting priority lakes if the projects are in conformance with areawide water quality management plans and the purposes specified under sub. (1).

SECTION 4300c. 144.25 (8) (L) of the statutes is amended to read:

144.25 **(8)** (L) A grant may not be made to an individual if the department receives a certification under s. ~~46.255~~ 49.855 (7) that the individual is delinquent in child support or maintenance payments.

SECTION 4300e. 144.25 (8d) of the statutes is created to read:

144.25 **(8d)** The department may distribute a grant to the board of regents of the University of Wisconsin System for practices, techniques or measures to control storm water discharges on a University of Wisconsin System campus that is located in a municipality that is required to obtain a permit under s. 147.021 and that is located in a priority watershed area, a priority lake area or an area that is identified as an area of concern by the International Joint Commission, as defined in s. 144.10 (1) (a), under the Great Lakes Water Quality Agreement.

SECTION 4301. 144.253 (3) (a) of the statutes is amended to read:

144.253 **(3)** (a) Eligible recipients to consist of nonprofit conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified lake associations, town sanitary districts, public inland lake protection and rehabilitation districts and other local governmental units, as defined in s. 66.299 (1) (a), that are established for the purpose of lake management.

SECTION 4302b. 144.254 (2) of the statutes is amended to read:

144.254 **(2)** The department may provide a grant under this section for up to ~~50%~~ 75% of the cost of a lake management project but may not provide more than ~~$100,000~~ $200,000 per grant.

SECTION 4303. 144.266 (2) of the statutes is amended to read:

144.266 **(2)** STATE STORM WATER MANAGEMENT PLAN. The department, in consultation with the department of ~~industry, labor and human relations~~ development, shall promulgate by rule a state storm water management plan. This state plan is applicable to activities contracted for or conducted by any agency, as defined under s. 227.01 (1) but also including the office of district attorney, unless that agency enters into a memorandum of understanding with the department of natural resources in which that agency agrees to regulate activities related to storm

water management. The department shall coordinate the activities of agencies, as defined under s. 227.01 (1), in storm water management and make recommendations to these agencies concerning activities related to storm water management.

SECTION 4305. 144.389 (1) (intro.) and (b) of the statutes are consolidated, renumbered 144.389 (1) and amended to read:

144.389 **(1)** (title) ~~DEFINITIONS~~ DEFINITION. In this section: ~~(b) "Major,~~ "major utility" has the meaning given ~~under~~ in s. 144.386 (1) (f)

SECTION 4306. 144.389 (1) (a) of the statutes is repealed.

SECTION 4307. 144.389 (3) of the statutes is repealed.

SECTION 4308. 144.391 (1) (b) of the statutes is renumbered 144.391 (1) (b) 1. and amended to read:

144.391 **(1)** (b) 1. Except as provided in subd. 2., par. (a) 2. ~~or,~~ sub. (6) or s. 144.3925 (7), no person may operate a new source or a modified source unless the person has an operation permit under s. 144.3925 from the department.

SECTION 4309. 144.391 (1) (b) 2. of the statutes is created to read:

144.391 **(1)** (b) 2. A person may continue to operate a new source or a modified source for which the department issued a permit under s. 144.392, 1989 stats., on or before November 15, 1992, but on which construction, reconstruction, replacement or modification began after November 15, 1992, but the person shall apply for an operation permit under s. 144.3925 no later than March 1, 1996.

SECTION 4310. 144.391 (2) (a) of the statutes is amended to read:

144.391 **(2)** (a) *Operation permit requirement.* Except as provided in sub. (6) or s. 144.3925 (7), no person may operate an existing source after the operation permit requirement date specified under s. 144.374 (1) unless the person has an operation permit under s. 144.3925 from the department.

SECTION 4311. 144.391 (4m) of the statutes is amended to read:

144.391 **(4m)** PERMIT FLEXIBILITY. The department shall allow a person to make a change to ~~an existing~~ a stationary source that has an operation permit, or for which the person has submitted a timely and complete application for an operation permit, for which the department would otherwise first require an operation permit revision, without first requiring a revision of the operation permit if the change is not a modification, as defined by the department by rule, and the change will not cause the ~~existing~~ stationary source to exceed the emissions allowable under the operation permit, whether expressed as an emission rate or in terms of total emissions. Except in the case of an emergency, a person shall notify the department and, for permits required under the federal clean air act, the administrator of the federal environmental protection agency in writing at least 21 days before the date on which the person proposes to make a change to ~~an existing~~ a stationary source under this subsection. A person may not make a proposed change to ~~an existing~~ a stationary source if the department informs the person before the end of that 21–day period that the proposed change is not a change authorized under this subsection. The department shall promulgate rules establishing a shorter time for advance notification of changes under this subsection in case of emergency.

SECTION 4312. 144.3925 (6) (b) and (7) of the statutes are amended to read:

144.3925 **(6)** (b) The department shall approve or deny the operation permit application for a new source or modified source. The department shall issue the operation permit for a new source or modified source if the criteria established under ~~s.~~ ss. 144.393 and 144.3935 are met. The department shall issue an operation permit for a new source or modified source or deny the application within 180 days after the

permit applicant submits to the department the results of all equipment testing and emission monitoring required under the construction permit.

(7) OPERATION CONTINUED DURING APPLICATION. If a person timely submits a complete application for ~~an existing~~ a stationary source under sub. (1) and submits any additional information requested by the department within the time set by the department, the ~~existing~~ stationary source may not be required to discontinue operation and the person may not be prosecuted for lack of an operation permit until the department acts under sub. (6).

SECTION 4313. 144.3935 (title) and (1) of the statutes are amended to read:

144.3935 (title) **Criteria for operation permits for ~~existing~~ stationary sources. (1)** ISSUANCE TO SOURCES NOT IN COMPLIANCE; FEDERAL OBJECTION. (a) Notwithstanding s. 144.393, the department may issue an operation permit for ~~an existing~~ a stationary source that does not comply with the requirements in the operation permit, in the federal clean air act, in an implementation plan under s. 144.31 (1) (f) or in s. 144.393 when the operation permit is issued if the operation permit includes all of the following:

1. A compliance schedule that sets forth a series of remedial measures that the owner or operator of the ~~existing~~ stationary source must take to comply with the requirements with which the ~~existing~~ stationary source is in violation when the operation permit is issued.

2. A requirement that, at least once every 6 months, the owner or operator of the ~~existing~~ stationary source submit reports to the department concerning the progress in meeting the compliance schedule and the requirements with which the ~~existing~~ stationary source is in violation when the operation permit is issued.

(b) Notwithstanding par. (a) and s. 144.393, the department may not issue an operation permit to ~~an existing~~ a stationary source if the federal environmental protection agency objects to the issuance of the operation permit as provided in s. 144.3925 (5m) unless the department revises the operation permit to meet the objection.

SECTION 4314. 144.396 (3) (c) of the statutes is created to read:

144.396 **(3)** (c) The department may renew an operation permit if the criteria in ss. 144.393 and 144.3935 are met. Notwithstanding s. 144.3935 (1) (a), the department may deny an application for renewal of an operation permit for a stationary source if the stationary source is in violation of its current operation permit.

SECTION 4315. 144.399 (2) (a) 4. of the statutes is amended to read:

144.399 **(2)** (a) 4. That during 1995 to 1999, no fee is required to be paid under this subsection for emissions from any affected unit ~~under~~ listed in Table A of 42 USC 7651c.

SECTION 4316. 144.399 (2) (am) of the statutes is amended to read:

144.399 **(2)** (am) The department may not charge a major utility fees on emissions in excess of 4,000 tons per year of each regulated pollutant beyond the amount necessary to recover the fees that would have been charged for any phase I affected unit ~~under~~ listed in Table A of 42 USC 7651c owned by that major utility if the prohibition in par. (a) 4. did not exist.

SECTION 4316g. 144.399 (7) of the statutes is created to read:

144.399 **(7)** EMISSION REDUCTION CREDIT FEES. The department may promulgate rules for the payment of fees by persons who hold emission reduction credits that may be used to satisfy the offset requirements in s. 144.393 (2) (a) and that have been

certified by the department. The rules may waive the payment of fees under this subsection for categories of emission reduction credits. The fees collected under this subsection shall be credited to the appropriation under s. 20.370 (2) (bg).

SECTION 4317. 144.405 (5) (a) (intro.) and 1. of the statutes are consolidated, renumbered 144.405 (5) (a) and amended to read:

144.405 **(5)** (a) The department shall develop, implement and administer a program to provide financial assistance to the owner or operator of a ~~retail station. Only the following costs are eligible for reimbursement under the program:1. Costs~~ gasoline dispensing facility for costs directly incurred after August 15, ~~1991~~ 1990, for the design, acquisition and installation of a vapor control system necessary for the owner or operator to comply with ~~the requirements under sub. (3)~~ rules requiring the installation of a vapor control system on those portions of a ~~retail station~~ gasoline dispensing facility located in an ozone nonattainment area with a classification under 42 USC 7511 (a) of moderate or worse that relate to a stationary storage tank installed on or before August 15, 1991, or on those portions of a ~~retail station~~ gasoline dispensing facility located in an ozone nonattainment area with a classification under 42 USC 7511 (a) of moderate or worse that relate to a stationary storage tank installed after August 15, 1991, that does not increase the stationary storage tank capacity of the ~~retail station~~ gasoline dispensing facility in existence on August 15, 1991.

SECTION 4317d. 144.405 (5) (c) of the statutes is amended to read:

144.405 **(5)** (c) ~~The~~ Subject to pars. (ce) to (d), the department shall award a grant to each applicant who submits a complete application under par. (b) for costs allowable under par. (a). The amount of the grant may not exceed 95% of the first $25,000 in costs and 90% of the next $15,000 in costs incurred by the applicant. If

the department promulgates a rule under par. (e), it shall determine the costs based upon the rule promulgated under par. (e).

SECTION 4317h. 144.405 (5) (ce) of the statutes is created to read:

144.405 **(5)** (ce) The owner or operator of a gasoline dispensing facility is eligible for a grant under this subsection for costs incurred after August 15, 1990, and on or before August 15, 1991, only if the owner or operator has not received reimbursement for the costs from any other source and if no substantial evidence exists that the applicant applied for or obtained a grant under this subsection on the basis of fraudulent information. Excavation costs incurred on or before August 15, 1991, are not eligible for reimbursement under this subsection.

SECTION 4317p. 144.405 (5) (cm) of the statutes is created to read:

144.405 **(5)** (cm) The owner or operator of a gasoline dispensing facility is not eligible for a grant under this subsection unless, before October 1, 1995, the owner or operator submits a report indicating the amount of gasoline dispensed by the gasoline dispensing facility, as required by the department by rule, and, if required by the department by rule, a compliance plan.

SECTION 4317t. 144.405 (5) (cs) of the statutes is created to read:

144.405 **(5)** (cs) If there is not sufficient funding to provide grants under this subsection to all eligible applicants, the department shall give priority to grants for gasoline dispensing facilities that are located within an ozone nonattainment area that is classified as severe under 42 USC 7511 (a) and are within 10 miles of an area that is an ozone attainment area or is an ozone nonattainment area that is classified as less than severe under 42 USC 7511 (a).

SECTION 4318. 144.405 (5) (d) of the statutes is amended to read:

144.405 **(5)** (d) The department may not award a grant under this subsection after ~~June 30, 1995, or the day after publication of the 1995–97 biennial budget act, whichever is later~~ December 31, 1995.

SECTION 4319g. 144.435 (5) of the statutes is created to read:

144.435 **(5)** (a) In this subsection, "high–volume industrial waste" has the meaning given in s. 144.44 (7) (a) 1.

(b) The department shall promulgate, by rule, standards for the reuse of foundry sand and other high–volume industrial waste, including high–volume industrial waste that qualifies for an exemption from regulation under s. 144.44 (7) (g). The department shall design the rules under this paragraph to allow and encourage, to the maximum extent possible consistent with the protection of public health and the environment, the beneficial reuse of high–volume industrial waste, in order to preserve resources, conserve energy and reduce or eliminate the need to dispose of high–volume industrial waste in landfills. In developing rules under this paragraph, the department shall review methods of reusing high–volume industrial waste that are approved by other states and incorporate those methods to the extent that the department determines is advisable. In developing rules under this paragraph, the department shall also consider the analysis and methodology used under 40 CFR 503.13 in determining the impacts on groundwater from various methods of reusing high–volume industrial wastes.

SECTION 4321. 144.737 (1) (intro.) and (b) of the statutes are consolidated, renumbered 144.737 (1) and amended to read:

144.737 **(1)** In this section~~: (b) "Capacity,~~ "capacity assurance plan" means the plan submitted under 42 USC 9604 (c) (9) for the management of hazardous waste generated in this state.

SECTION 4322. 144.737 (1) (a) of the statutes is repealed.

SECTION 4323. 144.737 (2) (b) of the statutes is amended to read:

144.737 **(2)** (b) Notify the governor ~~and the board~~ of any significant problems that occur or may occur in the ability to manage a type of hazardous waste in this state and of the need to change the goals in the capacity assurance plan.

SECTION 4324. 144.737 (2) (c) of the statutes is amended to read:

144.737 **(2)** (c) Each year in which submission of a revised capacity assurance plan is required by the federal environmental protection agency, at least 75 days before the federal environmental protection agency deadline for submittal, complete a draft of a revised capacity assurance plan and provide the draft to the ~~board, the~~ governor and the ~~chief clerk of each house of the~~ legislature ~~for distribution~~ under s. 13.172 (2).

SECTION 4325. 144.737 (2) (e) of the statutes is amended to read:

144.737 **(2)** (e) Each year in which submission of a revised capacity assurance plan is required by the federal environmental protection agency, provide its proposed version of the revised capacity assurance plan, no later than 14 days prior to the federal environmental protection agency deadline for submittal, to the ~~board, the~~ governor and the ~~chief clerk of each house of the~~ legislature ~~for distribution~~ under s. 13.172 (2).

SECTION 4326. 144.76 (2) (e) of the statutes is created to read:

144.76 **(2)** (e) The department shall report notifications that it receives under this subsection related to discharges from petroleum storage tanks, as defined in s. 101.144 (1) (bm), to the department of development.

SECTION 4327r. 144.76 (6) (a) of the statutes is amended to read:

144.76 **(6)** (a) *Contingency plan; activities resulting from discharges.* The department may utilize moneys appropriated under s. 20.370 (2) (dv), ~~(fq)~~ and (my) in implementing and carrying out the contingency plan developed under sub. (5) and to provide for the procurement, maintenance and storage of necessary equipment and supplies, personnel training and expenses incurred in identifying, locating, monitoring, containing, removing and disposing of discharged substances.

SECTION 4327s. 144.76 (6) (b) of the statutes is amended to read:

144.76 **(6)** (b) *Limitation on equipment expenses.* No more than 25% of the moneys available under the appropriation under s. 20.370 (2) (dv), ~~(fq)~~ or (my) during any fiscal year may be used for the procurement and maintenance of necessary equipment during that fiscal year.

SECTION 4328. 144.76 (7) (a) of the statutes is amended to read:

144.76 **(7)** (a) ~~In~~ Subject to ss. 94.73 (2m) and 101.144 (3), in any case where action required under sub. (3) is not being adequately taken or the identity of the person responsible for the discharge is unknown, the department or its authorized representative may identify, locate, monitor, contain, remove or dispose of the hazardous substance or take any other emergency action which it deems appropriate under the circumstances.

SECTION 4329. 144.76 (7) (c) of the statutes is amended to read:

144.76 **(7)** (c) ~~The~~ Subject to ss. 94.73 (2m) and 101.144 (3), the department, for the protection of public health, safety or welfare, may issue an emergency order or a special order to the person possessing, controlling or responsible for the discharge of hazardous substances to fulfill the duty imposed by sub. (3).

SECTION 4331g. 144.77 (6) (a) of the statutes is amended to read:

144.77 **(6)** (a) The department may utilize moneys appropriated under s. 20.370 (2) (dv), ~~(fq)~~ and (my) in taking action under sub. (3). The department shall utilize these moneys to provide for the procurement, maintenance and storage of necessary equipment and supplies, personnel training and expenses incurred in locating, identifying, removing and disposing of abandoned containers.

SECTION 4331h. 144.77 (6) (b) of the statutes is amended to read:

144.77 **(6)** (b) No more than 25% of the total of all moneys available under the appropriation under s. 20.370 (2) (dv), ~~(fq)~~ and (my) may be used annually for the procurement and maintenance of necessary equipment during that fiscal year.

SECTION 4331i. 144.77 (6) (c) of the statutes is amended to read:

144.77 **(6)** (c) The department is entitled to recover moneys expended under this section from any person who caused the containers to be abandoned or is responsible for the containers. The funds recovered under this paragraph shall be deposited into the environmental fund for environmental repair.

SECTION 4332. 144.82 of the statutes is amended to read:

144.82 Mine effect responsibility. The department shall serve as the central unit of state government to ensure that the air, lands, waters, plants, fish and wildlife affected by prospecting or mining in this state will receive the greatest practicable degree of protection and reclamation. The administration of occupational health and safety laws and rules that apply to mining shall remain exclusively the responsibility of the department of ~~industry, labor and human relations~~ development. The powers and duties of the geological and natural history survey under s. 36.25 (6) shall remain exclusively the responsibility of the geological and natural history survey. Nothing in this section prevents the department of ~~industry, labor and human relations~~ development and the geological and natural

history survey from cooperating with the department in the exercise of their respective powers and duties.

SECTION 4333. 144.833 (3) of the statutes is amended to read:

144.833 **(3)** APPROVAL REQUIRED PRIOR TO DRILLING. No person may engage in radioactive waste site exploration by drilling on a parcel unless notice is provided as required under sub. (2) and s. 144.832 (4) (a) and unless the department issues a written approval authorizing drilling on that parcel. If the person seeking this approval is the federal department of energy or an agent or employe of the federal department of energy, the department may not issue the approval unless the ~~radioactive waste review board~~ public service commission certifies that the federal department of energy and its agents or employes have complied with any requirement imposed by the ~~radioactive waste review board~~ public service commission under s. ~~36.50~~ 196.497 or any agreement entered into under that section.

SECTION 4334. 144.833 (7) of the statutes is amended to read:

144.833 **(7)** (title) IMPACT ON ~~RADIOACTIVE WASTE REVIEW BOARD~~ PUBLIC SERVICE COMMISSION. Nothing in this section limits the power or authority of the ~~radioactive waste review board~~ public service commission to impose more stringent requirements for the negotiation and approval of agreements under s. ~~36.50~~ 196.497.

SECTION 4335. 144.85 (5) (a) 1. (intro.) of the statutes is amended to read:

144.85 **(5)** (a) 1. (intro.) Except with respect to property specified in s. ~~16.21~~ 41.41 (11), within 90 days of the completion of the public hearing record, the department shall issue the mining permit if it finds:

SECTION 4336L. 144.95 (2) (a) of the statutes is amended to read:

144.95 **(2)** (a) The department shall submit to the department of ~~health and social services~~ agriculture, trade and consumer protection and to the state laboratory

of hygiene any rules proposed under this section that affect the laboratory certification program under s. ~~252.22~~ 93.12 (5), for review and comment. These rules may not take effect unless they are approved by the department of ~~health and social services~~ agriculture, trade and consumer protection within 6 months after submission.

SECTION 4336m. 144.95 (2) (b) of the statutes is amended to read:

144.95 **(2)** (b) The department shall enter into a memorandum of understanding with the department of ~~health and social services~~ agriculture, trade and consumer protection setting forth the responsibilities of each department in administering the laboratory certification programs under s. ~~252.22~~ 93.12 (5) and this section. The memorandum of understanding shall include measures to be taken by each department to avoid duplication of application and compliance procedures for laboratory certification.

SECTION 4336n. 144.95 (5) (a) of the statutes is amended to read:

144.95 **(5)** (a) (title) *Laboratories certified by the department of ~~health and social services~~ agriculture, trade and consumer protection*. The department shall recognize the certification of a laboratory by the department of ~~health and social services~~ agriculture, trade and consumer protection under s. ~~252.22~~ 93.12 and shall accept the results of any test conducted by a laboratory certified to conduct that category of test under that section.

SECTION 4337. 144.955 (1) (a) of the statutes is repealed.

SECTION 4339. 144.955 (1) (bm) of the statutes is created to read:

144.955 **(1)** (bm) "Council" means the hazardous pollution prevention council under s. 15.157 (5).

SECTION 4343. 144.955 (1m) (intro.) of the statutes is amended to read:

144.955 **(1m)** PROMOTION OF HAZARDOUS POLLUTION PREVENTION. (intro.) In carrying out the duties under ss. 36.25 (30) and 560.19 and this section, the department, the department of development, the ~~board~~ council and the program shall promote all of the following techniques for hazardous pollution prevention:

SECTION 4345. 144.955 (2) (a) 1. of the statutes is repealed.

SECTION 4347. 144.955 (2) (b) of the statutes is amended to read:

144.955 **(2)** (b) Identify all department requirements for reporting on hazardous pollution prevention and, to the extent possible and practical, standardize, coordinate and consolidate the reporting in order to minimize duplication and provide useful information on hazardous pollution prevention to the ~~board~~ council, the legislature and the public.

SECTION 4348. 144.955 (2) (e) of the statutes is amended to read:

144.955 **(2)** (e) Assist the ~~board~~ council in preparing the report under ~~sub. (3) (f)~~ s. 560.19 (4) (d).

SECTION 4349. 144.955 (3) of the statutes is repealed.

SECTION 4350. 144.968 of the statutes is created to read:

144.968 Cooperative remedial action. (1) In this section, "costs of remedying environmental contamination" means costs determined by the department to be necessary to reduce or eliminate environmental contamination and restore the environment, including costs of investigation and of providing public information and education related to reducing or eliminating environmental contamination and restoring the environment.

(2) The department may seek and receive voluntary contributions of funds from a municipality or any other public or private source for all or part of the costs of remedying environmental contamination if the activities being funded are part of

a cooperative effort, by the department and the person providing the funds, to remedy that environmental contamination.

(2m) Any person engaged in a cooperative effort with the department that is described in sub. (2) may seek and receive voluntary contributions of funds on behalf of the effort.

(3) Provision of funding under sub. (2) or (2m) is not evidence of liability or an admission of liability for any environmental contamination.

(4) In carrying out its regulatory and enforcement duties, the department may not base its treatment of a person on whether the person did or did not provide funding under sub. (2).

SECTION 4351. 144.98 of the statutes is amended to read:

144.98 Enforcement; duty of department of justice; expenses. The attorney general shall enforce this chapter, except ss. 144.421 and 144.422, and all rules, special orders, licenses, plan approvals and permits of the department, except those promulgated or issued under ss. 144.421 and 144.422. The circuit court for Dane county or for any other county where a violation occurred in whole or in part has jurisdiction to enforce this chapter or the rule, special order, license, plan approval or permit by injunctional and other relief appropriate for enforcement. For purposes of this proceeding where this chapter or the rule, special order, license, plan approval or permit prohibits in whole or in part any pollution, a violation is deemed a public nuisance. ~~The expenses incurred by the department of justice in assisting with the administration of this chapter shall be charged to the appropriation made by s. 20.370 (2) (ma)~~ The department of natural resources may enter into agreements with the department of justice to assist with the administration of this chapter. Any

funds paid to the department of justice under these agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

SECTION 4352. 144.99 (title) of the statutes is amended to read:

144.99 (title) **Penalties and remedies.**

SECTION 4353. 144.99 of the statutes is renumbered 144.99 (1).

SECTION 4354. 144.99 (2) of the statutes is created to read:

144.99 **(2)** In addition to the penalties provided under sub. (1), the court may award the department of justice the expenses of the investigation and prosecution of the violation, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

SECTION 4354g. 144.992 (3) of the statutes is amended to read:

144.992 **(3)** If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the environmental assessment prescribed in this section. If the deposit is forfeited, the amount of the environmental assessment shall be transmitted to the ~~state treasurer~~ secretary of administration under sub. (4). If the deposit is returned, the environmental assessment shall also be returned.

SECTION 4354r. 144.992 (4) of the statutes is amended to read:

144.992 **(4)** The clerk of the court shall collect and transmit to the county treasurer the environmental assessment and other amounts required under s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~

secretary of administration as provided in s. 59.20 (5) (b). The ~~state treasurer~~ secretary of administration shall deposit the amount of the assessment in the environmental fund.

SECTION 4355. 145.01 (4) of the statutes is amended to read:

145.01 **(4)** DEPARTMENT. "Department" means the department of ~~industry, labor and human relations~~ development.

SECTION 4356. 145.02 (4) (a) of the statutes is amended to read:

145.02 **(4)** (a) The department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the licensing of utility contractors, for the registration of plumbing apprentices and pipe layers and for the registration and training of registered learners. The plumbers council, created under s. ~~15.227 (15)~~ 15.157 (6), shall advise the department in formulating the rules.

SECTION 4357. 145.17 (2) of the statutes is amended to read:

145.17 **(2)** The department shall prescribe rules as to the qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors and for the registration and training of automatic fire sprinkler system apprentices. The automatic fire sprinkler system contractors and journeymen council, created under ~~s. 15.227 (16)~~ 15.157 (9), shall advise the department in formulating the rules.

SECTION 4358. 145.245 (1) (dm) of the statutes is amended to read:

145.245 **(1)** (dm) "Sewage" means the water–carried wastes created in and to be conducted away from residences, industrial establishments, and public buildings as defined in s. 101.01 ~~(2)~~ (12), with such surface water or groundwater as may be present.

SECTION 4359. 145.245 (3) of the statutes is amended to read:

145.245 **(3)** MAINTENANCE. The department shall establish a maintenance program to be administered by governmental units. The maintenance program is applicable to all new or replacement private sewage systems constructed in a governmental unit after the date on which the governmental unit adopts this program. The maintenance program shall include a requirement of inspection or pumping of the private sewage system at least once every 3 years. Inspections may be conducted by a master plumber, journeyman plumber or restricted plumber licensed under this chapter, a person licensed under s. 146.20 or by an employe of the state or governmental unit designated by the department. The department of natural resources may suspend or revoke a license issued under s. 146.20 or a certificate issued under s. 144.025 (2) (L) to the operator of a septage servicing vehicle if the department of natural resources finds that the licensee or operator falsified information on inspection forms. The department of ~~industry, labor and human relations~~ development may suspend or revoke the license of a plumber licensed under this chapter if the department finds that the plumber falsified information on inspection forms.

SECTION 4359c. 145.245 (5m) (b) of the statutes is amended to read:

145.245 **(5m)** (b) The department shall notify a governmental unit if it receives a certification under s. ~~46.255~~ 49.855 (7) that an individual is delinquent in child support or maintenance payments. The department or a governmental unit shall deny an application under this section if the department receives a certification under s. ~~46.255~~ 49.855 (7) that the applicant or an individual who would be directly benefited by the grant is delinquent in child support or maintenance payments.

SECTION 4363. 146.20 (3) (b) of the statutes is amended to read:

146.20 **(3)** (b) *Expiration date of license.* All licenses issued under this section for a period beginning before July 1, 1997, are for one year. All licenses issued under this section for a period beginning after June 30, 1997, are for 2 years. All licenses issued under this section ~~are for one year,~~ expire on June 30 ~~or December 31 and are not transferable~~. Application for renewal shall be filed on or before ~~July 1 or January 1~~ June 1 and if filed after that date a penalty shall be charged. The department shall promulgate a rule setting the amount of the penalty for late filing.

SECTION 4364. 146.20 (4) of the statutes is repealed.

SECTION 4365. 146.20 (4s) (a) 1. of the statutes is amended to read:

146.20 **(4s)** (a) 1. For a license under sub. (3) (a) ~~for~~ to a state resident, ~~$25~~ for each vehicle used for servicing, $25 if the license period begins before July 1, 1997, and $50 if the license period begins after June 30, 1997.

SECTION 4366. 146.20 (4s) (a) 2. of the statutes is amended to read:

146.20 **(4s)** (a) 2. For a license under sub. (3) (a) ~~for~~ to a nonresident ~~licensee, $50,~~ for each vehicle used for servicing, $50 if the license period begins before July 1, 1997, and $100 if the license period begins after June 30, 1997.

SECTION 4367. 146.20 (4s) (d) of the statutes is amended to read:

146.20 **(4s)** (d) In addition to the license fee under par. (a) 1. or 2., the department shall collect from each licensee a groundwater fee of $50 ~~per licensee~~ if the license period begins before July 1, 1997, and $100 if the license period begins after June 30, 1997. The moneys collected under this paragraph shall be credited to the environmental fund for groundwater management.

SECTION 4368. 146.20 (5) (a) 1. of the statutes is repealed.

SECTION 4369. 146.40 (5) (a) of the statutes is amended to read:

146.40 **(5)** (a) The department, in consultation with the technical college system board, shall promulgate rules specifying standards for certification in this state of instructional and competency evaluation programs for nurse's assistants, home health aides and hospice aides. The standards shall include specialized training in providing care to individuals with special needs. ~~The department shall promulgate rules regarding this specialized training in consultation with a private nonprofit organization awarded a grant under s. 46.855.~~

SECTION 4370. 146.57 of the statutes is amended to read:

146.57 (title) **Statewide poison control ~~system~~ program. (3)** (title) ~~REGIONAL~~ POISON CONTROL ~~CENTERS~~. (a) ~~By July 1, 1994, the~~ The department ~~shall designate no more than 2 regional poison control centers and~~ shall implement ~~any other aspects of~~ a statewide poison control ~~system~~ program. From the appropriation under s. 20.435 (1) (ds), the department shall, if the requirement under par. (b) is met, distribute~~, for fiscal year 1994–95,~~ total funding of not more than $187,500 ~~to each regional poison control center that is so designated~~ in each fiscal year to supplement the operation of the ~~centers~~ program and to provide for the statewide collection and reporting of poison control data ~~by the centers~~. The department may, but need not, distribute all of the funds in each fiscal year to a single poison control center.

(b) No ~~regional~~ poison control center may ~~be funded~~ receive funds under par. (a) unless ~~there is a matching contribution from the regional~~ the poison control center provides a matching contribution of at least 50% of the state funding for the center. Private funds and in–kind contributions may be used to meet this requirement.

(4) RULE MAKING. The department shall promulgate rules that specify the information that shall be reported to the department ~~by regional~~ under the statewide poison control ~~centers~~ program.

SECTION 4370m. 146.59 of the statutes is created to read:

146.59 University of Wisconsin Hospitals and Clinics Board. Subject to 1995 Wisconsin Act .... (this act), section 9159 (2) (k), the University of Wisconsin Hospitals and Clinics board shall negotiate and enter into a contractual services agreement with the University of Wisconsin Hospitals and Clinics Authority that meets the requirements under s. 233.04 (4) and shall comply with s. 233.04 (4m).

SECTION 4378. 146.89 (3) (d) 1. of the statutes is repealed.

SECTION 4379. 146.89 (3) (d) 2. of the statutes is amended to read:

146.89 **(3)** (d) 2. Medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49.

SECTION 4380. 146.89 (3) (d) 4. of the statutes is repealed.

SECTION 4381. 147.21 (5) of the statutes is amended to read:

147.21 **(5)** In addition to all other civil and criminal penalties prescribed under this chapter, the court may assess as an additional penalty a portion or all of the ~~total~~ costs of the investigation, including monitoring, which led to the establishment of the violation. The court may award the department of justice the expenses of the prosecution, including attorney fees. The department of justice shall deposit in the state treasury for deposit into the general fund all moneys that the court awards to the department or the state under this subsection. Ten percent of the money deposited in the general fund that was awarded under this subsection for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

SECTION 4381g. 147.23 (1) of the statutes is amended to read:

147.23 **(1)** DEPARTMENT MAY RECOVER COSTS. In an action against any person who violates this chapter or any provision of s. 29.29 or ch. 30, 31 or 144 relating to water quality the department may recover the cost of removing, terminating or remedying the adverse effects upon the water environment resulting from the unlawful discharge or deposit of pollutants into the waters of the state, including the cost of replacing fish or other wildlife destroyed by the discharge or deposit. All moneys recovered under this section shall be deposited into the environmental fund.

SECTION 4382. 150.01 (6m) of the statutes is repealed.

SECTION 4383. 150.01 (6r) of the statutes is repealed.

SECTION 4384. 150.01 (12m) of the statutes is repealed.

SECTION 4385. 150.01 (14) of the statutes is repealed.

SECTION 4386. 150.10 of the statutes is repealed.

SECTION 4387. 150.11 (5) of the statutes is amended to read:

150.11 **(5)** The department may reject the application for approval of a project operated by any person who has repeatedly been subject to the penalties specified in this section or may impose restrictions as part of its approval to ensure compliance with subchs. I~~,~~ and II ~~and III~~.

SECTION 4387m. 150.31 (5m) of the statutes is created to read:

150.31 **(5m)** The department shall decrease the statewide bed limit specified in sub. (1) to account for any reduction in the approved bed capacity of the nursing home operated at the Wisconsin Veterans Home at King, as specified in s. 45.375 (2).

SECTION 4388. Subchapter III of chapter 150 [precedes 150.61] of the statutes is repealed.

SECTION 4391. 150.84 (2) of the statutes is amended to read:

150.84 **(2)** "Health care facility" means a facility, as defined in s. 647.01 (4), or any hospital, nursing home, community–based residential facility, county home, county infirmary, county hospital, county mental health center, tuberculosis sanatorium or other place licensed or approved by the department under s. ~~49.14, 49.16, 49.171,~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 or 252.076 or a facility under s. 45.365, 51.05, 51.06 or 252.10 or ch. 142.

SECTION 4391x. 150.93 (2) of the statutes is amended to read:

150.93 **(2)** Except as provided in ~~sub.~~ subs. (3) and (3m), before July 1, 1996, no person may obligate for a capital expenditure or implement services, by or on behalf of a hospital, to increase the approved bed capacity of a hospital unless the person has, prior to May 12, 1992, entered into a legally enforceable contract, promise or agreement with another to so obligate or implement.

SECTION 4392. 150.93 (3) of the statutes is amended to read:

150.93 **(3)** A person may obligate for a capital expenditure, by or on behalf of a hospital, to renovate or replace on the same site existing approved beds of the hospital or to make new construction, if the renovation, replacement or new construction does not increase the approved bed capacity of the hospital~~, except that obligation for such a capital expenditure that exceeds $1,000,000 is subject to subch. III~~.

SECTION 4392b. 150.93 (3m) of the statutes is created to read:

150.93 **(3m)** A person may obligate for a capital expenditure or implement services that increase the approved bed capacity of a hospital if the capital expenditure or services are necessitated by a transfer of beds from a public hospital that is operated by a county with a population of 500,000 or more to a private hospital

and if the resulting combined total number of approved beds in the 2 hospitals does not increase.

SECTION 4392bm. 150.93 (5) of the statutes is created to read:

150.93 **(5)** This section does not apply to a hospital established under s. 45.375 (1).

SECTION 4392c. 150.94 of the statutes is renumbered 150.94 (intro.) and amended to read:

150.94 (title) ~~**Definition**~~ **Definitions.** (intro.) In this subchapter~~,~~ ~~notwithstanding:~~

(1) Notwithstanding s. 150.01 (12), "hospital" has the meaning given in s. 50.33 (2).

SECTION 4392d. 150.94 (2) of the statutes is created to read:

150.94 **(2)** "Inpatient facility" has the meaning given in s. 51.01 (10).

SECTION 4392dg. 150.95 of the statutes is renumbered 150.95 (1).

SECTION 4392dm. 150.95 (2) of the statutes is created to read:

150.95 **(2)** This section does not apply to a hospital established under s. 45.375 (1).

SECTION 4392e. 150.951 of the statutes is created to read:

150.951 Exceptions. Section 150.95 does not apply to any of the following:

(a) A transfer of psychiatric or chemical dependency beds from a public hospital that is operated by a county with a population of 500,000 or more and that is not an inpatient facility to a private hospital or to a public hospital that is an inpatient facility, if the resulting combined total of licensed psychiatric or chemical dependency beds in the affected hospitals does not increase.

(b) A transfer of psychiatric or chemical dependency beds from a hospital to a private hospital in the same county that has an existing psychiatric or chemical dependency unit or to a public hospital that is operated by the same county, if the resulting combined total of licensed psychiatric or chemical dependency beds in the affected hospitals decreases from the number that is specified in s. 150.95.

SECTION 4392m. 150.963 (3) (e) of the statutes is amended to read:

150.963 **(3)** (e) Accept on behalf of the state and deposit with the ~~state treasurer~~ secretary of administration any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this subchapter, and to expend the funds for the purposes of this subchapter;

SECTION 4393. 153.05 (4m) of the statutes is repealed.

SECTION 4394. 153.48 of the statutes is repealed.

SECTION 4395. 155.01 (6) of the statutes is amended to read:

155.01 **(6)** "Health care facility" means a facility, as defined in s. 647.01 (4), or any hospital, nursing home, community–based residential facility, county home, county infirmary, county hospital, county mental health center, tuberculosis sanatorium or other place licensed or approved by the department under s. ~~49.14, 49.16, 49.171,~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 or 252.076 or a facility under s. 45.365, 51.05, 51.06 or 252.10 or ch. 142.

SECTION 4402. 157.12 (1) of the statutes is amended to read:

157.12 **(1)** DEFINITION. Notwithstanding s. 157.061 (5), in this section, "department" means the department of ~~industry, labor and human relations~~ development.

SECTION 4405. 157.65 (1) (b) of the statutes is amended to read:

157.65 **(1)** (b) If the department of ~~industry, labor and human relations~~ development has reason to believe that any person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the continuation of that activity might cause injury to the public interest, the department of ~~industry, labor and human relations~~ development may investigate.

SECTION 4406. 157.65 (2) of the statutes is amended to read:

157.65 **(2)** The department of justice or any district attorney, upon informing the department of justice, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this subchapter. The court may, prior to entry of final judgment, make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action, if proof of such loss is submitted to the satisfaction of the court. The department of justice may subpoena persons and require the production of books and other documents, and may request the department of regulation and licensing or the department of ~~industry, labor and human relations~~ development to exercise its authority under sub. (1) to aid in the investigation of alleged violations of this subchapter.

SECTION 4406x. 159.03 (1) (d) of the statutes is created to read:

159.03 **(1)** (d) Coordinate its recycling market development activities with the recycling market development board.

SECTION 4407b. 159.03 (3) of the statutes is repealed.

SECTION 4415b. 159.17 (2) (intro.) of the statutes is amended to read:

159.17 **(2)** (title) ~~FEE USE PLAN~~ PLAN. (intro.) The department shall promulgate, by rule, a statewide plan ~~for the use of moneys appropriated under s. 20.370 (2) (dj)~~ to accomplish all of the following:

SECTION 4428s. 159.23 (5) (b) of the statutes is created to read:

159.23 **(5)** (b) Beginning with grants for 1996, for a unit of government other than a county that is the responsible unit for at least 75% of the population of a county, $100,000 or the amount determined under par. (c), whichever is greater.

SECTION 4429. 159.23 (5m) of the statutes is amended to read:

159.23 **(5m)** ALTERNATE PROCESS. The department shall establish, by rule, a process for distributing grants if the amount that would be awarded under sub. (5) or (5e) exceeds the amount of funds available under s. 20.370 ~~(4) (cw)~~ (6) (bq).

SECTION 4430. 159.23 (5s) (a) of the statutes is amended to read:

159.23 **(5s)** (a) Beginning with grants for 1994, the department shall annually allocate 10% of the funds appropriated under s. 20.370 ~~(4) (cw)~~ (6) (bq) for supplemental grants under this subsection.

SECTION 4431. 159.25 (5) (a) of the statutes is amended to read:

159.25 **(5)** (a) The department may enter into agreements with eligible applicants to make demonstration grants from the appropriation under s. 20.370 ~~(4) (ct)~~ (6) (br).

SECTION 4432d. 159.40 (4) of the statutes is created to read:

159.40 **(4)** "Waste generator" means a person who generates solid waste that contains a material specified by the board under s. 159.42 (5) or a responsible unit.

SECTION 4432f. 159.41 of the statutes is created to read:

159.41 Strategic plan. (1) The board shall prepare a strategic plan to guide the development and implementation of the board's powers and duties. The board shall consult with the department of natural resources, the department of development, the University of Wisconsin–Extension and other interested persons

in the development of the plan. The plan shall include all of the following components:

(a) Identification of priority recovered materials that will be the focus of market development efforts by the board.

(b) For each priority recovered material identified under par. (a), identification of one or more appropriate, measurable goals for the board's market development efforts and identification of the technical and financial assistance and research, demonstration, education, marketing and policy development necessary to achieve the goal.

(2) The board shall review the strategic plan at least annually and shall revise the plan as it determines is appropriate.

(3) The board shall submit quarterly progress reports to the appropriate standing committees of the legislature, as determined by the presiding officer of each house, under s. 13.172 (3), describing the board's progress in implementing the strategic plan and how the board's technical assistance, financial assistance and other activities conform to the strategic plan.

SECTION 4432h. 159.42 (1) (intro.) of the statutes is amended to read:

159.42 **(1)** (intro.) Promote the development of sustainable, high–value markets for recovered materials on behalf of, and in cooperation with, waste generators and promote the orderly and efficient marketing of recovered materials by ~~responsible units~~ waste generators to do all of the following:

SECTION 4432j. 159.42 (2) (e) of the statutes is amended to read:

159.42 **(2)** (e) Address other common problems faced by ~~responsible units~~ waste generators in marketing these recovered materials.

SECTION 4432m. 159.42 (2e) of the statutes is created to read:

159.42 **(2e)** Educate waste generators on their role and responsibility in the development of markets for recovered materials and the marketing of recovered materials, in cooperation with business entities, and on the value of cooperative marketing and market development efforts among waste generators.

SECTION 4432p. 159.42 (2m) of the statutes is created to read:

159.42 **(2m)** Provide information about the board's activities to waste generators; solid waste scrap brokers, dealers and processors; business entities that use or could use recovered materials or that produce or could produce products from recovered materials and persons who provide support to those business entities; and the general public.

SECTION 4432r. 159.42 (2s) of the statutes is created to read:

159.42 **(2s)** Contract with the University of Wisconsin–Extension for administrative staff services, including support in recruiting program staff.

SECTION 4432t. 159.42 (4) of the statutes is renumbered 159.49 and amended to read:

159.49 (title) **Study of future of board.** ~~Conduct~~ The University of Wisconsin–Extension shall conduct a study of the feasibility and desirability of transferring the powers and duties of the board to a business entity ~~and, no~~. The University of Wisconsin–Extension shall consult with the department of natural resources, the department of development, the board and other interested parties in conducting the study. The University of Wisconsin–Extension shall, no later than ~~May 30~~ October 1, 1996, submit a report on the results of the study to the governor, and to the legislature under s. 13.172 (2). If the report concludes that the board should continue to exist and that its powers and duties should not be transferred to

a business entity, the report shall recommend to which agency the board should be attached.

SECTION 4434g. 159.44 (4) of the statutes is amended to read:

159.44 **(4)** ~~Establish~~ In cooperation with the University of Wisconsin–Extension, establish appropriate technical assistance and educational programs for ~~responsible units and other~~ waste generators; governmental entities; solid waste scrap brokers, dealers and processors; business entities that use or could use recovered materials or that produce or could produce products from recovered materials and persons who provide support services to those business entities; and the general public.

SECTION 4434r. 159.46 (1) of the statutes is amended to read:

159.46 **(1)** The board may provide financial assistance, directly or in cooperation with another person, to a governmental entity or a business entity to assist ~~responsible units~~ waste generators in the marketing of recovered materials or to develop markets for recovered materials. Forms of financial assistance provided by the board, and by a recipient of financial assistance from the board, may include grants, loans and manufacturing rebates.

SECTION 4435. 159.46 (3) of the statutes is amended to read:

159.46 **(3)** If the board awards assistance under sub. (1) that results in a loan being made by the recipient to another person, the board may direct that the repayments of the loan's principal and any interest either be repaid to the recipient for use in a revolving loan fund or returned to the board. The board shall credit any funds received under this subsection to the appropriation under s. ~~20.505 (4)~~ 20.285 (1) (L).

SECTION 4435d. 159.46 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

159.46 **(3)** If the board awards assistance under sub. (1) that results in a loan being made by the recipient to another person, the board may direct that the repayments of the loan's principal and any interest either be repaid to the recipient for use in a revolving loan fund or returned to the board. The board shall credit any funds received under this subsection to the appropriation under s. ~~20.285~~ 20.143 (1) (L).

SECTION 4436. 159.46 (4) of the statutes is amended to read:

159.46 **(4)** In any biennium, the board may not expend more than 10% of the amount appropriated under s. ~~20.505 (4) (t)~~ 20.285 (1) (t) for that biennium for contracts with and financial assistance to responsible units and other local units of government.

SECTION 4436d. 159.46 (4) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

159.46 **(4)** In any biennium, the board may not expend more than 10% of the amount appropriated under s. ~~20.285 (1) (t)~~ 20.143 (1) (tm) for that biennium for contracts with and financial assistance to responsible units and other local units of government.

SECTION 4437b. 159.48 (title) of the statutes is amended to read:

159.48 (title) **Executive director ~~and other staff~~ for the board.**

SECTION 4438b. 159.48 (1) of the statutes is renumbered 159.48.

SECTION 4439. 159.48 (2) of the statutes is repealed.

SECTION 4440b. 159.48 (3) of the statutes is repealed.

SECTION 4441. 160.01 (7) of the statutes is amended to read:

160.01 **(7)** "Regulatory agency" means the department of agriculture, trade and consumer protection, the department of ~~industry, labor and human relations~~ development, the department of transportation, the department of natural resources and other state agencies which regulate activities, facilities or practices which are related to substances which have been detected in or have a reasonable probability of entering the groundwater resources of the state.

SECTION 4441g. 161.41 (5) (b) of the statutes is amended to read:

161.41 **(5)** (b) The clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b).

SECTION 4441r. 161.41 (5) (c) of the statutes is amended to read:

161.41 **(5)** (c) All moneys collected from drug surcharges shall be deposited by the ~~state treasurer~~ secretary of administration in and utilized in accordance with s. 20.435 (6) (gb).

SECTION 4442. 161.455 (1) of the statutes is amended to read:

161.455 **(1)** Any person who has attained the age of ~~18~~ 17 years who knowingly solicits, hires, directs, employs or uses a person who ~~has not attained the age of 18 years~~ is 17 years of age or under for the purpose of violating s. 161.41 (1) may be fined not more than $50,000 or imprisoned for not more than 10 years or both.

SECTION 4443. 161.46 (1) of the statutes is amended to read:

161.46 **(1)** Except as provided in sub. (3), any person ~~18~~ 17 years of age or over who violates s. 161.41 (1) by distributing a controlled substance listed in schedule I or II which is a narcotic drug to a person ~~under 18~~ 17 years of age or under who is at least 3 years his or her junior is punishable by the fine authorized by s. 161.41 (1)

(a) or a term of imprisonment of up to twice that authorized by s. 161.41 (1) (a), or both.

SECTION 4444. 161.46 (2) of the statutes is amended to read:

161.46 **(2)** Except as provided in sub. (3), any person ~~18~~ 17 years of age or over who violates s. 161.41 (1) by distributing any other controlled substance listed in schedule I, II, III, IV or V to a person ~~under 18~~ 17 years of age or under who is at least 3 years his or her junior is punishable by the fine authorized by s. 161.41 (1) (b), (i) or (j) or a term of imprisonment of up to twice that authorized by s. 161.41 (1) (b), (i) or (j) or both.

SECTION 4445. 161.46 (3) of the statutes is amended to read:

161.46 **(3)** If any person ~~18~~ 17 years of age or over violates s. 161.41 (1) (cm), (d), (e), (f), (g) or (h) by distributing a controlled substance included under s. 161.14 (7) (L) or 161.16 (2) (b), heroin, phencyclidine, lysergic acid diethylamide, psilocin, psilocybin, amphetamine, methamphetamine or any form of tetrahydrocannabinols to a person ~~under 18~~ 17 years of age or under who is at least 3 years his or her junior, any applicable minimum and maximum fines and minimum and maximum periods of imprisonment under s. 161.41 (1) (cm), (d), (e), (f), (g) or (h) are doubled.

SECTION 4446. 161.573 (2) of the statutes is amended to read:

161.573 **(2)** Any person who violates this section who is under ~~18~~ 17 years of age is subject to a disposition under s. 48.344 (2e).

SECTION 4447. 161.574 (2) of the statutes is amended to read:

161.574 **(2)** Any person who violates this section who is under ~~18~~ 17 years of age is subject to a disposition under s. 48.344 (2e).

SECTION 4448. 161.575 (1) of the statutes is amended to read:

161.575 **(1)** Any person ~~18~~ 17 years of age or over who violates s. 161.574 by delivering drug paraphernalia to a person ~~under 18~~ 17 years of age or under who is at least 3 years younger than the violator may be fined not more than $10,000 or imprisoned for not more than 9 months or both.

SECTION 4449. 161.575 (2) of the statutes is amended to read:

161.575 **(2)** Any person who violates this section who is under ~~18~~ 17 years of age is subject to a disposition under s. 48.344 (2e).

SECTION 4450b. 165.07 (title) of the statutes is renumbered 23.39 (title) and amended to read:

23.39 (title) ~~**Assistant attorney general—public**~~ **Public intervenor.**

SECTION 4450c. 165.07 of the statutes is renumbered 23.39 (1) and amended to read:

23.39 **(1)** The ~~attorney general~~ secretary shall designate an ~~assistant~~ attorney ~~general on~~ in the ~~attorney general's staff~~ department as public intervenor. Written notices of all administrative proceedings under chs. 30, 31, 144 and 147 shall be given to the public intervenor and to the administrators of divisions primarily assigned the departmental functions under chs. 29 and 144 by the agency head responsible for such proceedings. A copy of such notice shall also be given to the natural areas preservation council.

(2) (a) ~~The~~ With the approval of the public intervenor board the public intervenor shall formally intervene in ~~such~~ administrative proceedings when requested to do so by an administrator of a division primarily assigned the departmental functions under ch. 29 or 144. ~~The~~ With the approval of the public intervenor board, the public intervenor may, on the public intervenor's own initiative or upon request of any committee of the legislature, formally intervene in all ~~such~~

administrative proceedings where such intervention is needed for the protection of "public rights" in water and other natural resources, as provided in chs. 30 and 31 and defined by the supreme court.

(3) Personnel of the department ~~of natural resources~~ shall, upon the request of the public intervenor, make such investigations, studies and reports as the public intervenor may request in connection with ~~such~~ administrative proceedings, either before or after formal intervention. Personnel of state agencies shall at the public intervenor's request provide information, serve as witnesses in such proceedings and otherwise cooperate in the carrying out of the public intervenor's intervention functions. Formal intervention shall be by filing a statement to that effect with the examiner or other person immediately in charge of the proceeding. Thereupon the public intervenor shall be deemed a party in interest with full power to present evidence, subpoena and cross–examine witnesses, submit proof, file briefs or do any other acts appropriate for a party to the proceedings.

(4) The public intervenor may not appeal from administrative rulings to the courts ~~and in~~. In all administrative proceedings ~~and judicial review proceedings~~ the public intervenor shall be identified as "public intervenor". This section does not preclude or prevent any ~~division of the department of natural resources, or any other~~ department or independent agency from appearing by its staff as a party in ~~such~~ administrative proceedings.

SECTION 4450d. 165.075 (title) of the statutes is repealed.

SECTION 4450f. 165.075 of the statutes is renumbered 23.39 (2) (b) and amended to read:

23.39 **(2)** (b) In carrying out his or her duty to protect public rights in water and other natural resources, ~~as defined by law under s. 165.07,~~ with the approval of the

public intervenor board the public intervenor has the authority to initiate actions and proceedings before any agency ~~or court~~ in order to raise issues, ~~including issues concerning constitutionality,~~ present evidence and testimony and make arguments.

SECTION 4452. 165.076 of the statutes is repealed.

SECTION 4453. 165.25 (1) of the statutes is amended to read:

165.25 **(1)** REPRESENT STATE. Except as provided in s. 978.05 (5), appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the court of appeals and the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded to any circuit court in which the state is a party; and, if requested by the governor or either house of the legislature, appear for and represent the state, any state department, agency, official, employe or agent, whether required to appear as a party or witness in any civil or criminal matter, and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people of this state may be interested. The ~~radioactive waste review board~~ public service commission may request under s. ~~36.50~~ 196.497 (7) that the attorney general intervene in federal proceedings. All expenses of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

SECTION 4454b. 165.25 (4) (a) of the statutes is amended to read:

165.25 **(4)** (a) The department of justice shall furnish all legal services required by the investment board, the lottery division in the ~~gaming commission~~ department of revenue, the public service commission, the department of transportation, the department of natural resources, the department of tourism and the department of employe trust funds, together with any other services, including stenographic and investigational, as are necessarily connected with the legal work.

SECTION 4454m. 165.25 (4) (ar) of the statutes is created to read:

165.25 **(4)** (ar) The department of justice shall furnish all legal services required by the department of agriculture, trade and consumer protection relating to the enforcement of ss. 100.18, 100.182, 100.20, 100.205, 100.207, 100.21, 100.28, 100.50, 134.22, 134.42, 134.68, 134.70, 134.74, 134.83 and 134.85 and chs. 136, 344, 704, 707 and 779, together with any other services as are necessarily connected to the legal services.

SECTION 4454r. 165.30 of the statutes is created to read:

165.30 Collection of delinquent obligations. (1) DEFINITIONS. In this section:

(a) "Departments" has the meaning given in s. 16.002 (2).

(b) "Obligation" includes any amount payable to the state, including accounts, charges, claims, debts, fees, fines, forfeitures, interest, judgments, loans, penalties and taxes.

(2) BANKRUPTCY CASES. The department of justice shall monitor bankruptcy cases filed in bankruptcy courts in this state and other states, notify departments that may be affected by those bankruptcy cases, and represent the interests of the state in bankruptcy cases and related adversary proceedings.

(3) COLLECTION PROCEEDS. (a) All obligations collected by the department of justice under this section shall be paid to the state treasurer and deposited in the appropriate fund.

(b) From the amount of obligations collected by the department of justice under this section, the treasurer shall credit an amount equal to the expenses incurred by the department related to collecting those obligations to the appropriation account under s. 20.455 (1) (gs).

SECTION 4454t. 165.30 (3) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

165.30 **(3)** (a) All obligations collected by the department of justice under this section shall be paid to the ~~state treasurer~~ secretary of administration and deposited in the appropriate fund.

SECTION 4455. 165.55 (10) (intro.) of the statutes is amended to read:

165.55 **(10)** (intro.) The state fire marshal, deputy state fire marshals or chiefs of fire departments shall apply for and obtain special inspection warrants prior to the inspection or investigation of personal or real properties which are not public buildings or for the inspection of portions of public buildings which are not open to the public for the purpose of determining the cause, origin and circumstances of fires either upon showing that consent to entry for inspection purposes has been refused or upon showing that it is impractical to obtain the consent. The warrant may be in the form set forth in s. 66.123. The definition of a public building under s. 101.01 ~~(2) (g)~~ (12) applies to this subsection. No special inspection warrant is required:

SECTION 4456. 165.72 (3) of the statutes is amended to read:

165.72 **(3)** REWARD PAYMENT PROGRAM. The department shall administer a reward payment program. Under the program, the department may offer and pay rewards from the ~~appropriations~~ appropriation under s. 20.455 (2) (e) ~~and (mb)~~ for information under sub. (2) (a) leading to the arrest and conviction of a person for a violation of ch. 161.

SECTION 4457. 165.72 (8) of the statutes is repealed.

SECTION 4457g. 165.82 (1) (a) of the statutes is amended to read:

165.82 **(1)** (a) For each record check, except a fingerprint card record check, requested by a ~~governmental agency or~~ nonprofit organization, $2.

SECTION 4457h. 165.82 (1) (ag) of the statutes is created to read:

165.82 **(1)** (ag) For each record check, except a fingerprint card record check, requested by a governmental agency, $5.

SECTION 4457i. 165.82 (1) (ar) of the statutes is created to read:

165.82 **(1)** (ar) For each fingerprint card record check requested by a governmental agency or nonprofit organization, $10.

SECTION 4457k. 165.82 (1) (b) of the statutes is amended to read:

165.82 **(1)** (b) For each record check by any other requester, ~~$10~~ $13.

SECTION 4458. 165.827 of the statutes is amended to read:

165.827 (title) **Transaction information for the management of enforcement system; fees.** The department of justice shall administer a transaction information for the management of enforcement system to provide access to information concerning law enforcement. The department of justice may impose fees on law enforcement agencies and tribal law enforcement agencies, as defined in s. 165.83 (1) (e), for rentals, use of terminals and related costs and services associated with the ~~transaction information for management of enforcement~~ system. All moneys collected under this section shall be ~~deposited in~~ credited to the appropriation account under s. 20.455 (2) (h).

SECTION 4460. 165.87 (1) (a) of the statutes is amended to read:

165.87 **(1)** (a) Twenty–seven fifty–fifths of all moneys collected from penalty assessments under this section shall be deposited in s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and 165.85 (5) and (5m). The moneys deposited in s. 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb) ~~and (jc)~~, constitute the law enforcement training fund.

SECTION 4460bp. 165.87 (1) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

165.87 **(1)** (a) ~~Twenty–seven fifty–fifths~~ Fifty–four one–hundred–fifteenths of all moneys collected from penalty assessments under this section shall be ~~deposited in~~ credited to the appropriation account under s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and 165.85 (5) and (5m). The moneys ~~deposited in~~ credited to the appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement training fund.

SECTION 4460c. 165.87 (1) (b) of the statutes is amended to read:

165.87 **(1)** (b) ~~One–eleventh~~ Two twenty–thirds of all moneys collected from penalty assessments under this section shall be ~~deposited in~~ credited to the appropriation account under s. 20.410 (1) (jp) and utilized in accordance with s. 301.28.

SECTION 4460d. 165.87 (1) (bd) of the statutes is created to read:

165.87 **(1)** (bd) One twenty–third of all moneys collected from penalty assessments under this section shall be credited to the appropriation account under s. 20.455 (1) (g) and utilized in accordance with s. 165.94.

SECTION 4460e. 165.87 (1) (bn) of the statutes is amended to read:

165.87 **(1)** (bn) Five ~~twenty–seconds~~ twenty–thirds of all moneys collected from penalty assessments under this section shall be ~~deposited in~~ credited to the appropriation account under and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss. 20.435 (3) (jk) and 20.505 (6) (h). In regard to any grant to any local unit of government for which the state is providing matching funds from moneys under this paragraph, the local unit of government shall provide matching funds equal to at least 10%.

SECTION 4460em. 165.87 (1) (bn) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

165.87 **(1)** (bn) Five twenty–thirds of all moneys collected from penalty assessments under this section shall be credited to the appropriation account under and utilized in accordance with s. 20.505 (6) (g), except for moneys transferred to ss. ~~20.435~~ 20.410 (3) (jk) and 20.505 (6) (h). In regard to any grant to any local unit of government for which the state is providing matching funds from moneys under this paragraph, the local unit of government shall provide matching funds equal to at least 10%.

SECTION 4460f. 165.87 (1) (bp) of the statutes is amended to read:

165.87 **(1)** (bp) One ~~twenty–second~~ twenty–third of all moneys collected from penalty assessments under this section shall be ~~deposited in~~ credited to the appropriation account under s. 20.455 (2) (hm) and utilized in accordance with ss. 20.455 (2) (hn) and (ho) and 165.90.

SECTION 4460g. 165.87 (1) (br) of the statutes is amended to read:

165.87 **(1)** (br) One ~~one–hundred–tenth~~ one–hundred–fifteenth of all moneys collected from penalty assessments under this section shall be ~~deposited in~~ credited to the appropriation account under and utilized in accordance with s. 20.550 (1) (j).

SECTION 4460h. 165.87 (1) (c) of the statutes is amended to read:

165.87 **(1)** (c) Of the balance of the moneys collected from penalty assessments under this section, 62.2% shall be ~~deposited~~ credited to the appropriation account under s. 20.255 (2) (g) and the remainder shall be ~~deposited~~ credited to the appropriation account under s. 20.255 (1) (hr).

SECTION 4460i. 165.87 (2) (a) of the statutes is amended to read:

165.87 **(2)** (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. or (bm) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount of ~~22%~~ 23% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment 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 assessment shall be reduced in proportion to the suspension.

SECTION 4460j. 165.87 (2) (b) of the statutes is amended to read:

165.87 **(2)** (b) If a fine or forfeiture is imposed by a court of record, after a determination by the court of the amount due, the clerk of the court shall collect and transmit such amount to the county treasurer as provided in s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b).

SECTION 4460m. 165.87 (2) (c) of the statutes is amended to read:

165.87 **(2)** (c) If a fine or forfeiture is imposed by a municipal court, after a determination by the court of the amount due, the court shall collect and transmit such amount to the treasurer of the county, city, town or village, and that treasurer shall make payment to the ~~state treasurer~~ secretary of administration as provided in s. 66.12 (1) (b).

SECTION 4460s. 165.87 (2) (d) of the statutes is amended to read:

165.87 **(2)** (d) If any deposit of bail is made for a noncriminal offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail

is forfeited, the amount of the assessment shall be transmitted monthly to the ~~state treasurer~~ secretary of administration under this section. If bail is returned, the assessment shall also be returned.

SECTION 4460v. 165.94 of the statutes is created to read:

165.94 District attorney computer network. The department of justice shall maintain a district attorney computer network that provides district attorney offices with access to operating records under s. 343.24, access to criminal history records, ability to exchange legal information, use of electronic mail and access to statutory and attorney general opinion data bases.

SECTION 4461. 165.97 of the statutes is repealed.

SECTION 4462. 166.10 (intro.) of the statutes is amended to read:

166.10 Preservation of essential public records. (intro.) The public records ~~and forms~~ board shall establish a system for the preservation of essential state public records necessary for the continuity of governmental functions in the event of enemy action or natural or man–made disasters. The board shall:

SECTION 4464. 167.10 (3) (b) 2. of the statutes is amended to read:

167.10 **(3)** (b) 2. The possession or use of explosives in accordance with rules or general orders of the department of ~~industry, labor and human relations~~ development.

SECTION 4465. 167.10 (6m) (a) of the statutes is amended to read:

167.10 **(6m)** (a) ~~After June 30, 1985, no~~ No person may manufacture in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) without a fireworks manufacturing license issued by the department of ~~industry, labor and human relations~~ development.

SECTION 4466. 167.10 (6m) (b) of the statutes is amended to read:

167.10 **(6m)** (b) ~~After June 30, 1985, no~~ No person may manufacture in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) unless the person complies with the rules of the department of ~~industry, labor and human relations~~ development promulgated under par. (e).

SECTION 4467. 167.10 (6m) (c) of the statutes is amended to read:

167.10 **(6m)** (c) Any person who~~, after June 30, 1985,~~ manufactures in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) shall provide the department of ~~industry, labor and human relations~~ development with a copy of each federal license issued under 18 USC 843 to that person.

SECTION 4468. 167.10 (6m) (d) of the statutes is amended to read:

167.10 **(6m)** (d) The department of ~~industry, labor and human relations~~ development shall issue a license to manufacture fireworks or devices listed under sub. (1) (e), (f) or (i) to (n) to a person who complies with the rules of the department promulgated under par. (e). The department may not issue a license to a person who does not comply with the rules promulgated under par. (e). The department may revoke a license under this subsection for the refusal to permit an inspection by the department or for a continuing violation of the rules promulgated under par. (e).

SECTION 4469. 167.10 (6m) (e) of the statutes is amended to read:

167.10 **(6m)** (e) The department of ~~industry, labor and human relations~~ development shall promulgate rules to establish safety standards for the manufacture in this state of fireworks and devices listed under sub. (1) (e), (f) or (i) to (n). ~~The rules may not take effect before July 1, 1985.~~

SECTION 4470. 167.11 (2) of the statutes is amended to read:

167.11 **(2)** The department of ~~industry, labor and human relations~~ development shall, by rule, set forth the nature of such warning and shall enforce this section.

SECTION 4471. 167.27 (5) of the statutes is amended to read:

167.27 **(5)** Whenever any mine shaft, exploration shaft or test well is abandoned or its use discontinued, the operator or contractor shall promptly fill same to grade or enclose the same with a fence of strong woven wire not less than 46 inches wide with one barbwire above or cap same with a reinforced concrete slab at least 6 inches thick or with a native boulder at least 3 times the diameter of the top of the shaft or test well bore. The strands of the woven wire shall not be smaller than No. 12 wire and the cross wires and meshes shall not be smaller than No. 16 wire; the strands shall not be more than 12 inches apart, and the meshes shall not exceed 8 inches square. All wires must be tightly stretched and securely fastened to sufficient posts firmly set not more than 8 feet apart. In case any person shall neglect to repair or rebuild such fence which the person is so required to build and maintain, any person may complain to the department of ~~industry, labor and human relations~~ development or to the local governing body, which shall give notice in writing to the person who is required to build and maintain such fence. The department of ~~industry, labor and human relations~~ development or the local governing body shall then proceed to examine the fence, and if it shall determine that such fence is insufficient, it shall notify the person responsible for its erection and maintenance and direct the person to repair or rebuild the fence within such time as it shall deem reasonable. Any person refusing to comply with such order shall be subject to the penalties provided.

SECTION 4472. 167.27 (8) of the statutes is amended to read:

167.27 **(8)** Any violation of this section coming to the attention of the department of ~~industry, labor and human relations~~ development or municipal

authorities shall be reported to the attorney general or district attorney for prosecution.

SECTION 4472g. 167.31 (5) (c) of the statutes is amended to read:

167.31 **(5)** (c) If any deposit is made for an offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the weapons assessment under this subsection. If the deposit is forfeited, the amount of the weapons assessment shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the deposit is returned, the amount of the weapons assessment shall also be returned.

SECTION 4472r. 167.31 (5) (d) of the statutes is amended to read:

167.31 **(5)** (d) The clerk of the circuit court shall collect and transmit to the county treasurer the weapons assessment as required under s. 59.395 (5). The county treasurer shall then pay the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b). The ~~state treasurer~~ secretary of administration shall deposit all amounts received under this paragraph in the conservation fund to be appropriated under s. 20.370 (3) (mu).

SECTION 4473. 168.01 of the statutes is amended to read:

168.01 Definition. In this chapter "department" means the department of ~~industry, labor and human relations~~ development.

SECTION 4474. 168.05 (1) of the statutes is amended to read:

168.05 **(1)** No petroleum product imported into and received in this state or received from a manufacturer or refiner or from a marine or pipeline terminal within this state may be unloaded from its original container except as provided under sub. (5), sold, offered for sale or used until a true sample of not less than 8 ounces is taken as provided in this chapter. This subsection does not apply if the department has

previously inspected the petroleum product at the refinery, marine or pipeline terminal. Each person importing or receiving a petroleum product which has not been previously inspected shall notify the inspector in the person's district of the receipt thereof, and the inspector shall take a sample of the petroleum product. ~~This subsection does not apply if the user receiving the petroleum product is exempted from departmental inspection under s. 168.07 (3).~~

SECTION 4475. 168.07 (3) of the statutes is repealed.

SECTION 4476. 168.08 (2) of the statutes is repealed.

SECTION 4477. 168.08 (3) of the statutes is repealed.

SECTION 4478. 168.08 (4) of the statutes is repealed.

SECTION 4479. 168.08 (5) of the statutes is repealed.

SECTION 4480. 168.10 of the statutes is amended to read:

168.10 Access to records. Every agent or employe of any railroad company or other transportation company and every person transporting gasoline, gasoline–alcohol fuel blends, kerosene, other refined oils, fuel oils and petroleum distillates, having the custody of books or records showing the shipment or receipt of gasoline, gasoline–alcohol fuel blends, kerosene, or other refined oils, fuel oils and petroleum distillates shall give and permit the department and the inspectors; and, in regard to the fee under s. 168.12 (1), shall give and permit the department of revenue; free access to such books and records for the purpose of determining the amount of petroleum products shipped and received. All clerks, bookkeepers, express agents, railroad agents or officials, employes, or common carriers, or other persons shall ~~render~~ provide the department and the inspectors; and, in regard to the fee under s. 168.12 (1), shall provide the department of revenue; all information in

their possession when so requested in tracing, finding, sampling and inspecting such shipments.

SECTION 4481. 168.11 (2) (d) of the statutes is amended to read:

168.11 **(2)** (d) Containers of 275 gallons capacity or more. This provision does not exempt such containers from the identification requirements ~~under ch. Ind 8, Wis. adm. code~~ specified in rules promulgated by the department.

SECTION 4482. 168.12 (1) of the statutes is repealed and recreated to read:

168.12 **(1)** Except as provided in subs. (1g) and (1r), there is imposed a petroleum inspection fee at the rate of 3 cents per gallon on all petroleum products that are received, as defined in s. 78.07, by a supplier, as defined in s. 78.005 (14), for sale in this state or for sale for export to this state. The fee shall be paid under s. 168.125 and shall be based on the number of gallons reported under s. 168.125.

SECTION 4483. 168.12 (1g) of the statutes is created to read:

168.12 **(1g)** The fee under sub. (1) is not imposed on petroleum products that are shipped from storage at a refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture to a person for storage at another refinery, marine terminal, pipeline terminal, pipeline tank farm or place of manufacture.

SECTION 4484. 168.12 (1r) of the statutes is created to read:

168.12 **(1r)** The fee under sub. (1) is not imposed on petroleum products exported from this state by a person who is licensed under sub. (7) or s. 78.09.

SECTION 4485. 168.12 (2) of the statutes is repealed.

SECTION 4486. 168.12 (3) of the statutes is repealed.

SECTION 4487. 168.12 (4) of the statutes is repealed.

SECTION 4488. 168.12 (6) of the statutes is repealed.

SECTION 4489. 168.12 (7) of the statutes is created to read:

168.12 **(7)** No person may ship petroleum products into this state unless that person either has a license under s. 78.09 or obtains a petroleum products shipper license from the department of revenue by filing with that department an application prescribed and furnished by that department and verified by the owner of the business if the owner is an individual, by a member if the owner is an unincorporated association, by a partner if the owner is a partnership or by the president and secretary if the owner is a corporation.

SECTION 4490. 168.12 (8) of the statutes is created to read:

168.12 **(8)** (a) To protect the revenues of this state, the department of revenue may require any person who is liable to that department for the fee under sub. (1) to place with it security in the amount that that department determines. The department of revenue may increase or decrease the amount of the security, but that amount may not exceed 3 times the person's average monthly liability for the fee under sub. (1) as estimated by that department. If any person fails to provide that security, the department of revenue may refuse to issue a license under sub. (7) or s. 78.09 or may revoke the person's license under sub. (7) or s. 78.09. If any taxpayer is delinquent in the payment of the fee under sub. (1), the department of revenue may, upon 10 days' notice, recover the fee, interest, penalties, costs and disbursements from the person's security. The department of revenue may not pay interest on any security deposit.

(b) The security required under par. (a) may be a surety bond furnished to the department of revenue and payable to this state. The department of revenue shall prescribe the form and contents of the bond.

(c) The surety of a bond under par. (b) may conditionally cancel the bond by filing written notice with the person who is liable for the fee under sub. (1) and with

the department of revenue. A surety who files that notice is not discharged from any liability that has accrued or from any liability that accrues within 60 days after the filing. If the person who is liable for the fee under sub. (1) does not, within 60 days after receiving the notice, file with the department of revenue a new bond that is satisfactory to that department, that department shall revoke the person's license under sub. (7) or s. 78.09. If the person furnishes a new bond, the department of revenue shall cancel and surrender the old bond when it is satisfied that all liability under the old bond has been discharged.

(d) If the liability on the bond is discharged or reduced or if the department of revenue determines that the bond is insufficient, that department shall require additional surety or new bonds. If any person who is liable for the fee under sub. (1) fails to file that additional bond within 5 days after the department of revenue provides written notice, that person's license under sub. (7) or s. 78.09 is revoked.

(e) Suspension, revocation or cancellation of a license under sub. (7) or s. 78.09, partial recovery on the bond or execution of a new bond does not affect the validity of a bond under this subsection.

SECTION 4491. 168.12 (9) of the statutes is created to read:

168.12 **(9)** Sections 78.65 to 78.74 and 78.79 to 78.81 as they apply to the taxes under ch. 78 apply to the fee under sub. (1).

SECTION 4492. 168.125 of the statutes is created to read:

168.125 Reports; payment. Persons who are liable for the fee under this chapter shall state the number of gallons of petroleum products on which the fee is due and the amount of their liability for the fee in the reports under s. 78.12 (1) to (3). The requirements for payment of the motor vehicle fuel tax under s. 78.12 (5) apply to the fee under this chapter.

SECTION 4493. 168.13 of the statutes is amended to read:

168.13 Required records. Every person receiving petroleum products in this state shall keep books and records of all petroleum products so received, together with bills of lading, waybills and other pertinent documents. Such books and records and other papers and documents shall, at all times during business hours of the day, be subject to inspection by the department and its inspectors, and are subject to inspection by the department of revenue in regard to the fee under s. 168.12 (1). Such books, records and other papers and documents shall be preserved for not less than ~~3~~ 4 years, unless the department, in writing, authorizes their destruction or disposal at an earlier date.

SECTION 4494. 168.15 of the statutes is amended to read:

168.15 Penalty. Every person who violates any provision of this chapter that is not related to the fee under s. 168.12 (1) shall forfeit not less than $10 nor more than $100 for each violation. Each day a person fails to comply with any provision of this chapter is a separate violation.

SECTION 4495. 168.17 of the statutes is amended to read:

168.17 Attorney general and district attorney to prosecute. Upon request of the department, the attorney general or proper district attorney shall prosecute any action to enforce this chapter except the fee that is imposed under s. 168.12 (1).

SECTION 4496. 175.45 (9) of the statutes is amended to read:

175.45 **(9)** COOPERATION. The departments of corrections, ~~and~~ health and social services and industry, labor and human relations shall cooperate with the department of justice in obtaining information under this section.

SECTION 4497. 177.30 (2) of the statutes is amended to read:

177.30 **(2)** The administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with this chapter. The administrator may designate the ~~commissioner~~ division of banking or other appropriate regulatory authority to examine the records of regulated institutions to determine if the institutions have complied with this chapter. The administrator may conduct the examination even if the person believes it is not in possession of any property reportable or deliverable under this chapter.

SECTION 4583. 180.0504 (3) of the statutes is renumbered 180.0504 (3) (a) and amended to read:

180.0504 **(3)** (a) ~~If~~ Except as provided in par. (b), if the address of the corporation's principal office cannot be determined from the records of the secretary of state, the corporation may be served by publishing a class 3 notice, under ch. 985, in the community where the corporation's principal office or registered office, as most recently designated in the records of the secretary of state, is located.

SECTION 4585. 180.0504 (3) (b) of the statutes is created to read:

180.0504 **(3)** (b) If a process, notice or demand is served by the secretary of state on a corporation under s. 180.1421 and the address of the corporation's principal office cannot be determined from the records of the secretary of state, the corporation may be served by publishing a class 2 notice, under ch. 985, in the official state newspaper.

SECTION 4634. 180.1510 (4) (b) of the statutes is renumbered 180.1510 (4) (b) 1. and amended to read:

180.1510 **(4)** (b) 1. ~~If~~ Except as provided in subd. 2., if the address of the foreign corporation's principal office cannot be determined from the records of the secretary of state, the foreign corporation may be served by publishing a class 3 notice, under

ch. 985, in the community where the foreign corporation's principal office or registered office, as most recently designated in the records of the secretary of state, is located.

SECTION 4636. 180.1510 (4) (b) 2. of the statutes is created to read:

180.1510 **(4)** (b) 2. If a process, notice or demand is served by the secretary of state on a foreign corporation under s. 180.1531 and the address of the foreign corporation's principal office cannot be determined from the records of the secretary of state, the foreign corporation may be served by publishing a class 2 notice, under ch. 985, in the official state newspaper.

SECTION 4705m. 181.64 of the statutes is amended to read:

181.64 Deposits with state treasury. Upon the voluntary, involuntary or administrative dissolution of a corporation, the portion of the assets distributable to a creditor or member who is unknown or cannot be found, or who is under disability and there is no person legally competent to receive such distributive portion, may be reduced to cash and deposited with the ~~state treasury of this state~~ secretary of administration and shall be paid over without interest to such creditor or member or to the creditor's or member's legal representative, upon proof satisfactory to the ~~state treasurer~~ secretary of administration of the creditor's or member's right thereto.

SECTION 4748. 183.0105 (2) (c) of the statutes is created to read:

183.0105 **(2)** (c) In the case of a foreign limited liability company, including the name of its registered agent and the street address of its registered office, as changed, in its annual report under s. 183.0120. A change under this paragraph is effective on the date the annual report is filed by the office of the secretary of state.

SECTION 4766. 183.0109 (1) (a) 4. of the statutes is created to read:

183.0109 **(1)** (a) 4. A foreign limited liability company's annual report under s. 183.0120.

SECTION 4767. 183.0109 (1) (b) of the statutes is amended to read:

183.0109 **(1)** (b) The forms prescribed by the secretary of state under par. (a) 1. to ~~3.~~ 4. shall require disclosure of only the information required under ss. 183.1004, 183.1006 ~~and~~, 183.1011 and 183.0120, respectively.

SECTION 4778. 183.0111 (1) (a) (intro.) of the statutes is amended to read:

183.0111 **(1)** (a) (intro.) Except as provided in sub. (2) and ss. 183.0105 (7), 183.0112 (3), 183.0120 (5) and 183.1009 (3), a document filed by the secretary of state under this chapter is effective on the date that it is received by the office of the secretary of state for filing and at any of the following times on that date:

SECTION 4784. 183.0113 (2) (b) 1m. of the statutes is created to read:

183.0113 **(2)** (b) 1m. In the case of a foreign limited liability company, the foreign limited liability company has, during its most recently completed report year, filed with the secretary of state an annual report required by s. 183.0120.

SECTION 4786. 183.0113 (2) (b) 4. of the statutes is created to read:

183.0113 **(2)** (b) 4. The foreign limited liability company is not the subject of a proceeding to revoke its certificate of registration under s. 183.1021.

SECTION 4791m. 183.0114 (1) (a) of the statutes is amended to read:

183.0114 **(1)** (a) Articles of organization, ~~$90~~ $130.

SECTION 4793. 183.0114 (1) (w) of the statutes is created to read:

183.0114 **(1)** (w) Annual report of a foreign limited liability company, $50.

SECTION 4796. 183.0114 (2) (c) of the statutes is created to read:

183.0114 **(2)** (c) Filing a certificate of revocation of registration to transact business.

SECTION 4797. 183.0120 of the statutes is created to read:

183.0120 Annual report for foreign limited liability companies. (1) Each foreign limited liability company registered to transact business in this state shall file with the secretary of state an annual report that includes all of the following information:

(a) The name of the foreign limited liability company and the state or country under whose law it is organized.

(b) The address of the foreign limited liability company's registered office and the name of its registered agent at that office in this state.

(c) The address of the foreign limited liability company's principal office.

(d) If management of the foreign limited liability company is vested in one or more managers, the name and business address of each manager.

(e) The name and business address of each member of the foreign limited liability company.

(f) A brief description of the nature of the foreign limited liability company's business.

(2) Information in the annual report shall be current as of the date on which the annual report is executed on behalf of a foreign limited liability company, except that the information required by sub. (1) (e) shall be current as of the close of the foreign limited liability company's fiscal year immediately before the date by which the annual report is required to be delivered to the secretary of state.

(3) A foreign limited liability company registered to transact business in this state shall deliver its annual report to the secretary of state during the first calendar quarter of each year following the calendar year in which the foreign limited liability company becomes registered to transact business in this state.

(4) If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting foreign limited liability company in writing and return the report to it for correction.

(5) An annual report is effective on the date that it is filed by the office of the secretary of state.

SECTION 4821. 183.1010 (4) (b) of the statutes is renumbered 183.1010 (4) (b) 1. and amended to read:

183.1010 **(4)** (b) 1. ~~If~~ Except as provided in subd. 2., if the address of the foreign limited liability company's principal office cannot be determined from the records of the secretary of state, the foreign limited liability company may be served by publishing a class 3 notice, under ch. 985, in the community where the foreign limited liability company's principal office or, if not in this state, its registered office, as most recently designated in the records of the secretary of state, is located.

SECTION 4823. 183.1010 (4) (b) 2. of the statutes is created to read:

183.1010 **(4)** (b) 2. If a process, notice or demand is served by the secretary of state on a foreign limited liability company under s. 183.1021 and the address of the foreign limited liability company's principal office cannot be determined from the records of the secretary of state, the foreign limited liability company may be served by publishing a class 2 notice, under ch. 985, in the official state newspaper.

SECTION 4828. 183.1020 of the statutes is created to read:

183.1020 Grounds for revocation. (1) Except as provided in sub. (2), the secretary of state may bring a proceeding under s. 183.1021 to revoke the certificate of registration of a foreign limited liability company registered to transact business in this state if any of the following applies:

(a) The foreign limited liability company fails to file its annual report with the secretary of state within 4 months after it is due.

(b) The foreign limited liability company does not pay, within 4 months after they are due, any fees or penalties due the secretary of state under this chapter.

(c) The foreign limited liability company is without a registered agent or registered office in this state for at least 6 months.

(d) The foreign limited liability company does not inform the secretary of state under s. 183.1008 or 183.1009 that its registered agent or registered office has changed, that its registered agent has resigned or that its registered office has been discontinued, within 6 months of the change, resignation or discontinuance.

(e) The foreign limited liability company obtained its certificate of registration through fraud.

(f) The secretary of state receives an authenticated certificate from the secretary of state or other official having custody of limited liability company records in the state or country under whose law the foreign limited liability company is incorporated stating that it has been dissolved or disappeared as the result of a merger.

(2) If the secretary of state receives a certificate under sub. (1) (f) and a statement by the foreign limited liability company that the certificate is submitted by the foreign limited liability company to terminate its registration to transact business in this state, the secretary of state shall issue a certificate of revocation under s. 183.1021 (2) (b).

(3) A court may revoke under s. 946.87 the certificate of registration of a foreign limited liability company registered to transact business in this state. The court

shall notify the secretary of state of the action, and the secretary of state shall issue a certificate of revocation under s. 183.1021 (2) (b).

SECTION 4830. 183.1021 of the statutes is created to read:

183.1021 Procedure for and effect of revocation. (1) If the secretary of state determines that one or more grounds exist under s. 183.1020 (1) for revocation of a certificate of registration, the secretary of state shall serve the foreign limited liability company under s. 183.1010 with written notice of the determination.

(2) (a) Within 60 days after service of the notice is perfected under s. 183.1010, the foreign limited liability company shall correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist.

(b) If the foreign limited liability company fails to satisfy par. (a), the secretary of state may revoke the foreign limited liability company's certificate of registration by signing a certificate of revocation that recites each ground for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign limited liability company under s. 183.1010.

(3) The authority of a foreign limited liability company to transact business in this state, other than as provided in s. 183.1002 (2), ends on the date shown on the certificate revoking its certificate of registration.

(4) If the secretary of state or a court revokes a foreign limited liability company's certificate of registration, the foreign limited liability company may be served under s. 183.1010 (3) and (4) or the foreign limited liability company's registered agent may be served until the registered agent's authority is terminated, in any civil, criminal, administrative or investigatory proceeding based on a cause

of action which arose while the foreign limited liability company was registered to transact business in this state.

(5) Revocation of a foreign limited liability company's certificate of registration does not terminate the authority of its registered agent.

SECTION 4832. 183.1022 of the statutes is created to read:

183.1022 Appeal from revocation. (1) A foreign limited liability company may appeal the secretary of state's revocation of its certificate of registration under s. 183.1020 (1) to the circuit court for the county where the foreign limited liability company's principal office or, if none in this state, its registered office is located, within 30 days after service of the certificate of revocation is perfected under s. 183.1010. The foreign limited liability company shall appeal by petitioning the court to set aside the revocation and attaching to the petition copies of its certificate of registration and the secretary of state's certificate of revocation.

(2) The court may order the secretary of state to reinstate the certificate of registration or may take any other action that the court considers appropriate.

(3) The court's final decision may be appealed as in other civil proceedings.

SECTION 4873. 185.981 (5) of the statutes is amended to read:

185.981 **(5)** Every such cooperative association is ~~hereby declared to be~~ a charitable and benevolent corporation, ~~and its property, real, personal and mixed, its income and property transferred to it, shall be exempt from taxation as provided in ss. 70.11, 71.26 (1) (c) and 71.45 (1)~~ and its employes ~~shall be~~ are excluded from the provisions of ch. 108 as provided in s. 108.02.

SECTION 4874. 186.01 (1) of the statutes is repealed.

SECTION 4875. 186.012 (title) of the statutes is amended to read:

186.012 (title) ~~**Commissioner**~~ **Office of credit unions.**

SECTION 4876. 186.012 (1) of the statutes is repealed.

SECTION 4877. 186.012 (2) of the statutes is amended to read:

186.012 **(2)** The ~~commissioner~~ office of credit unions shall enforce the laws of this chapter and other laws relating to credit unions.

SECTION 4878. 186.012 (3) of the statutes is amended to read:

186.012 **(3)** Except as otherwise provided in s. 186.015, any interested person or credit union aggrieved by an act, order or determination of the ~~commissioner~~ office of credit unions may, within 30 days from the date thereof, apply to the credit union review board to review the same. All such applications for review shall be considered and disposed of as speedily as possible. The credit union review board may require the ~~commissioner~~ office of credit unions to submit any ~~of the commissioner's~~ official actions subject to such review to the board for its approval.

SECTION 4879. 186.012 (4) of the statutes is amended to read:

186.012 **(4)** Unless the ~~commissioner~~ office of credit unions is expressly restricted by statute from acting under this subsection with respect to a specific power, right or privilege, the ~~commissioner~~ office of credit unions by rule may, with the approval of the credit union review board, authorize credit unions to exercise any power under the notice, disclosure or procedural requirements governing federally chartered credit unions or to make any loan or investment or exercise any right, power or privilege of federally chartered credit unions permitted under a federal law, regulation or interpretation. Notice, disclosure and procedures prescribed by statute which may be modified by a rule adopted under this subsection include, but are not limited to, those provided under s. 138.056. A rule adopted under this subsection may not affect s. 138.041 or chs. 421 to 428 or restrict powers granted credit unions under this chapter.

SECTION 4880. 186.015 (1) of the statutes is amended to read:

186.015 **(1)** The ~~commissioner~~ office of credit unions shall confer with the credit union review board on matters affecting credit unions and the ~~commissioner's~~ office. Detailed minutes of each board meeting shall be kept, and the decision of the board with reference to all orders issued, or policies established by the ~~commissioner~~ office of credit unions pursuant to this chapter is final, except for judicial review as provided in ch. 227.

SECTION 4881. 186.015 (2) of the statutes is amended to read:

186.015 **(2)** The board shall advise the ~~commissioner~~ office of credit unions and others in improving the condition and service of credit unions. In addition, the board shall review the acts and decisions of the ~~commissioner~~ office of credit unions in relation to credit unions and shall serve as an appeal board for credit unions with the same procedure and powers as the banking review board has under ch. 220 and perform other review functions in relation to credit unions as provided by law. The board may issue subpoenas, take testimony and administer oaths to witnesses.

SECTION 4882. 186.015 (3) (a) of the statutes is amended to read:

186.015 **(3)** (a) The board may require the ~~commissioner~~ office of credit unions to submit any ~~of the commissioner's~~ official actions to the board for its approval. The board may make rules of procedure as provided in ch. 227.

SECTION 4883. 186.015 (3) (b) of the statutes is amended to read:

186.015 **(3)** (b) Any interested person aggrieved by any act, order or determination of the ~~commissioner~~ office of credit unions may apply for review thereof by filing a petition with the secretary of the board within 30 days after the act, order or determination to be reviewed. The petition shall state the nature of the petitioner's interest, facts showing that the petitioner is aggrieved and directly

affected by the act, order or determination to be reviewed and the ground or grounds upon which the petitioner claims that the act, order or determination should be modified or reversed. The issues raised by the petition for review shall be considered by the board upon giving at least 10 days' written notice of the time and place when said matter will be heard to the ~~commissioner~~ office of credit unions and the person applying for review or the applying person's attorney and upon any other person who participated in the proceedings before the ~~commissioner~~ office or that other person's attorney. Notice of hearing may be given by registered mail, return receipt requested, and the return receipt signed by the addressee or the addressee's agent shall be presumptive evidence that such notice was received by the addressee on the day stated on the receipt. Any other interested party shall have the right to appear in any proceeding before the board.

SECTION 4884. 186.015 (3) (c) of the statutes is amended to read:

186.015 **(3)** (c) The board shall base its determination upon the record made by the ~~commissioner~~ office of credit unions and may also receive additional evidence to supplement such record if it finds it necessary. The board shall affirm, modify or reverse the act, order or determination under review. The burden of overcoming the act, order or determination of the ~~commissioner~~ office of credit unions under review shall be on the person seeking the review. Any findings of fact made by the ~~commissioner~~ office of credit unions shall be sustained if supported by substantial evidence in the record made by the ~~commissioner~~ office or in such record supplemented by evidence taken by the board. The board shall have the powers granted by s. 885.01 (4). Any person causing a witness to be subpoenaed shall advance and pay the fees and mileage of such witness which shall be the same as in circuit court. The fees and mileage of witnesses who are called at the instance of the

~~commissioner~~ office of credit unions shall be paid by the state in the same manner that other expenses are audited and paid upon presentation of properly verified vouchers approved by at least one member of the board and charged to the appropriation of the office ~~of the commissioner~~.

SECTION 4885. 186.02 (1) of the statutes is amended to read:

186.02 **(1)** Seven or more residents of this state may organize a credit union by filing with the ~~commissioner~~ office of credit unions the proposed articles of incorporation in duplicate and a verified copy of the proposed original bylaws, together with a $5 filing fee. The articles of incorporation shall state the name and purpose of the credit union, the location of its initial principal office, the par value of its shares, and the names, residences and occupations of the incorporators.

SECTION 4886. 186.02 (3) (a) of the statutes is amended to read:

186.02 **(3)** (a) Subject to par. (b), a credit union may not be organized unless the articles and bylaws are approved by the ~~commissioner~~ office of credit unions. If the ~~commissioner~~ office of credit unions approves the articles and bylaws, the ~~commissioner~~ office shall return one duplicate original of the articles of incorporation to the incorporators endorsed with ~~his or her~~ approval, and the incorporators shall within 30 days record the articles of incorporation in the office of the register of deeds of the county in which the credit union is to be located. The legal existence of the credit union commences on the date and time the articles are recorded. The register of deeds shall transmit to the ~~commissioner~~ office of credit unions a certificate stating the date and time when the articles were recorded, and the ~~commissioner~~ office of credit unions shall issue a certificate of incorporation to the credit union.

SECTION 4887. 186.02 (3) (b) of the statutes is amended to read:

186.02 **(3)** (b) If the ~~commissioner~~ office of credit unions refuses to approve the articles or bylaws, the incorporators may appeal the refusal to the credit union review board and the decision of the board is final, subject to judicial review under ch. 227.

SECTION 4888. 186.02 (4) (a) of the statutes is amended to read:

186.02 **(4)** (a) Amendments to the articles of incorporation adopted by a vote of two–thirds of the members of the credit union present at an annual meeting or a special meeting called for that purpose may be filed with the ~~commissioner~~ office of credit unions upon payment of a $5 fee. If approved by the ~~commissioner~~ office of credit unions, amendments to the articles are effective on recording in the office of the register of deeds in the same manner as the original articles.

SECTION 4889. 186.02 (4) (b) of the statutes is amended to read:

186.02 **(4)** (b) All amendments to the bylaws shall be filed with the ~~commissioner~~ office of credit unions and shall take effect only after being approved by the ~~commissioner~~ office.

SECTION 4890. 186.03 of the statutes is amended to read:

186.03 Use of name exclusive. No person, partnership, limited liability company, association or corporation, except corporations formed under this chapter, may transact within this state the business authorized by this chapter or any other business whatever under any name or title which includes the 2 words "credit" and "union", except that any organization whose membership is made up of credit unions may use the name, with the consent of the ~~commissioner~~ office of credit unions. Violations of this section may be enjoined at the instance of the ~~commissioner~~ office of credit unions or of any credit union. A violator of this section may be fined not less

than $300 nor more than $1,000 or imprisoned for not less than 60 days nor more than one year in the county jail or both.

SECTION 4891. 186.04 (1) of the statutes is amended to read:

186.04 **(1)** The ~~commissioner~~ office of credit unions, with the approval of the credit union review board, shall fix the amounts to be assessed against credit unions for their supervision and the examination under and by virtue of this chapter. Such amounts shall be determined and paid as provided in this section.

SECTION 4892. 186.04 (2) of the statutes is amended to read:

186.04 **(2)** On or before July 15 of each year, each credit union shall pay to the office of ~~the commissioner~~ credit unions an annual fee to be determined as provided in sub. (1), which shall represent as nearly as practicable its fair share of the maintenance of the office ~~of the commissioner~~.

SECTION 4893. 186.04 (5) of the statutes is amended to read:

186.04 **(5)** If the amounts collected under this section are in excess of the actual amounts necessary for the supervision and examination of credit unions in each year, the excess shall be retained by the ~~commissioner~~ office of credit unions and applied in reducing the amounts chargeable for ensuing years.

SECTION 4894. 186.098 (7) of the statutes is amended to read:

186.098 **(7)** The ~~commissioner~~ office of credit unions may reduce the loan limits specified in sub. (6) on an individual basis.

SECTION 4895. 186.098 (8) (b) of the statutes is amended to read:

186.098 **(8)** (b) With the approval of the ~~commissioner~~ office of credit unions, credit unions may utilize credit cards, including point–of–purchase credit, providing the credit committee or loan officer, upon their own motion or upon application by a member, has predetermined the extent of credit extension.

SECTION 4896. 186.098 (10) of the statutes is amended to read:

186.098 **(10)** Loans to members secured by mortgages on real estate may be made subject to the rules prescribed by the ~~commissioner~~ office of credit unions. Such loans may provide for additional advances, but any additional advance made to a member, if the mortgage and mortgage note so provide, may not exceed an amount specified in the mortgage.

SECTION 4897. 186.098 (12) of the statutes is amended to read:

186.098 **(12)** A credit union may make loans to members secured by assignment or transfer of stock certificates or other evidence of the borrower's ownership interest in a corporation formed for the cooperative ownership of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage involving a one–family residence, apply to a proceeding to enforce the lender's rights in security given for a loan under this subsection. The ~~commissioner~~ office of credit unions shall promulgate joint rules with the ~~commissioners~~ divisions of savings and loan and of banking that establish procedures for enforcing a lender's rights in security given for a loan under this subsection.

SECTION 4898. 186.11 (1) of the statutes is amended to read:

186.11 **(1)** GENERAL. The board of directors may invest credit union funds in U.S. government direct and agency obligations, municipal bonds issued by municipalities of the state, central credit unions, banks, savings banks and savings and loans associations located in Wisconsin and may, with the approval of the ~~commissioner~~ office of credit unions, make other investments including investments in credit unions.

SECTION 4899. 186.11 (2) (b) of the statutes is amended to read:

186.11 **(2)** (b) The board of directors may purchase, lease or construct a building for the operation of the credit union, provided the aggregate cost of the building, remodeling of the building, land improvements and land acquisition does not exceed 100% of the credit union's regular reserve unless prior approval for greater amounts is given by the ~~commissioner~~ office of credit unions. The cost of land acquisition may include vicinal property for future expansion but may not exceed the aggregate cost limitation. Nothing in this subsection authorizes a credit union to lease a building owned by a director or by a corporation, limited liability company, partnership or association controlled by a director. The credit union may rent or lease a portion of its building or property.

SECTION 4900. 186.112 of the statutes is amended to read:

186.112 Credit union borrowing. The board of directors may borrow money from any source if the amount borrowed does not exceed 50% of the credit union's total savings, deposits and reserves and the loan is not for a period longer than 12 months. The limitations of this subsection do not apply to national corporate central credit unions. The 12–month limitation under this subsection does not apply to money borrowed by a credit union to acquire credit union property, buildings, remodeling or equipment. The ~~commissioner~~ office of credit unions may exempt any credit union from the limitations of this subsection.

SECTION 4901. 186.113 (1) of the statutes is amended to read:

186.113 **(1)** If the need and necessity exists, establish subsidiary offices where permanent records may be maintained within the state with the approval of the ~~commissioner~~ office of credit unions.

SECTION 4902. 186.113 (1m) (a) 3. of the statutes is amended to read:

186.113 **(1m)** (a) 3. The establishment of such offices has been approved by the ~~commissioner~~ office of credit unions.

SECTION 4903. 186.113 (1m) (a) 4. of the statutes is amended to read:

186.113 **(1m)** (a) 4. Such offices are established and operated in accordance with rules promulgated by the ~~commissioner~~ office of credit unions.

SECTION 4904. 186.113 (2) of the statutes is amended to read:

186.113 **(2)** Share office space with one or more credit unions and contract with a corporation to provide facilities or personnel. Such service center corporation shall be deemed thereby to be under the supervision of the ~~commissioner~~ office of credit unions.

SECTION 4905. 186.113 (15) (a) of the statutes is amended to read:

186.113 **(15)** (a) Directly or indirectly, acquire, place and operate, or participate in the acquisition, placement and operation of, at locations other than its offices, remote terminals, in accordance with rules established by the ~~commissioner~~ office of credit unions. The rules ~~of the commissioner~~ shall provide that any remote terminal shall be available for use, on a nondiscriminatory basis, by any state or federal credit union which has its principal place of business in this state, by any other credit union obtaining the consent of a state or federal credit union which has its principal place of business in this state and is using the terminal and by all members designated by a credit union using the terminal. This subsection does not authorize a credit union which has its principal place of business outside the state to conduct business as a credit union in this state. The remote terminals also shall be available for use, on a nondiscriminatory basis, by any state or national bank, state or federal savings bank or state or federal savings and loan association, whose home office is located in this state, if the bank, savings bank or savings and loan

association requests to share its use, subject to the joint rules established under s. 221.04 (1) (k). The rules of the ~~commissioner~~ office of credit unions shall prohibit any advertising with regard to a shared remote terminal which suggests or implies exclusive ownership or control of the shared terminal by any credit union or group of credit unions operating or participating in the operation of the terminal. The ~~commissioner~~ office of credit unions by order may authorize the installation and operation of a remote terminal in a mobile facility, after notice and hearing upon the proposed service stops of the mobile facility.

SECTION 4906. 186.113 (15) (c) of the statutes is amended to read:

186.113 **(15)** (c) If any person primarily engaged in the retail sale of goods or services owns or operates a remote terminal on such person's premises and allows access to the unit by any financial institution, group of financial institutions or their customers, nothing in this subsection or in rules established by the ~~commissioner~~ office of credit unions shall, or shall be construed or interpreted to, require such person to accept any connection to or use of the unit on its premises for any other purpose or function or to accept any connection to the unit on its premises by any other financial institution.

SECTION 4907. 186.113 (15) (d) of the statutes is amended to read:

186.113 **(15)** (d) If a person primarily engaged in the retail sale of goods or services owns or operates a remote terminal on such person's premises and allows access to the unit by any financial institution, group of financial institutions or their customers for any purpose or function, no laws governing such institutions or rules established by the ~~commissioner~~ office of credit unions shall apply to such person other than those laws or rules directly related to the particular function performed by the unit on such person's premises for a financial institution.

SECTION 4908. 186.115 (1) of the statutes is amended to read:

186.115 **(1)** Subject to any regulatory approval required by law and subject to sub. (2), a credit union directly or through a subsidiary, may undertake any activity, exercise any power or offer any financially related product or service in this state that any other provider of financial products or services may undertake, exercise or provide or that the ~~commissioner~~ office of credit unions finds to be financially related.

SECTION 4909. 186.115 (2) of the statutes is amended to read:

186.115 **(2)** The activities, powers, products and services that may be undertaken, exercised or offered by credit unions under sub. (1) are limited to those specified by rule of the ~~commissioner~~ office of credit unions. The ~~commissioner~~ office of credit unions may direct any credit union to cease any activity, the exercise of any power or the offering of any product or service authorized by rule under this subsection. Among the factors that the ~~commissioner~~ office of credit unions may consider in so directing a credit union are the credit union's net worth, assets, management rating and liquidity ratio and its ratio of net worth to assets.

SECTION 4910. 186.116 of the statutes is amended to read:

186.116 Financially related services tie-ins. In any transaction conducted by a credit union or a subsidiary of a credit union with a customer who is also a customer of any other subsidiary of the credit union, the customer shall be given a notice in 12–point boldface type in substantially the following form:

NOTICE OF RELATIONSHIP

This company, ... (insert name and address of credit union or subsidiary), is related to .... (insert name and address of credit union or subsidiary) of which you are also a customer. You may not be compelled to buy any product or service from either

of the above companies or any other related company in order to participate in this transaction.

If you feel that you have been compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction, you should contact the management of either of the above companies at either of the above addresses or the office of ~~the commissioner~~ credit unions at .... (insert address).

SECTION 4911. 186.119 of the statutes is repealed.

SECTION 4912. 186.16 (2) of the statutes is amended to read:

186.16 **(2)** The ~~commissioner~~ office of credit unions may establish the maximum dividend that a credit union and a central credit union may pay in each classification of its savings.

SECTION 4913. 186.17 (2) of the statutes is amended to read:

186.17 **(2)** Special reserves may be required by the ~~commissioner~~ office of credit unions on an individual credit union basis for purchased accounts or when serious threat of impairment threatens regular reserve.

SECTION 4914. 186.18 of the statutes is amended to read:

186.18 Dissolution. Upon the unanimous recommendation of the board of directors, the members may vote to dissolve the credit union. If a majority of the total membership vote by ballot in person or by letter or other written communication in favor of dissolution, and if not more than 15 members or 10% of the total membership, whichever is greater, by written notice vote against dissolution, the credit union shall be dissolved. If both the number of votes in favor of dissolution and the number of votes against dissolution are each less than 50% of the total number of members the board of directors may, with the permission of the ~~commissioner~~ office of credit

unions, cause written notice to be mailed to each member at the member's last–known address which expressly states that the board's proposal to dissolve the credit union will be approved or disapproved at a special or annual meeting to be held at the time and place specified in the notice. The credit union shall be dissolved only if a majority of the members present at the meeting vote in favor of the board's proposal to dissolve the credit union. If the members vote to dissolve the credit union, a committee of 3 shall be elected by the members to liquidate the assets of the credit union. After assets are liquidated and debts paid members shall be paid a liquidating dividend in proportion to their savings from remaining assets. The committee in charge of liquidation may sell or dispose of the assets in whole or in part at a public or private sale subject to confirmation by the board of directors and the ~~commissioner~~ office of credit unions.

SECTION 4915. 186.19 (1) of the statutes is amended to read:

186.19 **(1)** As a condition precedent to qualification or entry upon the discharge of his or her duties, every person appointed or elected to any position requiring the receipt, payment or custody of money or other personal property owned by a credit union or in its custody or control as collateral or otherwise shall give a bond in some responsible corporate surety company, licensed to do business in this state, in such adequate sum as the directors shall require and approve. In lieu of individual bonds the ~~commissioner~~ office of credit unions may accept a schedule or blanket bond which covers all of the officers and employes of any credit union whose duties include the receipt, payment or custody of money or other personal property for or on behalf of the credit union. All such bonds shall be in the form prescribed by the ~~commissioner~~ office of credit unions.

SECTION 4916. 186.19 (2) of the statutes is amended to read:

186.19 **(2)** No officer or employe who is required to give bond shall be deemed qualified nor shall be permitted to enter upon the discharge of that officer's or employe's duties until that officer's or employe's bond shall have been approved by a majority of the board of directors. Such bonds shall be filed with the ~~commissioner~~ office of credit unions within 10 days next after approval thereof by the board of directors. The minute books of each credit union shall contain a record of each bond executed and approved.

SECTION 4917. 186.19 (3) of the statutes is amended to read:

186.19 **(3)** Such bond shall be sufficient in amount to protect the credit union from loss by reason of acts of fraud or dishonesty including forgery, theft, embezzlement, wrongful abstraction or misapplication on the part of the person, directly or through connivance with others. At any time the ~~commissioner~~ office of credit unions may require additional bond or security, when, in the ~~commissioner's~~ office's opinion, the bonds then executed and approved are insufficient.

SECTION 4918. 186.19 (4) (a) of the statutes is amended to read:

186.19 **(4)** (a) No cancellation or other termination of this bond shall be effective unless the surety gives in advance at least 10 days' written notice by registered mail to the ~~commissioner~~ office of credit unions. If this bond is canceled or terminated at the request of the insured (employer) this provision nevertheless shall apply, it being the duty of the surety to give the required written notice to the ~~commissioner~~ office of credit unions, such notice to be given promptly and in any event within 10 days after the receipt of such request.

SECTION 4919. 186.19 (4) (b) of the statutes is amended to read:

186.19 **(4)** (b) The surety agrees to furnish the ~~commissioner~~ office of credit unions a copy of all riders and indorsements executed subsequently to the effective date of this bond.

SECTION 4920. 186.19 (5) of the statutes is amended to read:

186.19 **(5)** For reasons which the ~~commissioner~~ office of credit unions deems valid and sufficient the ~~commissioner~~ office may waive as to the cancellation or termination of any such bond the 10–day written notice in advance required by sub. (4) (a) and the ~~commissioner~~ office may give written consent to the termination or cancellation being made effective as of a date agreed upon and requested by the surety and credit union.

SECTION 4921. 186.21 (1) of the statutes is amended to read:

186.21 **(1)** It shall be the duty of the office of ~~the commissioner of~~ credit unions to promote the extension of credit at the lowest possible rates and cooperate with every group of people who may be or may become interested in the formation and development of a credit union in this state for that purpose, and it may do all things reasonably necessary for the discharge of this duty.

SECTION 4922. 186.21 (2) of the statutes is amended to read:

186.21 **(2)** The office of ~~the commissioner of~~ credit unions shall carry on advertising of whatever character is most suitable and effective to acquaint the people of this state with the agencies and organizations dealing in consumer credit, and of the rates of interest, the condition of loans, the benefits and safeguards and the savings features of each such type, agency and organization.

SECTION 4923. 186.21 (3) of the statutes is amended to read:

186.21 **(3)** The office of ~~the commissioner of~~ credit unions shall further offer without charge to any group, either joined in a credit union or considering such an

organization, whatever advice and direction on accounting practice and managerial problems that may be needful.

SECTION 4924. 186.21 (4) of the statutes is amended to read:

186.21 **(4)** The office of ~~the commissioner of~~ credit unions shall provide application blanks, model bylaws, and whatever other material may be needful or helpful in the organization, efficient functioning and expansion of credit unions.

SECTION 4925. 186.22 (1) (intro.) of the statutes is amended to read:

186.22 **(1)** ORGANIZATION. (intro.) When authorized by the ~~commissioner~~ office of credit unions, 10 or more credit unions, the aggregate resources of which shall not be less than $50,000, may form the "Credit Union Finance Corporation". Each of such credit unions shall subscribe, acknowledge and submit to the ~~commissioner~~ office of credit unions an organization certificate in duplicate which shall specifically state:

SECTION 4926. 186.22 (2) (intro.) of the statutes is amended to read:

186.22 **(2)** PROPOSED BYLAWS. (intro.) The incorporators shall subscribe and acknowledge and submit to the ~~commissioner~~ office of credit unions proposed bylaws in duplicate, which shall prescribe the manner in which the business of such credit union finance corporation shall be conducted with reference to the following matters:

SECTION 4927. 186.22 (3) (intro.) of the statutes is amended to read:

186.22 **(3)** WHEN CORPORATE EXISTENCE BEGINS; CONDITIONS PRECEDENT TO COMMENCING BUSINESS. (intro.) When the ~~commissioner shall have indorsed the commissioner's approval on~~ office of credit unions approves the organization certificate, the corporate existence of the credit union finance corporation shall begin and it shall then have power to elect officers and transact such other business as

relates to its organization; but such credit union finance corporation shall transact no other business until:

SECTION 4928. 186.22 (3) (a) of the statutes is amended to read:

186.22 **(3)** (a) Subscriptions to its shares aggregating $2,000 shall have been paid in cash and an affidavit stating that such subscriptions have been so paid, subscribed and sworn to by its 2 principal officers, shall have been filed with the secretary of state and a certified copy thereof in the office of ~~the commissioner~~ credit unions.

SECTION 4929. 186.22 (3) (b) of the statutes is amended to read:

186.22 **(3)** (b) The ~~commissioner~~ office of credit unions shall have duly issued to it an authorization certificate.

SECTION 4930. 186.22 (4) (d) of the statutes is amended to read:

186.22 **(4)** (d) To receive by assignment from its members and to deposit in trust with the ~~commissioner~~ office of credit unions to be held by the ~~commissioner~~ office as security for its and their outstanding obligations any first mortgages on real estate and the bonds secured thereby and such other securities as are provided for in s. 186.11 and are legally receivable by credit unions; to empower such credit unions as agents of the credit union finance corporation to collect and immediately pay over to the credit union the dues, interest and other sums payable under the terms, conditions and covenants of the bonds and mortgages or, prior to a default upon any such bond and mortgage so assigned and when adequate security has been given to the credit union finance corporation, by any such credit union, to retain such collections until a payment to the credit union finance corporation from such credit union becomes due; to return to, or permit such credit unions to retain any sums of

money so collected in excess of the amount required to meet the obligations of such credit unions respectively.

SECTION 4931. 186.22 (4) (g) of the statutes is amended to read:

186.22 **(4)** (g) With the advice and approval of the ~~commissioner~~ office of credit unions, to become a member of or to subscribe for and purchase notes and debentures issued by any federal finance or credit corporation which may be organized by act of congress for aiding and assisting credit unions to utilize their resources and credit, or to borrow from such finance or credit corporation, in either case, in an amount not exceeding in the aggregate amount two–fifths of the assets on hand.

SECTION 4932. 186.22 (5) (c) of the statutes is amended to read:

186.22 **(5)** (c) Invest more than 25 ~~per centum~~ % of its surplus in real estate occupied, or to be occupied, by it for office purposes, without the written approval of the ~~commissioner~~ office of credit unions.

SECTION 4933. 186.22 (6) of the statutes is amended to read:

186.22 **(6)** ISSUING OF BONDS. Bonds shall be issued in series of not less than $10,000. All bonds issued by the credit union finance corporation may be called on any interest day at 102 1/2% and interest by publishing a class 1 notice, under ch. 985, not less than 60 days prior to said day. Any member credit union which is not indebted for borrowed money to any other bank or trust company which does business exclusively with the credit union finance corporation shall submit a schedule of assets from time to time as the board of directors of such finance corporation shall require. Any member credit union which may have a loan from any other banking institution may borrow money from such credit union finance corporation upon pledging therefor such amount of its mortgages with the bonds secured thereby as collateral security for bonds issued on its behalf as the

~~commissioner~~ office of credit unions and the board of directors of such credit union finance corporation may require; provided that the aggregate of all loans made by such credit union shall not exceed 40% of its assets as provided in s. 186.11. The amortization payments upon all mortgages accepted by the credit union finance corporation as collateral security for bonds shall be sufficient to liquidate the debt in a period not exceeding 40 years. In the event of any default for more than 90 days in the payment of the principal of, or for more than 90 days in the payment of any instalment of interest upon, any of said bonds, the ~~commissioner~~ office of credit unions may, on the ~~commissioner's~~ office's own motion, and shall, upon the request in writing of the holders of said bonds in default to the amount of $10,000, forthwith take possession of and proceed to liquidate the credit union finance corporation. Upon such liquidation it shall be entitled in the name of the credit union finance corporation to enforce all of its rights and securities and to collect and realize upon all of its assets, including all mortgages assigned to said credit union finance corporation by the several member credit unions, and deposited with the ~~state treasurer~~ secretary of administration, up to the amounts advanced by the credit union finance corporation to the several member credit unions thereon. Upon any such liquidation all said bonds then issued and outstanding shall forthwith become due and payable equally and ratably out of all the assets of said credit union finance corporation in advance of any other debts thereof not specifically preferred by law.

SECTION 4934. 186.22 (10) of the statutes is amended to read:

186.22 **(10)** QUALIFICATIONS AND DISQUALIFICATIONS OF DIRECTORS; BOND. All of the directors of the credit union finance corporation must reside in the state of Wisconsin during their term of office, and all must be citizens of the United States. No person shall be elected a director unless the person is a shareholder of a member

credit union and has been nominated by it for that office; and every person elected to be a director who, after such election, shall cease to be a shareholder of a member credit union, shall cease to be a director of the credit union finance corporation, and the person's office shall be vacant. Directors who have the custody or possession of money, securities or property shall give bond to the credit union finance corporation in an amount commensurate with their liability, as approved by the ~~commissioner~~ office of credit unions.

SECTION 4935. 186.22 (11) of the statutes is amended to read:

186.22 **(11)** OATH OF DIRECTORS. Each director, when appointed or elected, shall take an oath that the director will, so far as the duty devolves upon the director, diligently and honestly administer the affairs of the credit union finance corporation, and will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to such corporation, and that the director is the owner in good faith and in the director's own right on the books of the credit union which nominated the director of shares in value of not less than $100, or other shares of the withdrawal value of $100, and that the same is not hypothecated, or in any way pledged as security for any loan or debt and, in case of reelection that such share was not hypothecated or in any way pledged as security for any loan or debt during the director's previous term. Such oath shall be subscribed by the directors and officers making it, and certified by an officer authorized by law to administer oaths, and immediately transmitted to the ~~commissioner~~ office of credit unions.

SECTION 4936. 186.22 (15) of the statutes is amended to read:

186.22 **(15)** PREFERENCE OF CREDIT. All the property of any bank, trust company or credit union which shall become insolvent shall be applied by the trustees, assignees or receivers thereof or by the ~~commissioner~~ office of credit unions in the

first place to the payment in full of any sum or sums of money deposited therewith by the credit union finance corporation or due to the credit union finance corporation for subscriptions, sinking funds, interest and principal of bonds, or guaranty of mortgages, ratably and proportionately but not to an amount exceeding that authorized to be so deposited or contracted by the provisions of this section and in accordance and on an equality with any other preference provided for in this section.

SECTION 4937. 186.23 of the statutes is amended to read:

186.23 Rules and regulations. The ~~commissioner~~ office of credit unions shall, with the approval of the credit union review board, issue orders prescribing reasonable rules and regulations in conducting the business of credit unions or corporations operating as provided in this chapter and it may in like manner issue orders amending, modifying, repealing or supplementing rules or orders. The violation of any such rule may be cause for the removal of any officer, director or employe of any credit union or corporation.

SECTION 4938. 186.24 (1) of the statutes is amended to read:

186.24 **(1)** Whenever the ~~commissioner~~ office of credit unions is of the opinion that the loaning, investing or other policies and practices of any officer, director or committee member of any credit union have been prejudicial to the best interest of such credit union or its investors, or that such policies or practices, if put into operation or continued, will endanger the safety or solvency of said credit union or impair the interest of its investors, the ~~commissioner~~ office of credit unions may request the removal of such officer, director or committee member. Such request shall be served on the credit union and on such officer, director or committee member in the manner provided by law for serving a summons in a court of record, or shall be transmitted to the credit union and the officer, director or committee member by

registered mail, with return receipt requested. Such request shall specify the reasons for the removal of such officer, director or committee member, and also shall advise such officer, director or committee member relative to that person's rights to a hearing before the credit union review board as provided in this section. A copy of such request for removal shall be transmitted to each member of the credit union review board at the same time such request is being served upon the credit union and officer, director or committee member involved. If such request for removal is not complied with within a reasonable time fixed by the ~~commissioner~~ office of credit unions, the ~~commissioner~~ office may by order, with approval of the credit union review board, remove such officer, director or committee member, but no order for removal shall be entered until after an opportunity for a hearing before the credit union review board is given such officer, director or committee member upon not less than 30 days' notice. An order for removal shall take effect as of the date issued.

SECTION 4939. 186.24 (2) of the statutes is amended to read:

186.24 **(2)** Any removal under this section shall be effective in all respects the same as if made by the board of directors or stockholders of said credit union. Any officer, director or committee member removed from such office under the provisions of this section shall not be reelected as an officer, director or committee member of any credit union without the approval of the ~~commissioner~~ office of credit unions and advisory committee.

SECTION 4940. 186.24 (3) of the statutes is amended to read:

186.24 **(3)** If the removal under sub. (1) or the resignation or death of credit union directors prevents a credit union board of directors from securing the quorum required at board meetings and thus prevents continued operation of the credit union, the ~~commissioner~~ office of credit unions may appoint temporary directors to

fill the vacancies for up to 120 days or until an election of directors to fill the vacancies has been held at a special meeting of the membership called for such purpose.

SECTION 4941. 186.25 of the statutes is amended to read:

186.25 Supervision; reports. All credit unions formed under this or other similar law, or authorized to transact in this state a business similar to that authorized to be done by this chapter, shall be under the control and supervision of the ~~commissioner~~ office of credit unions. Every such corporation shall make a full and detailed report of its business as of December 31 for that year, and of its condition on such date, in such form and containing such information as the ~~commissioner~~ office of credit unions may prescribe, and shall file with the commissioner a true and verified copy thereof on or before February 1 thereafter. Accompanying the same shall be attached a copy of the statement of the credit union at the close of its last fiscal year. If any such credit union fails or refuses to furnish the report herein required, it shall be subject, at the discretion of the ~~commissioner~~ office of credit unions, to a forfeiture of $1 to $10 per day for each day of default, and the ~~commissioner~~ office of credit unions may maintain an action in the name of the state to recover such penalty, and the same shall be paid into the state treasury. A credit union shall publish the report as a class 1 notice, under ch. 985, in the municipality, as defined in s. 985.01 (3), where the credit union is located if the credit union has assets of $10,000,000 or more or has a membership as described in s. 186.02 (2) (b) 2. The published report shall be in the condensed form as the ~~commissioner~~ office of credit unions prescribes. Proof of publication shall be furnished to the ~~commissioner~~ office of credit unions within 45 days after the date of the report.

SECTION 4942. 186.26 (1) (a) of the statutes is amended to read:

186.26 **(1)** (a) At least once each year, the ~~commissioner~~ office of credit unions shall make or cause to be made an examination of the cash, bills, collaterals, securities, assets, books of account, condition and affairs of each credit union and for that purpose the ~~commissioner or the examiners appointed by the commissioner~~ office of credit unions shall have full access to, and may compel the production of, each credit union's books, papers, securities and moneys, administer oaths to and examine each credit union's officers and agents as to their respective affairs. Special examination shall be made upon written request of 5 or more members, if those members guarantee the expense of the special examination. The refusal of any credit union to submit to an examination ordered or requested shall be reported to the department of justice for the purpose of instituting proceedings to have the charter of the credit union revoked because of the refusal.

SECTION 4943. 186.26 (1) (b) of the statutes is amended to read:

186.26 **(1)** (b) In lieu of an annual examination of a credit union under par. (a), the ~~commissioner~~ office of credit unions may accept an audit report of the condition of the credit union made by a certified public accountant not an employe of the credit union in accordance with rules promulgated by the ~~commissioner~~ office of credit unions. The cost of the audit shall be paid by the credit union. A copy of each audit under this paragraph shall be furnished to the Wisconsin credit union savings insurance corporation if the credit union's savings are protected or guaranteed by the Wisconsin credit union savings insurance corporation.

SECTION 4944. 186.26 (2) of the statutes is amended to read:

186.26 **(2)** If records are located outside this state, at the option of the ~~commissioner~~ office of credit unions, the credit union shall either make the records available to the ~~commissioner~~ office of credit unions at a convenient location within

this state or pay the reasonable and necessary expenses for the ~~commissioner or examiners~~ office to examine the records at the place where they are maintained. The ~~commissioner~~ office of credit unions may designate examiners, including comparable officials of the state in which the records are located, to inspect them on the ~~commissioner's~~ office's behalf. Except as provided in s. 186.113 (1m), the maintenance of any office or branch outside this state is not allowed under this chapter.

SECTION 4945. 186.27 (intro.) of the statutes is amended to read:

186.27 Disclosure of information. (intro.) ~~The commissioner, all other officers and employes of the office,~~ Employes of the office of credit unions and members of the review board shall keep secret all the facts and information obtained in the course of examinations, except:

SECTION 4946. 186.27 (3) (intro.) of the statutes is amended to read:

186.27 **(3)** (intro.) The ~~commissioner~~ office of credit unions may do any of the following:

SECTION 4947. 186.27 (3) (b) of the statutes is amended to read:

186.27 **(3)** (b) Give access to and disclose to the national board or any official or examiner of it any information possessed by the ~~commissioner~~ office of credit unions about the conditions or affairs of any credit union whose savings are insured by the national board.

SECTION 4948. 186.28 (title) of the statutes is amended to read:

186.28 (title) **Bookkeeping; forfeiture for failure to obey ~~commissioner.~~**

SECTION 4949. 186.28 (1) of the statutes is amended to read:

186.28 **(1)** A credit union shall open and keep accurate and convenient records of its transactions and accounts. If the ~~commissioner~~ office of credit unions

determines that a credit union does not keep its books and accounts in a manner which enables the ~~commissioner~~ office to readily ascertain the true condition of the credit union, the ~~commissioner~~ office of credit unions may require any officer of the credit union to open and keep such books or accounts as the ~~commissioner~~ office may prescribe in order to remedy the deficiency.

SECTION 4950. 186.28 (2) of the statutes is amended to read:

186.28 **(2)** Any credit union that refuses or neglects to maintain books or accounts in the manner prescribed under sub. (1) shall be subject, upon written notification of the ~~commissioner~~ office of credit unions, to a forfeiture not to exceed $10 for each day it is in violation. If any credit union fails or refuses to pay the forfeiture, the ~~commissioner~~ office of credit unions may institute proceedings to enforce its collection.

SECTION 4951. 186.29 (title) of the statutes is amended to read:

186.29 (title) **Possession by ~~commissioner~~ office.**

SECTION 4952. 186.29 (1) (intro.) of the statutes is amended to read:

186.29 **(1)** CONDITIONS FOR TAKING POSSESSION. (intro.) The ~~commissioner~~ office of credit unions may forthwith take possession and control of the business and property of any credit union to which this chapter is applicable whenever the ~~commissioner~~ office of credit unions finds a credit union violating this chapter or that the credit union:

SECTION 4953. 186.29 (1) (h) of the statutes is amended to read:

186.29 **(1)** (h) Has neglected or refused to comply with the terms of a duly issued order of the ~~commissioner~~ office of credit unions; or

SECTION 4954. 186.29 (1m) (a) of the statutes is amended to read:

186.29 **(1m)** (a) The ~~commissioner~~ office of credit unions may suspend, for a period of up to 120 days, the business or an officer, director, committee member or employe of a credit union if the ~~commissioner~~ office finds the existence of any condition under sub. (1) (a) to (k). The ~~commissioner~~ office of credit unions may renew a suspension under this paragraph any number of times and for periods of up to 120 days if the ~~commissioner~~ office finds that the condition or conditions continue to exist.

SECTION 4955. 186.29 (1m) (b) of the statutes is amended to read:

186.29 **(1m)** (b) The ~~commissioner~~ office of credit unions shall suspend the business of a credit union, other than a corporate central credit union, if the credit union does not comply with s. 186.34 (2) (a). The ~~commissioner~~ office of credit unions shall then liquidate the credit union under this section unless the credit union files a complete application for federal share insurance from the national board within 30 days after the date the suspension under this paragraph commences. The ~~commissioner~~ office of credit unions shall authorize a credit union to resume its business if it files an application within the time period specified in this paragraph.

SECTION 4956. 186.29 (1p) (title) of the statutes is amended to read:

186.29 **(1p)** (title) POSSESSION BY ~~COMMISSIONER~~ OFFICE OF CREDIT UNIONS.

SECTION 4957. 186.29 (1p) (a) of the statutes is amended to read:

186.29 **(1p)** (a) *Discretionary possession.* The ~~commissioner~~ office of credit unions may take possession of the business and property of a credit union if the ~~commissioner~~ office finds the existence of any condition under sub. (1) (a) to (k).

SECTION 4958. 186.29 (1p) (b) of the statutes is amended to read:

186.29 **(1p)** (b) *Mandatory possession.* The ~~commissioner~~ office of credit unions shall take possession of the business and property of a credit union that violates s.

186.34 (2) (b), unless the ~~commissioner~~ office approves a consolidation under s. 186.31, and of a credit union that the ~~commissioner~~ office of credit unions is required to liquidate under sub. (1m) (b).

SECTION 4959. 186.29 (2) (intro.) of the statutes is amended to read:

186.29 **(2)** PROCEDURE ON TAKING POSSESSION. (intro.) Upon taking possession of the business and property of any such credit union the ~~commissioner~~ office of credit unions shall forthwith:

SECTION 4960. 186.29 (2) (a) of the statutes is amended to read:

186.29 **(2)** (a) Serve a notice in writing upon the president and secretary of said credit union setting forth therein that the ~~commissioner~~ office of credit unions has taken possession and control of the business and property of said credit union. Said notice shall be executed in duplicate, and immediately after the same has been served, one of the said notices shall be filed with the clerk of the circuit court of the county where said credit union is located together with proof of service.

SECTION 4961. 186.29 (2) (b) of the statutes is amended to read:

186.29 **(2)** (b) Give notice to all individuals, partnerships, corporations, limited liability companies and associations known to the ~~commissioner~~ office of credit unions to be holding or in possession of any assets of such credit union.

SECTION 4962. 186.29 (2) (c) of the statutes is amended to read:

186.29 **(2)** (c) The ~~commissioner~~ office of credit unions may appoint one or more special ~~deputy commissioners~~ deputies as ~~agent~~ agents to assist in the duty of liquidation and distribution of the assets of one or more credit unions of whose business and property the ~~commissioner~~ office of credit unions shall have taken possession pursuant to the provisions of this chapter. A certificate of such appointment shall be filed in the office of ~~the commissioner~~ credit unions and a

certified copy in the office of the clerk of the circuit court for the county in which such credit union is located. The ~~commissioner~~ office of credit unions may employ such counsel and procure such expert assistance and advice as may be necessary in the liquidation and distribution of the assets of such credit union, and may retain such of the officers or employes of such credit union as the ~~commissioner~~ office deems necessary. The special deputy ~~commissioner~~ and assistants shall furnish such security for the faithful discharge of their duties as the ~~commissioner~~ office of credit unions deems proper. ~~Such~~ The special deputy ~~commissioner~~ may execute, acknowledge and deliver any and all deeds, assignments, releases or other instruments necessary and proper to effect any sale and transfer or incumbrance of real estate or personal property and may borrow money for use in the liquidation after the same has been approved by the ~~commissioner~~ office of credit unions and an order obtained from the circuit court of the county in which said credit union is located as hereinafter provided.

SECTION 4963. 186.29 (2) (d) of the statutes is amended to read:

186.29 **(2)** (d) Upon taking possession of the property and business of such credit union, the special deputy ~~commissioner~~ is authorized to collect all moneys due to such credit union, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof as hereinafter provided. The special deputy ~~commissioner~~ shall collect all debts due and claims belonging to it, and upon a petition approved by the ~~commissioner~~ office of credit unions and upon order of the circuit court of the county in which such credit union is located, may sell or compound all bad or doubtful debts, or do any act or execute any other necessary instruments and upon like petition and order may sell all the real and personal property of such credit union on such terms as the court shall

approve. ~~Such~~ The special deputy ~~commissioner~~ may, if necessary, enforce individual liability of the stockholders to pay the debts of such corporation.

SECTION 4964. 186.29 (3) of the statutes is amended to read:

186.29 **(3)** NOTICE, ALLOWANCE AND PAYMENT OF CLAIMS. The special deputy ~~commissioner~~ shall cause a class 3 notice, under ch. 985, to be published, calling on all persons who may have claims against such credit union, to present the same to the special deputy ~~commissioner~~ and make legal proof thereof at a place and within a time, not earlier than the last day of publication, to be therein specified. The special deputy ~~commissioner~~ shall mail a similar notice to all persons at their last–known address, whose names appear as creditors upon the books of the credit union. Proof of service of such notice shall be filed with the clerk of said court. The special deputy ~~commissioner~~ may reject any claim. Any party interested may also file written objections to any claim with the special deputy ~~commissioner~~ and after notice by registered mail of such rejection, said claimant shall be barred unless the claimant commences an action thereon within 3 months. Claims presented after the expiration of the time fixed in the notice to creditors shall be entitled to share in the distribution only to the extent of the assets then in the hands of the special deputy ~~commissioner~~ equitably applicable thereto.

SECTION 4965. 186.29 (4) of the statutes is amended to read:

186.29 **(4)** INVENTORY OF ASSETS AND STATEMENT OF LIABILITIES. Upon taking possession of the property and assets of such credit union, the special deputy ~~commissioner~~ shall make an inventory of the assets of such credit union, in duplicate, one to be filed in the office of ~~the commissioner~~ credit unions and one in the office of the clerk of circuit court for the county in which such credit union is located. Upon the expiration of the time fixed for the presentation of claims, the special deputy

~~commissioner~~ shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by the special deputy ~~commissioner~~, one to be filed in the office of ~~the commissioner~~ credit unions, and one in the office of the clerk of circuit court for the county in which such credit union is located. Such inventory and list of claims shall be open at all reasonable times to inspection.

SECTION 4966. 186.29 (5) of the statutes is amended to read:

186.29 **(5)** ADJUSTMENT OF LOANS AND WITHDRAWAL VALUE OF SHARES. The value of shares pledged upon a loan to the credit union shall be applied and credited to the loan and the borrower shall be liable only for the balance. The rate of interest charged upon the balance shall be the legal rate. The value shall be determined in such manner as the ~~commissioner~~ office of credit unions prescribes, and shall be made under s. 186.30 (1) and (3), or in such other manner as the ~~commissioner~~ office may prescribe. Upon the approval of the value by the ~~commissioner~~ office of credit unions and the circuit court of the county in which the credit union is located, the book value of each member shall be reduced proportionately. At least 5 days' written notice of the determination of value shall be given to all shareholders of the time and place the value shall be submitted to the circuit court for approval. Approval of the circuit court shall be by an order entered under s. 807.11 (2). Any stockholder or creditor of the credit union aggrieved by the determination of value may appeal to the court of appeals.

SECTION 4967. 186.29 (6) of the statutes is amended to read:

186.29 **(6)** COMPENSATION AND EXPENSES IN CONNECTION WITH LIQUIDATION. The compensation of the special ~~deputy commissioners~~ deputies, counsel and other employes and assistants, and all expenses of supervision and liquidation shall be

fixed by the ~~commissioner~~ office of credit unions, subject to the approval of the circuit court for the county in which the credit union is located, and shall upon the certificate of the ~~commissioner~~ office of credit unions be paid out of the funds of the credit union. Expenses of supervision and liquidation include the cost of the services rendered by the office of ~~the commissioner~~ credit unions to the credit union being liquidated. The cost of these services shall be determined by the ~~commissioner~~ office of credit unions and paid to the office ~~of the commissioner~~ from the assets of the credit union as other expenses of liquidation are paid. The moneys collected by the special deputy ~~commissioner~~ shall be deposited in one or more central credit unions, and, in case of the suspension or insolvency of a depository, such deposits shall be preferred before all other deposits.

SECTION 4968. 186.29 (7) of the statutes is amended to read:

186.29 **(7)** LIQUIDATING DIVIDENDS. At any time after the expiration of the date fixed for the presentation of claims, the special deputy ~~commissioner~~ in charge of the liquidation of such credit union may, upon a petition approved by the ~~commissioner~~ office of credit unions and an order of the circuit court of the county in which such credit union is located, out of the funds remaining, after the payment of expenses and debts, declare one or more dividends, and may declare a final dividend, such dividend to be paid to such persons, and in such amounts as may be directed by the circuit court.

SECTION 4969. 186.29 (8) of the statutes is amended to read:

186.29 **(8)** (title) TITLE PASSES TO ~~COMMISSIONER~~ OFFICE. Immediately upon filing the notice as provided for in sub. (2), the possession of all assets and property of such credit union of every kind and nature, wheresoever situated shall be deemed to be transferred from such credit union to, and assumed by the ~~commissioner~~ office of

credit unions; and filing of the notice mentioned herein, shall of itself, and without the execution or delivery of any instruments of conveyance, assignment, transfer or indorsement, vest the title to all such assets and property in the ~~commissioner~~ office of credit unions. Such filing shall also operate as a bar to any attachment, garnishment, execution or other legal proceedings against such credit union, or its assets and property, or its liabilities.

SECTION 4970. 186.29 (9) of the statutes is amended to read:

186.29 **(9)** EFFECT OF POSSESSION. No credit union shall have a lien, or charge for any payment, advance or clearance made, or liability thereafter incurred, against any of the assets of the credit union of whose property and business the ~~commissioner~~ office of credit unions shall have taken possession.

SECTION 4971. 186.29 (10) of the statutes is amended to read:

186.29 **(10)** APPEAL. Whenever any such credit union, whose property and business the ~~commissioner~~ office of credit unions has taken possession of, as aforesaid, deems itself aggrieved thereby, it may, at any time within 10 days after such taking, appeal to the credit union review board for relief from such possession by the ~~commissioner~~ office of credit unions. In the event the credit union review board sustains the ~~commissioner~~ office of credit unions, the said credit union may then at any time within 10 days after the decision of the credit union review board, apply to the circuit court of the county in which such credit union is located to enjoin further proceedings; and said court, after citing the ~~commissioner~~ office of credit unions to show cause why further proceedings should not be enjoined and hearing all allegations and proofs of the parties and determining the facts, may, upon the merits dismiss such application or enjoin the ~~commissioner~~ office of credit unions

from further proceedings, and direct it to surrender such business and property to such credit union.

SECTION 4972. 186.29 (11) (intro.) of the statutes is amended to read:

186.29 **(11)** REINSTATEMENT. (intro.) Whenever the ~~commissioner~~ office of credit unions shall have taken over the possession and control of the business and property of any credit union the same may resume business when and if:

SECTION 4973. 186.29 (11) (a) of the statutes is amended to read:

186.29 **(11)** (a) The owners of at least two–thirds of such credit union dollar value of outstanding shares, execute a petition to such effect, the form of which shall be prescribed by the ~~commissioner~~ office of credit unions, and

SECTION 4974. 186.29 (11) (b) of the statutes is amended to read:

186.29 **(11)** (b) There is submitted to the ~~commissioner~~ office of credit unions by such shareholders or a committee duly selected by them, a plan for the reorganization and reinstatement of such credit union, and

SECTION 4975. 186.29 (11) (c) of the statutes is amended to read:

186.29 **(11)** (c) The ~~commissioner~~ office of credit unions recommends that control of the business and property of such credit union be returned to the shareholders, and

SECTION 4976. 186.29 (11) (d) of the statutes is amended to read:

186.29 **(11)** (d) The court in which such liquidation is pending, upon application of the ~~commissioner~~ office of credit unions, makes an order approving the ~~commissioner's~~ office's recommendations, which order shall contain a finding that such credit union will be in a safe and sound condition when control is resumed by the shareholders.

SECTION 4977. 186.29 (12) of the statutes is amended to read:

186.29 **(12)** REINSTATEMENT UPON RESTRICTED BASIS. Such credit union may also resume business upon a restricted basis, and upon such limitations and conditions as may be prescribed by the ~~commissioner~~ office of credit unions when approved by the circuit court in and for the county in which such credit union is located, upon application of the ~~commissioner~~ office of credit unions. Such restrictions and conditions may include, among others, a prohibition against the selling of new shares, reasonable restrictions upon withdrawals and the payment of other liabilities. Such credit union shall thereupon be relieved from the control and supervision of the ~~commissioner~~ office of credit unions as provided in this section, but nothing herein shall, in any manner, prohibit the ~~commissioner~~ office from again proceeding against such credit union as provided herein.

SECTION 4978. 186.29 (13) (a) of the statutes is amended to read:

186.29 **(13)** (a) The special deputy ~~commissioner~~ shall deposit unclaimed liquidating dividends and unclaimed funds remaining unpaid in the hands of the special deputy ~~commissioner~~ for 6 months after the order for final distribution in one or more central credit unions in the ~~commissioner's~~ office of credit unions' name in trust for the shareholders and creditors of the liquidated credit union. The ~~commissioner~~ office of credit unions shall annually report to the governor and the chief clerk of each house of legislature for distribution to the legislature under s. 13.172 (2) the names of credit unions of which the ~~commissioner~~ office has taken possession and liquidated, and the sums of unclaimed and unpaid liquidating dividends and unclaimed funds with respect to each of the credit unions respectively, including a statement of interest earned upon such funds.

SECTION 4979. 186.29 (13) (b) of the statutes is amended to read:

186.29 **(13)** (b) The ~~commissioner~~ office of credit unions may pay over the moneys so held by the ~~commissioner~~ office to the persons respectively entitled thereto, upon being furnished satisfactory evidence of their right to the same. In case of doubt or conflicting claims, the ~~commissioner~~ office of credit unions may require an order of the circuit court authorizing and directing the payment thereof. The ~~commissioner~~ office of credit unions may apply the interest earned by the moneys so held by the ~~commissioner~~ office towards defraying the expenses in the payment and distribution of such unclaimed liquidating dividends and funds to the stockholders and creditors entitled to receive the same.

SECTION 4980. 186.29 (13) (c) of the statutes is amended to read:

186.29 **(13)** (c) After one year from the time of the order for final distribution, the ~~commissioner~~ office of credit unions shall report and deliver to the state treasurer all unclaimed funds as provided in ch. 177. All claims subsequently arising shall be presented to the ~~commissioner~~ office of credit unions. If the ~~commissioner~~ office of credit unions determines that any claim should be allowed, ~~he or she~~ the office shall certify to the department of administration the name and address of the person entitled to payment and the amount thereof and shall attach the claim to the certificate. The ~~department~~ secretary of administration shall certify the claim to the state treasurer for payment.

SECTION 4981. 186.30 (1) of the statutes is amended to read:

186.30 **(1)** Whenever from an examination or report, it shall appear to the ~~commissioner~~ office of credit unions that the capital of any credit union is impaired, or may in the near future become impaired, the ~~commissioner~~ office of credit unions may, with the approval of the credit union review board, issue an order to such credit union, requiring the directors to forthwith appoint, subject to the approval of the

~~commissioner~~ office of credit unions, 3 competent persons, not members of such credit union, who shall appraise such property owned by, or upon which such credit union has a loan or judgment, as the ~~commissioner~~ office shall designate. The appraisers so appointed and approved shall appraise and fix the current market value of all such property as aforesaid and report their findings to the ~~commissioner~~ office of credit unions and the directors. The value as found by such appraisers shall be the value from which all losses shall be determined.

SECTION 4982. 186.30 (2) of the statutes is amended to read:

186.30 **(2)** Whenever the ~~commissioner~~ office of credit unions finds that the losses existing, or which it may reasonably be anticipated will be sustained in the near future, are more than two–thirds of the amount in the regular reserve of the credit union, the ~~commissioner~~ office of credit unions may, with the approval of the review board, issue an order to such credit union, which order shall provide that no further dividends be credited or paid and no moneys paid out for retiring shares, whether noticed for withdrawal, until the ~~commissioner~~ office otherwise orders.

SECTION 4983. 186.30 (3) of the statutes is amended to read:

186.30 **(3)** After the ~~commissioner~~ office of credit unions shall have determined the losses existing or which the ~~commissioner~~ office shall determine may reasonably be sustained in the near future, the ~~commissioner~~ office of credit unions shall issue an order providing that the book value of each share be depreciated as stated in such order, the officers shall forthwith proceed to depreciate the book value of all shares as ordered. A record shall be made on the books showing the amount by which the book value of the shares was depreciated, and a copy of such record shall be filed with the ~~commissioner~~ office of credit unions.

SECTION 4984. 186.30 (5) of the statutes is amended to read:

186.30 **(5)** The directors may, with the approval of the ~~commissioner~~ office of credit unions, make share loans to members upon such terms and conditions as the ~~commissioner~~ office may order, but such loans shall be for provident purposes only and not more than $100 shall be loaned to any one member in any one month.

SECTION 4985. 186.30 (7) of the statutes is amended to read:

186.30 **(7)** The directors may, with the approval of the ~~commissioner~~ office of credit unions, sell, lease, transfer, exchange and convey any of the property of the credit union, and upon their order the proper officers shall execute and deliver such deeds, leases, assignments, bills of sale and such other transfers and conveyances as are necessary to dispose of such property as herein provided.

SECTION 4986. 186.30 (8) of the statutes is amended to read:

186.30 **(8)** The directors may compromise and settle any claim, demand or judgment which is a part of the assets of the credit union, but no compromise of any claim, demand or judgment shall be made except upon express consent of the ~~commissioner~~ office of credit unions.

SECTION 4987. 186.30 (9) of the statutes is amended to read:

186.30 **(9)** The ~~commissioner~~ office of credit unions shall prescribe reasonable rules and regulations not inconsistent with laws for the operation of credit unions operating as provided in this section.

SECTION 4988. 186.30 (11) of the statutes is amended to read:

186.30 **(11)** The directors shall make no disbursements or contract to make disbursements for salaries, compensation, fees or any other item of expense, nor retire shares, nor pay or declare dividends during the time such credit union is operating as provided in this section without the approval of the ~~commissioner~~ office of credit unions.

SECTION 4989. 186.31 (1) of the statutes is amended to read:

186.31 **(1)** Any credit union, which is in good faith winding up its business for the purpose of consolidating with some other credit union, may transfer its assets and liabilities to the credit union with which it is in the process of consolidation; but no consolidation may be made without the consent of the ~~commissioner~~ office of credit unions, and not then to defeat or defraud any of its creditors in the collection of debts against such credit union. No consolidation may be carried out without the consent of the Wisconsin credit union savings insurance corporation if it protects or guarantees the accounts of any credit union participating in the consolidation, or the national board if it insures the shares of any credit union participating in the consolidation.

SECTION 4990. 186.31 (2) of the statutes is amended to read:

186.31 **(2)** With the approval of the ~~commissioner~~ office of credit unions, credit unions may consolidate. To effect a consolidation, the board of directors of each consolidating union shall, by resolution, propose a specific plan for consolidation which shall be agreed to by a majority of the board of each credit union joining in the consolidation and directing that the proposed plan of consolidation be submitted to a vote at a meeting of members of the credit unions being absorbed which may be either an annual or a special meeting. Written notice of the meeting setting forth the proposed plan of consolidation or a summary shall be given to each member of the credit unions being absorbed within the time and in the manner provided for the giving of notice of meetings of members of the credit union. The proposed plan shall be adopted upon receiving a majority of the votes entitled to be cast by members present at the meeting.

SECTION 4991. 186.314 (2) of the statutes is amended to read:

186.314 **(2)** A statement of the results of the vote, verified by the affidavits of the president or vice president and the secretary, shall be filed with the office of ~~the commissioner~~ credit unions within 10 days after the vote is taken.

SECTION 4992. 186.314 (3) of the statutes is amended to read:

186.314 **(3)** Promptly after the vote is taken and in no event later than 90 days thereafter, if the proposition for conversion was approved by such vote, the credit union shall take such action as may be necessary under the federal law to make it a federal credit union, and within 10 days after receipt of the federal credit union charter, there shall be filed with the office of ~~the commissioner~~ credit unions a copy of the charter thus issued. Upon such filing, the credit union shall cease to be a state credit union.

SECTION 4993. 186.314 (4) of the statutes is amended to read:

186.314 **(4)** Upon ceasing to be a state credit union, such credit union shall no longer be subject to this chapter. The successor federal credit union shall be vested with all the assets and shall continue to be responsible for all of the obligations of the state credit union, including annual and special assessments levied under s. 186.35 (5) (d) prior to the date a copy of the federal credit union charter is filed with the ~~commissioner~~ office of credit unions, to the same extent as though the conversion had not taken place.

SECTION 4994. 186.315 of the statutes is amended to read:

186.315 Charter cancellation. Upon completion of a voluntary liquidation as provided in s. 186.18, or upon completion of the liquidation in cases under s. 186.29, or after the assets and liabilities of a credit union are transferred to another credit union for the purpose of consolidation as provided in s. 186.31 (3), the ~~commissioner~~ office of credit unions shall forthwith cancel the charter of the credit

union or credit unions liquidated or absorbed in consolidation without any other or further notice to said credit union or to any person. A certified copy of the order or certificate of the ~~commissioner~~ office of credit unions shall be recorded with the register of deeds of the county where said credit union is located. The register of deeds shall note on the margin of the record of the articles of incorporation of said credit union the volume and page where said order or certificate canceling its charter is recorded and shall be entitled to a fee of 50 cents therefor. In case of voluntary liquidation under s. 186.18 or consolidation under s. 186.31, the credit union shall record the order or certificate of the ~~commissioner~~ office of credit unions and pay the fee therefor. In case of liquidation under s. 186.29, the ~~commissioner~~ office of credit unions or special deputy ~~commissioner~~ as therein provided shall record the order or certificate of the ~~commissioner~~ office and pay the fee therefor out of the assets of the credit union as an expense of liquidation.

SECTION 4995. 186.33 of the statutes is amended to read:

186.33 Other powers. Credit unions may engage in the business and functions provided for in s. 218.05 and ch. 217 for their members upon receiving a certificate of authority from the ~~commissioner~~ office of credit unions. The certificate of authority shall be issued by the ~~commissioner~~ office of credit unions upon application of a credit union whenever the ~~commissioner~~ office finds that the credit union has adequate clerical facilities and has provided for the keeping of adequate accounts and for the segregation of funds used in carrying on the business of issuing their own credit union money orders. The applicants shall meet the same requirements as other applicants under ch. 217, but no investigation fee may be charged of credit union applicants. The ~~commissioner~~ office of credit unions may revoke a certificate of authority following a hearing held upon 10 days' notice to the

credit union for any reason which would have justified the rejection of an application or on the ground that the continued operation of the business threatens the solvency of the credit union.

SECTION 4996. 186.34 (2) (a) of the statutes is amended to read:

186.34 **(2)** (a) Every credit union organized under this chapter prior to July 20, 1985, except a corporate central credit union, shall file a complete application for federal share insurance from the national board not later than January 18, 1986. The ~~commissioner~~ office of credit unions shall suspend the business of or liquidate any credit union that fails to comply with this paragraph under s. 186.29 (1m) (b).

SECTION 4997. 186.34 (2) (b) of the statutes is amended to read:

186.34 **(2)** (b) Every credit union incorporated under this chapter prior to July 20, 1985, except a corporate central credit union, shall obtain a certificate of insurance issued by the national board within 54 months after July 20, 1985. The ~~commissioner~~ office of credit unions may extend for a period not to exceed 12 months the date by which a credit union must obtain a certificate of insurance upon satisfactory evidence that the credit union has made or is making a substantial effort to satisfy the conditions precedent to issuance of the certificate of insurance. Unless the ~~commissioner~~ office of credit unions approves a consolidation under s. 186.31, the ~~commissioner~~ office shall liquidate under s. 186.29 any credit union that fails to comply with this paragraph.

SECTION 4998. 186.34 (3) (intro.) of the statutes is amended to read:

186.34 **(3)** (intro.) The ~~commissioner~~ office of credit unions shall give the Wisconsin credit union savings insurance corporation written notice of all of the following:

SECTION 4999. 186.34 (4) of the statutes is amended to read:

186.34 **(4)** Every credit union that receives a certificate of insurance from the national board shall file a copy of the certificate with the ~~commissioner~~ office of credit unions within 30 days after the credit union receives the certificate. Every credit union organized under this chapter prior to July 20, 1985, that receives a certificate of insurance from the national board shall also file a copy of the certificate with the Wisconsin credit union savings insurance corporation within 30 days after receipt of the certificate.

SECTION 5000. 186.35 (1) of the statutes is amended to read:

186.35 **(1)** ORGANIZATION. The Wisconsin credit union savings insurance corporation, a nonprofit corporation, hereinafter referred to as the "corporation", shall be organized within one year after February 14, 1970, by the authorized representatives of not less than 9 credit unions chartered and existing under this chapter. The articles of incorporation shall require the approval of the ~~commissioner~~ office of credit unions, and shall be filed with the ~~commissioner~~ office of credit unions and recorded with the register of deeds of the county in which the principal office of the corporation is located. Amendments to the articles, adopted by a vote of two–thirds of the member credit unions present at an annual meeting or a special meeting called for that purpose, shall be filed with the ~~commissioner~~ office of credit unions upon payment of a fee of $5 and if approved by the ~~commissioner~~ office shall become effective upon being recorded in the office of the register of deeds in the same manner as the original articles. This corporation shall be under the exclusive supervision of the ~~commissioner~~ office of credit unions.

SECTION 5001. 186.35 (2) (b) of the statutes is amended to read:

186.35 **(2)** (b) Cooperate with its member credit unions and the office of ~~the commissioner~~ credit unions for the purpose of improving the general welfare of credit unions in this state.

SECTION 5002. 186.35 (3) (n) of the statutes is amended to read:

186.35 **(3)** (n) As determined by the trustees, declare and pay dividends in cash or property to its members, except that the corporation may not declare or pay a dividend unless the ~~commissioner~~ office of credit unions has approved the dividend.

SECTION 5003. 186.35 (3m) (intro.) of the statutes is amended to read:

186.35 **(3m)** PROHIBITED USE OF FUNDS. (intro.) Notwithstanding subs. (2) and (3) (d), none of the corporation's funds may be used to assist member credit unions to meet the eligibility requirements for obtaining a certificate of federal share insurance under s. 186.34, unless the ~~commissioner~~ office of credit unions determines all of the following:

SECTION 5004. 186.35 (5) (d) 2. of the statutes is amended to read:

186.35 **(5)** (d) 2. In the event of the potential impairment of the corporation's capital, special assessments may be levied against all member credit unions by the trustees with the approval of the ~~commissioner~~ office of credit unions. The trustees shall determine the total amount of any special assessment, and each member shall be liable to the corporation for a fraction of the total special assessment. Each member's fractional share of a special assessment shall be determined under sub. (12).

SECTION 5005. 186.35 (5) (f) of the statutes is amended to read:

186.35 **(5)** (f) The trustees may reduce or waive the annual assessment when the total funds in this corporation equal an amount which is mutually agreed upon by the trustees and the ~~commissioner~~ office of credit unions.

SECTION 5006. 186.35 (7) of the statutes is amended to read:

186.35 **(7)** SUPERVISION OF CORPORATION. The corporation shall be subject to supervision and an annual examination by the office of ~~the commissioner~~ credit unions. The cost of each examination shall be paid by the corporation.

SECTION 5007. 186.35 (8) of the statutes is amended to read:

186.35 **(8)** EXAMINATIONS OF CREDIT UNIONS. The office of ~~the commissioner~~ credit unions shall promptly forward to the corporation copies of examination reports of all members. The cost of these copies shall be paid by the corporation. If the trustees of the corporation ascertain evidence of carelessness, unsound practices or mismanagement of any member or if the trustees determine that the activities of any member may jeopardize any of the corporation's assets, the trustees or their designees may require the member to disclose its operational policies and procedures, and may recommend appropriate corrective measures to the member. If the trustees determine that the carelessness, unsound practices or mismanagement is not promptly corrected or that the threat to the corporation's assets has not been removed, the trustees may make appropriate recommendations to the ~~commissioner~~ office of credit unions, including the recommendation that the member be liquidated or consolidated.

SECTION 5008. 186.35 (9) of the statutes is amended to read:

186.35 **(9)** BYLAWS. The incorporators shall subscribe and submit to the ~~commissioner~~ office of credit unions, for approval, the bylaws and any amendments thereto under which the corporation shall operate. These bylaws may be amended at any regular or special meeting of the trustees or any annual or special meeting of the corporation.

SECTION 5009. 186.35 (11) (a) of the statutes is amended to read:

186.35 **(11)** (a) Within 30 days after receipt of written notice from the ~~commissioner~~ office of credit unions under s. 186.34 (3), the corporation shall publish a class 3 notice, under ch. 985, requiring all persons who have claims against the corporation to file proof of their respective claims at a place and by a date not earlier than 30 days after the last insertion of the notice. Proof of publication shall be filed with the clerk of the circuit court. Notwithstanding any other law, any claim for which no proof of claim is filed by the date fixed in the notice is barred. Within 30 days after the last date for filing claims, the corporation shall give notice by registered or certified mail to each claimant if the corporation denies all or any part of the claimant's claims. Any claim for which notice of complete or partial denial is duly mailed is barred unless the claimant commences an action within 90 days after the date of mailing of the notice.

SECTION 5010. 186.35 (11) (b) of the statutes is amended to read:

186.35 **(11)** (b) Within 30 days after the termination of the period for commencing actions under par. (a), the trustees shall determine the amount reasonably necessary to pay all of the corporation's outstanding, lawful liabilities and to pay the expenses of winding up the corporation's affairs. Upon receiving the approval of the ~~commissioner~~ office of credit unions, the corporation shall set aside the amount approved by the ~~commissioner~~ office and shall immediately distribute all of the remaining assets of the corporation, subject to par. (c). The corporation may make other subsequent distributions, subject to par. (c) if any additional surplus is realized. Any surplus remaining after the corporation has been dissolved shall be distributed, subject to par. (c).

SECTION 5011. 186.37 of the statutes is amended to read:

186.37 (title) **Immunity of ~~commissioner~~ office.** ~~The commissioner~~ An employe of the office of credit unions shall not be subject to any civil liability or penalty, nor to any criminal prosecution, for any error in judgment or discretion made in good faith and upon reasonable grounds in any action taken or omitted by the ~~commissioner~~ office of credit unions in the ~~commissioner's~~ office's official capacity under this chapter.

SECTION 5012. 186.38 (2) of the statutes is amended to read:

186.38 **(2)** ORGANIZATION. The corporation may be organized under this section by the authorized representatives of one or more credit union share or deposit corporations. The articles of incorporation shall require the approval of the ~~commissioner~~ office of credit unions and shall be filed with the ~~commissioner~~ office and recorded with the register of deeds of the county in which the principal office of the corporation is located. Amendments to the articles, adopted by a vote of two–thirds of the voting shares represented at an annual meeting or at a special meeting called for that purpose, shall be filed with the ~~commissioner~~ office of credit unions upon payment of a fee of $5 and if approved by the ~~commissioner~~ office of credit unions shall become effective upon being recorded in the office of the register of deeds in the same manner as the original articles. This corporation shall be under the exclusive supervision of the ~~commissioner~~ office of credit unions under sub. (9) and the ~~commissioner~~ office shall, with the approval of the credit union review board, fix and assess the corporation a fair amount for such supervision and examination of the corporation.

SECTION 5013. 186.38 (5) (c) of the statutes is amended to read:

186.38 **(5)** (c) The terms of withdrawal from membership and restrictions on sale of capital stock shall be as prescribed in the articles of incorporation as approved

by the ~~commissioner~~ office of credit unions, and such terms shall be binding on all members and shareholders.

SECTION 5014. 186.38 (7) of the statutes is amended to read:

186.38 **(7)** RESERVES. The corporation shall maintain reserves for its liabilities, including contingent liabilities, and the ~~commissioner~~ office of credit unions shall have authority to order a change in reserves if the ~~commissioner~~ office deems them to be unacceptable.

SECTION 5015. 186.38 (9) of the statutes is amended to read:

186.38 **(9)** SUPERVISION OF CORPORATION. The corporation shall be subject to supervision and an annual examination by the office of ~~the commissioner, who~~ credit unions. The office of credit unions may invite participation by credit union supervisory authorities from other states.

SECTION 5016. 186.38 (10) of the statutes is amended to read:

186.38 **(10)** EXAMINATIONS. The office of ~~the commissioner~~ credit unions shall promptly forward to the corporation a copy of its examination report of the Wisconsin credit union savings insurance corporation, if it becomes a member of the corporation, and shall cooperate with the corporation in obtaining similar examination reports from other state credit union supervisory authorities where member state credit union share or deposit corporations are domiciled.

SECTION 5017. 186.38 (11) of the statutes is amended to read:

186.38 **(11)** BYLAWS. The board of directors shall subscribe and submit to the ~~commissioner~~ office of credit unions, for filing and approval, the bylaws and any amendments thereto under which the corporation shall operate. These bylaws may be amended at any regular or special meeting of the board of directors or at any annual or special meeting of the shareholders.

SECTION 5018. 186.41 (2) (b) of the statutes is amended to read:

186.41 **(2)** (b) An in–state credit union proposing any action under par. (a) shall provide the ~~commissioner~~ office of credit unions a copy of any original application seeking approval by a federal agency or by an agency of the regional state and of any supplemental material or amendments filed in connection with any application.

SECTION 5019. 186.41 (4) (a) of the statutes is amended to read:

186.41 **(4)** (a) The ~~commissioner~~ office of credit unions finds that the statutes of the regional state in which the regional credit union has its principal office permit in–state credit unions to both acquire regional credit union assets and merge with one or more regional credit unions in the regional state.

SECTION 5020. 186.41 (4) (b) of the statutes is amended to read:

186.41 **(4)** (b) The ~~commissioner~~ office of credit unions has not disapproved the acquisition of in–state credit union assets or the merger with the in–state credit union under sub. (5).

SECTION 5021. 186.41 (4) (c) of the statutes is amended to read:

186.41 **(4)** (c) The ~~commissioner~~ office of credit unions gives a class 3 notice, under ch. 985, in the official state newspaper, of the application to take an action under sub. (3) and of the opportunity for a hearing and, if at least 25 residents of this state petition for a hearing within 30 days of the final notice or if the ~~commissioner~~ office of credit unions on ~~his or her~~ its own motion calls for a hearing within 30 days of the final notice, the ~~commissioner~~ office of credit unions holds a public hearing on the application, except that a hearing is not required if the ~~commissioner~~ office of credit unions finds that an emergency exists and that the proposed action under sub. (3) is necessary and appropriate to prevent the probable failure of an in–state credit union that is closed or in danger of closing.

SECTION 5022. 186.41 (4) (d) of the statutes is amended to read:

186.41 **(4)** (d) The ~~commissioner~~ office of credit unions is provided a copy of any original application seeking approval by a federal agency of the acquisition of in–state credit union assets or of the merger with an in–state credit union and of any supplemental material or amendments filed with the application.

SECTION 5023. 186.41 (4) (e) of the statutes is amended to read:

186.41 **(4)** (e) The applicant has paid the ~~commissioner~~ office of credit unions a fee of $1,000 together with the actual costs incurred by the ~~commissioner~~ office in holding any hearing on the application.

SECTION 5024. 186.41 (5) (intro.) of the statutes is amended to read:

186.41 **(5)** STANDARDS FOR DISAPPROVAL. (intro.) The ~~commissioner~~ office of credit unions may disapprove of any action under sub. (3) if the ~~commissioner~~ office finds any of the following:

SECTION 5025. 186.41 (5) (ct) of the statutes is amended to read:

186.41 **(5)** (ct) The applicant has failed to enter into an agreement prepared by the ~~commissioner~~ office of credit unions to comply with laws and rules of this state regulating consumer credit finance charges and other charges and related disclosure requirements, except to the extent preempted by federal law or regulation.

SECTION 5026. 186.41 (5) (e) of the statutes is amended to read:

186.41 **(5)** (e) The applicant fails to meet any other standards established by rule of the ~~commissioner~~ office of credit unions.

SECTION 5027. 186.41 (6) (a) of the statutes is amended to read:

186.41 **(6)** (a) Subsections (1) to (5) do not apply prior to January 1, 1987, except that the ~~commissioner~~ office of credit unions may promulgate rules under sub. (5) (e) to be applicable no earlier than the date that subs. (1) to (5) apply.

SECTION 5028. 186.41 (8) of the statutes is amended to read:

186.41 **(8)** DIVESTITURE. Any credit union that has acquired assets of or merged with an in–state credit union under sub. (2) or (3) and that ceases to be an in–state credit union or regional credit union shall immediately notify the ~~commissioner~~ office of credit unions of the change in its status and shall, as soon as practical and, in any case, within 2 years after the event causing it to no longer be one of these entities, divest itself of control of any interest in the assets or operations of any in–state credit union. A credit union that fails to immediately notify the ~~commissioner~~ office of credit unions is liable for a forfeiture of $500 for each day beginning with the day its status changes and ending with the day notification is received by the ~~commissioner~~ office of credit unions.

SECTION 5066. 190.01 (2) of the statutes is amended to read:

190.01 **(2)** The articles of incorporation and amendments thereto shall be filed with the ~~secretary of state~~ department of revenue; in the case of articles, the ~~secretary of state~~ department of revenue shall thereupon issue a certificate of incorporation and the corporation then has legal existence. The articles of incorporation or special charter of any railroad company may be amended by a majority vote of all the stock in the respects and for the purposes provided in s. 180.1001. The fees for filing articles and amendments thereto are as provided in s. 180.0122 (1) (a) and (m) except that the fees for filing an amendment which authorizes the issuance of redeemable preference shares for sale to the U.S. secretary of transportation under sections 505 and 506 of P.L. 94–210 is $15 for the amendment and an additional sum equal to $1 for each $100,000 or fraction thereof of par value redeemable preference shares authorized by the amendment.

SECTION 5135. 194.51 of the statutes is amended to read:

194.51 Suit to recover protested tax. No suit shall be maintained in any court to restrain or delay the collection or payment of the taxes levied in this chapter. The aggrieved taxpayer shall pay the tax as and when due, and, if paid under protest, may at any time within 90 days from the date of such payment, sue the state in an action at law to recover the tax so paid. If it is finally determined that said tax, or any part thereof, was wrongfully collected for any reason, it shall be the duty of the ~~department~~ secretary of administration to ~~issue a warrant on the state treasurer for~~ pay out of the transportation fund the amount of such tax so adjudged to have been wrongfully collected~~, and the treasurer shall pay the same out of the transportation fund~~. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as may have been made within any 90–day period preceding the commencement of such an action. Such suits shall be commenced as provided in s. 775.01.

SECTION 5202. 195.29 (5) of the statutes is amended to read:

195.29 **(5)** ELIMINATION OF GRADE CROSSINGS, COSTS. Upon petition of the department, or of the common council or board of any city, village, town or county, alleging that one or more of them have undertaken or propose to undertake to relocate or improve an existing highway or to construct a new highway in such manner as to eliminate a highway grade crossing with any railroad or so as to permanently divert a material portion of the highway traffic from a highway grade crossing with any railroad, the office shall issue notice of investigation and hearing, as provided in s. 195.04. If upon such hearing the office finds that the public safety will be promoted by the highway relocation, improvement or new construction, the office shall order the old crossings closed and new crossings opened as are deemed necessary for public safety. The order shall require the railroad company or

companies to pay to the interested municipality or municipalities such sum as the office finds to be an equitable portion of the cost of the highway relocation, improvement or new construction, if the work is performed by the municipalities; or to the ~~state treasurer~~ secretary of administration if the work is performed by the state; or to the proper county treasurer if the work is performed by the county. The sum shall be added to the joint fund available for the improvement and may be expended in like manner as the other portions of the fund.

SECTION 5224m. 195.60 (2) of the statutes is amended to read:

195.60 **(2)** The office shall annually, within 90 days after the close of each fiscal year, ascertain the total of its expenditures during such year which are reasonably attributable to the performance of its duties relating to railroads. For purposes of such calculation, 90% of the expenditures so determined shall be expenditures of the office and 10% of the expenditures so determined shall be expenditures for state government operations. The office shall deduct therefrom all amounts chargeable to railroads under sub. (1) and s. 184.10 (3). A sum equal to the remainder plus 10% of the remainder shall be assessed by the office to the several railroads in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. Such assessment shall be paid within 30 days after the bill has been mailed to the several railroads, which bill shall constitute notice of assessment and demand of payment thereof. The total amount which may be assessed to the railroads under authority of this subsection shall not exceed ~~one percent~~ 1.75% of the total gross operating revenues of such railroads, during such calendar year, derived from intrastate operations. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (2) (g). The railroads shall furnish such financial information as the office requires.

SECTION 5225. 195.60 (3) of the statutes is amended to read:

195.60 **(3)** If any railroad against which a bill has been rendered under sub. (1) or (2) within 30 days after the rendering of such bill neglects or refuses to pay the same or fails to file objections to the bill with the office, the office shall transmit to the ~~state treasurer~~ secretary of administration a certified copy of the bill, together with notice of neglect or refusal to pay the bill, and on the same day the office shall mail to the railroad against which the bill has been rendered a copy of the notice which it has transmitted to the ~~state treasurer~~ secretary of administration. Within 10 days after the receipt of such notice and certified copy of such bill, the ~~state treasurer~~ secretary of administration shall levy the amount stated on such bill to be due, with interest, by distress and sale of any goods and chattels, including stocks, securities, bank accounts, evidences of debt, and accounts receivable belonging to such delinquent railroad. Such levy by distress and sale shall be governed by the provisions of s. 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~ secretary of administration and that said goods and chattels anywhere within the state may be levied upon.

SECTION 5229. 195.60 (4) (d) of the statutes is amended to read:

195.60 **(4)** (d) If any bill against which objections have been filed is not paid within 10 days after notice of a finding that such objections have been overruled and disallowed by the office has been mailed to the objector, the office shall give notice of such delinquency to the ~~state treasurer~~ secretary of administration and to the objector, in the manner provided in sub. (3). The ~~state treasurer~~ secretary of administration shall then proceed to collect the amount of the bill as provided in sub. (3). If an amended bill is not paid within 10 days after a copy thereof is mailed to the objector by registered mail, the office shall notify the ~~state treasurer~~ secretary of

administration and the objector as in the case of delinquency in the payment of an original bill. The ~~state treasurer~~ secretary of administration shall then proceed to collect the amount of the bill as provided in the case of an original bill.

SECTION 5230. 195.60 (5) of the statutes is amended to read:

195.60 **(5)** No suit or proceeding shall be maintained in any court for the purpose of restraining or in any way delaying the collection or payment of any bill rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall pay the amount thereof, and after such payment may in the manner herein provided, at any time within 2 years from the date the payment was made, sue the state in an action at law to recover the amount paid with legal interest thereon from the date of payment, upon the ground that the assessment was excessive, erroneous, unlawful or invalid in whole or in part. If it is finally determined in such action that any part of the bill for which payment was made was excessive, erroneous, unlawful or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the claimant as directed by the court, which shall be charged to the appropriations to the office.

SECTION 5235m. 196.03 (3) (b) of the statutes is repealed and recreated to read:

196.03 **(3)** (b) Unless the governing body of a city, village or town adopts a resolution providing that the city, village or town will pay the retail charges for the production, storage, transmission, sale and delivery or furnishing of water for public fire protection purposes that are not included in general service charges:

1. A public utility shall include the charges in the water utility bill of each customer of the public utility in the city, village or town.

2. A municipal utility may, in addition to including the charges in water utility bills under subd. 1., bill the charges to any person who meets all of the following conditions:

a. The person is not a customer of the municipal utility.

b. The person owns land that is located in the city, village or town and in an area in which the municipal utility has an obligation to provide water for public fire protection.

SECTION 5235s. 196.04 (1) (b) 1. of the statutes is amended to read:

196.04 **(1)** (b) 1. Any person who owns transmission equipment and property shall permit, for reasonable compensation, the use of the transmission equipment and property by any public utility or telecommunications provider if public convenience and necessity require such use and if the use will not result in irreparable injury to any owner or user of the transmission equipment and property or in any substantial detriment to the service to be rendered by the owner or user.

SECTION 5236. 196.175 of the statutes is amended to read:

196.175 Construction and occupancy standards. The commission may not establish or enforce construction or occupancy standards applicable to any public building, as defined in s. 101.01 ~~(2) (g)~~ (12), dwelling, as defined in s. 101.71 (2) or any occupancy standard applicable to any place of employment as defined in s. 101.01 ~~(2) (f)~~ (11).

SECTION 5237. 196.20 (5) (d) of the statutes is amended to read:

196.20 **(5)** (d) If the commission does not conduct a hearing under this subsection, a proposed rate increase or change in a rate schedule becomes effective as proposed and any rates, tolls or charges under review under s. 196.215 (6) or (7) may not be altered unless the commission issues a final order no later than 150 days

after the commission receives the application or receives the information under par. (b) 1g. and 1r. If the commission conducts a hearing, a proposed rate increase or change in a rate schedule becomes effective as proposed and any rates, tolls or charges under review under s. 196.215 (6) or (7) may not be altered unless the commission issues the final order no later than 180 days after the commission receives the application or receives the information under par. (b) 1g. and 1r. If the commission conducts a hearing, the hearing examiner may extend the time for issuing a final order up to 30 additional days. The commission and the small telecommunications utility may agree in writing to extend the time for issuing a final order. Notwithstanding ~~s.~~ ss. 196.34 and 196.36 (2), the commission may require the small telecommunications utility to bear the expense of ~~a stenographer to record~~ producing a transcript of a hearing conducted under this section.

SECTION 5238. 196.20 (6) of the statutes is amended to read:

196.20 **(6)** If a telecommunications utility that is not a small telecommunications utility and that has 150,000 or less access lines in use in this state files with the commission an application for a rate change that constitutes an increase in rates, the rate change becomes effective as proposed unless the commission issues the final order on the application no later than 180 days after the commission receives the application. The hearing examiner may extend the time for issuing a final order up to 30 additional days. The commission and the telecommunications utility may agree in writing to extend the time for issuing a final order. Notwithstanding ~~s.~~ ss. 196.34 and 196.36 (2), the commission may require the telecommunications utility to bear the expense of ~~a stenographer to record~~ producing a transcript of a hearing conducted under this subsection.

SECTION 5239. 196.209 (5) (a) of the statutes is amended to read:

196.209 **(5)** (a) ~~The~~ At the commencement of each gubernatorial term of office, the commission shall appoint a telecommunications privacy council under s. 15.04 (1) (c) consisting of representatives of telecommunications providers and of consumers of telecommunications services, including this state. ~~The privacy advocate designated under s. 19.625 (1) shall be a member of the telecommunications privacy council.~~

SECTION 5239m. 196.218 (6) (a) of the statutes is amended to read:

196.218 **(6)** (a) ~~The~~ At the commencement of each gubernatorial term of office, the commission shall appoint a universal service fund council under s. 15.04 (1) (c) consisting of representatives of telecommunications providers and consumers of telecommunications services, including this state. The majority of the members of the council shall be representatives of consumers of telecommunications services.

SECTION 5240. 196.34 of the statutes is amended to read:

196.34 (title) ~~**Stenographic**~~ **Commission records.** The commission shall keep a complete record of its proceedings before the commission or its agent ~~on~~ in any formal investigation or hearing ~~held and shall appoint a stenographer to record all testimony presented at such proceedings~~.

SECTION 5241. 196.36 (title) of the statutes is amended to read:

196.36 (title) **Transcripts ~~as evidence; free to parties~~ and tapes.**

SECTION 5242. 196.36 (1) of the statutes is amended to read:

196.36 **(1)** (title) TRANSCRIPTS. The commission shall receive into evidence a transcribed copy of the evidence and proceedings, or any specific part of the evidence and proceedings, on any investigation or hearing taken by ~~the~~ a stenographer ~~appointed by the commission~~ if the stenographer certifies that the copy is a true and correct transcript of all the testimony or of the testimony of a particular witness, or

of any other specific part of the investigation or hearing, that the transcript was carefully compared by the stenographer with his or her original notes, and that the copy is a correct statement of the evidence presented and proceedings held in the investigation or hearing. The certified copy shall have the same effect as if the stenographer were present and testified to the correctness of the copy.

SECTION 5243. 196.36 (1m) of the statutes is created to read:

196.36 **(1m)** TRANSCRIPTS FROM TAPES. The commission shall receive into evidence a transcribed copy of an audiotape or videotape of the evidence and proceedings, or any specific part of the evidence and proceedings, of any investigation or hearing that is recorded if the transcriber certifies that the copy is a true and correct transcription from the audiotape or videotape of all the testimony or of the testimony of a particular witness, or of any other specific part of the investigation or hearing and that the copy is a correct statement of the evidence presented and proceedings held in the investigation or hearing. The certified copy shall have the same effect as if the transcriber were present and testified to the correctness of the copy.

SECTION 5244. 196.36 (2) of the statutes is amended to read:

196.36 **(2)** (title) COPIES. A copy of a transcript under this section shall be furnished on demand free of cost to any party to the investigation or hearing from which the transcript is taken. Upon request, the commission shall furnish a copy of an audiotape or videotape to any party to the investigation or hearing from which the audiotape or videotape is taken. The commission may charge a reasonable price for the tape.

SECTION 5245. 196.491 (2) (g) of the statutes is amended to read:

196.491 **(2)** (g) Within 180 days after the plan is filed, the commission shall hold a hearing thereon. The hearing shall be held in an administrative district, established by executive order 22, issued August 24, 1970, which the commission determines will be significantly affected by facilities proposed in the plan to be constructed in the following 3 years. The commission may thereafter adjourn the hearing to other locations or may conduct the hearing by interactive video conference or other electronic method. Notice of such hearing shall be given by class 1 notice, under ch. 985, published in the official state newspaper and such other regional papers of general circulation as may be designated by the commission. At such hearing the commission shall briefly describe the plan and give all interested persons an opportunity, subject to reasonable limitations on the presentation of repetitious material, to express their views on any aspect of the plan. The presentation of such views need not be under oath nor subject to cross–examination. The commission shall advise all persons present of their right to express their views orally or in writing, under oath or otherwise, and of the legal effect of each such form of testimony. A ~~written~~ record of unsworn testimony shall be made and considered by the commission as comments on the plan under par. (e). Persons presenting such views shall not be parties. The utility, any state agency, county, municipality, town, or any person whose substantial rights may be adversely affected by the testing for or construction of facilities described in an advance plan, shall, upon filing written notice setting forth its interest at least 10 days in advance, be afforded all the rights of a party in a contested case.

SECTION 5245e. 196.85 (3) of the statutes is amended to read:

196.85 **(3)** If any public utility, sewerage system or power district is billed under sub. (1) or (2) and fails to pay the bill within 30 days or fails to file objections to the

bill with the commission, as provided in this subsection, the commission shall transmit to the ~~state treasurer~~ secretary of administration a certified copy of the bill, together with notice of failure to pay the bill, and on the same day the commission shall mail by registered mail to the public utility, sewerage system or power district a copy of the notice which it has transmitted to the ~~state treasurer~~ secretary of administration. Within 10 days after the receipt of notice and certified copy of the bill the ~~state treasurer~~ secretary of administration shall levy the amount stated on the bill to be due, with interest, by distress and sale of any property, including stocks, securities, bank accounts, evidences of debt, and accounts receivable belonging to the delinquent public utility, sewerage system or power district. The levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the ~~state treasurer~~ secretary of administration and that goods and chattels anywhere within the state may be levied upon.

SECTION 5245m. 196.85 (4) (d) of the statutes is amended to read:

196.85 **(4)** (d) If any bill against which objections have been filed shall not be paid within ten days after notice of a finding that such objections have been overruled and disallowed by the commission has been mailed to the objector as herein provided, the commission shall give notice of such delinquency to the ~~state treasurer~~ secretary of administration and to the objector, in the manner provided in sub. (3). The ~~state treasurer~~ secretary of administration shall then proceed to collect the amount of said bill as provided in sub. (3). If an amended bill is not paid within ten days after a copy thereof is mailed to the objector by registered mail, the commission shall notify the ~~state treasurer~~ secretary of administration and the objector as in the case of delinquency in the payment of an original bill. The ~~state treasurer~~ secretary of

administration shall then proceed to collect the amount of said bill as provided in the case of an original bill.

SECTION 5245s. 196.85 (5) of the statutes is amended to read:

196.85 **(5)** No suit or proceeding may be maintained in any court to restrain or delay the collection or payment of any bill rendered under subs. (1) and (2). Every public utility, sewerage system or power district that is billed shall pay the amount of the bill, and after payment may in the manner provided under this section, at any time within 2 years from the date the payment was made, sue the state to recover the amount paid plus interest from the date of payment, upon the ground that the assessment was excessive, erroneous, unlawful or invalid in whole or in part. If the court finds that any part of the bill for which payment was made was excessive, erroneous, unlawful or invalid, the ~~state treasurer~~ secretary of administration shall make a refund to the claimant as directed by the court. The refund shall be charged to the appropriations to the commission.

SECTION 5246. 196.856 (1) and (2) of the statutes are amended to read:

196.856 **(1)** The commission shall annually assess against the major utilities, as defined under s. 144.386 (1) (f), the total, not to exceed $400,000, of the ~~amounts~~ amount appropriated under ~~ss.~~ s. 20.370 (2) (cj) ~~and 20.505 (1) (jm)~~ for acid deposition studies~~, including the nitrogen oxide study under s. 144.389 (3),~~ and evaluation and monitoring activities conducted by the department of natural resources ~~and the department of administration~~.

(2) The commission shall, with the cooperation of the department of natural resources ~~and the department of administration~~, promulgate rules establishing a method for assessing each major utility an amount that is proportionate to its

fraction of the total amount of sulfur dioxide emissions from major utilities in this state.

SECTION 5247. 196.857 (title) of the statutes is amended to read:

196.857 (title) ~~**Assessment for stray**~~ **Stray voltage program.**

SECTION 5248. 196.857 (1) (intro.), (a) and (b) of the statutes are renumbered 196.857 (1m) (intro.), (a) and (b), and 196.857 (1m) (intro.) and (a), as renumbered, are amended to read:

196.857 **(1m)** (title) ASSESSMENTS. (intro.) ~~The commission shall establish and administer a program to provide to farmers on–site technical assistance related to stray voltage. In cooperation with the department of agriculture, trade and consumer protection, the commission shall investigate the causes of stray voltage on individual farms, recommend to farmers solutions to stray voltage problems and evaluate the effectiveness of on–site technical assistance.~~ The commission shall assess annually all of the following amounts to public utilities which produce electricity and which have annual gross operating revenues related to electricity in excess of $100,000,000 in proportion to their respective electric gross operating revenues during the last calendar year, derived from intrastate operations:

(a) The amount appropriated under s. 20.155 (1) (L), less any amount received under s. 20.155 (1) (Lb) and less any fees received under sub. (2k) and credited to the appropriation under s. 20.155 (1) (L). The amounts received under this paragraph shall be credited to the appropriation made in s. 20.155 (1) (L).

SECTION 5249. 196.857 (1) (c) of the statutes is repealed.

SECTION 5250. 196.857 (1g) of the statutes is created to read:

196.857 **(1g)** PROGRAM ELEMENTS. (a) The commission shall establish and administer a stray voltage program. The program shall focus on regulation, education, inspection and investigation relating to stray voltage.

(b) The commission shall identify standardized test procedures check lists and equipment to be used by public utilities to investigate stray voltage. The commission may audit the results of investigations.

(c) The commission shall conduct classroom and on–farm stray voltage training sessions for public utilities, cooperatives, electricians or other interested parties.

(d) The commission shall conduct unannounced spot checks of on–farm stray voltage testing done by public utilities if the farmer gives permission for the check at the time the farm is visited. The commission may inspect the operation of public utility stray voltage programs to ensure that proper equipment and procedures are being used and to ensure that investigators are properly trained.

(e) In cooperation with the department of agriculture, trade and consumer protection, the commission shall investigate the causes of stray voltage on individual farms, recommend to farmers solutions to stray voltage problems and evaluate the effectiveness of on–site technical assistance.

SECTION 5251. 196.857 (2) of the statutes is amended to read:

196.857 **(2)** (title) DUE DATE. A public utility shall pay the total amount that it is assessed under sub. ~~(1)~~ (1m) within 30 days after it receives a bill for that amount from the commission. The bill constitutes notice of the assessment and demand of payment.

SECTION 5252. 196.857 (2g) of the statutes is amended to read:

196.857 **(2g)** (title) FARM SERVICES FEES. The commission ~~shall assess fees not to exceed $100~~ may charge reasonable fees not to exceed $300 per farm for ~~the~~

services provided to farmers under this section. The fees shall be in accordance with a standardized schedule of fees established by the commission by rule. The fees collected under this subsection shall be credited to the appropriation account under s. 20.115 (8) (j) in each fiscal year.

SECTION 5253. 196.857 (2k) of the statutes is created to read:

196.857 **(2k)** OTHER SERVICES FEES. The commission may charge a reasonable fee for services, other than on–farm site–related services, provided under this section. The fee may not exceed the actual costs of the services. The fees collected under this subsection shall be credited to the appropriation account under s. 20.155 (1) (L) in each fiscal year.

SECTION 5254. 196.857 (2m) of the statutes is amended to read:

196.857 **(2m)** (title) ADDITIONAL INVESTIGATIONS. If the commission, at the request of an electric cooperative organized under ch. 185 or any public utility which is not assessed under sub. ~~(1)~~ (1m), conducts an investigation of the causes of stray voltage on any farm receiving electrical service from that electric cooperative or public utility, that electric cooperative or public utility shall pay ~~a reasonable fee, not exceeding $500 per investigation, which~~ reasonable fees assessed by the commission ~~shall establish separately for each request~~ in accordance with a standardized schedule of fees established by the commission by rule. The amounts received under this subsection shall be credited to the appropriation ~~made in~~ account under s. 20.155 (1) (L).

SECTION 5255. 196.857 (3) of the statutes is repealed.

SECTION 5257g. 214.01 (1) (f) of the statutes is repealed.

SECTION 5257r. 214.01 (1) (im) of the statutes is created to read:

214.01 **(1)** (im) "Division" means the division of savings and loan.

SECTION 5258. 214.01 (1) (pm) of the statutes is amended to read:

214.01 **(1)** (pm) "Investment" includes consumer, residential, agricultural and commercial loans, purchases of corporate debentures, securities, bonds and joint venture shares, and purchases of mutual fund shares subject to the rules of the ~~commissioner~~ division.

SECTION 5259. 214.01 (1) (r) of the statutes is amended to read:

214.01 **(1)** (r) "Net profit" means the remainder of all earnings from current operations plus actual recoveries on loans, investments and other assets after deducting all current expenses, including interest on deposit accounts, additions to reserves that are required by the ~~commissioner~~ division, actual losses, accrued dividends on preferred stock and all state and federal taxes.

SECTION 5260. 214.015 of the statutes is amended to read:

214.015 Administration. This chapter shall be administered by the ~~commissioner~~ division.

SECTION 5261. 214.025 of the statutes is amended to read:

214.025 Insurance of accounts. A savings bank shall secure insurance of its deposit accounts by a deposit insurance corporation before commencing business and may, subject to rules of the ~~commissioner~~ division, obtain insurance of deposits in excess of the amount eligible for insurance by a deposit insurance corporation.

SECTION 5262. 214.03 (1) of the statutes is amended to read:

214.03 **(1)** Subject to the regulation of the ~~commissioner~~ division and in addition to the powers granted by this chapter, a savings bank may, directly or through a subsidiary, undertake any activity, exercise any power or offer any financially related product or service in this state that any other provider of financial

products or services may undertake, exercise or provide or that the ~~commissioner~~ division finds to be financially related.

SECTION 5263. 214.03 (2) of the statutes is amended to read:

214.03 **(2)** The activities, powers, products and services that may be undertaken, exercised or offered by a savings bank under sub. (1) are limited to those specified by rule of the ~~commissioner~~ division. The ~~commissioner~~ division may direct a savings bank to cease any activity, the exercise of any power or the offering of any product or service authorized by rule under this subsection. Among the factors that the ~~commissioner~~ division may consider in so directing a savings bank are the savings bank's net worth, assets, management rating, liquidity ratio and ratio of net worth to assets.

SECTION 5264. 214.035 (1) of the statutes is amended to read:

214.035 **(1)** An institution organized under this chapter shall be known as a state savings bank and shall adopt a name that identifies it as such and that includes the term "savings". The ~~commissioner~~ division shall approve the name of a savings bank.

SECTION 5265. 214.035 (2) of the statutes is amended to read:

214.035 **(2)** Notwithstanding sub. (1), an association, as defined in s. 215.01 (1), that converts to a savings bank may use a name that does not include the term "savings" in its name if that name was approved for use by the association by the ~~commissioner~~ division under ch. 215 before February 12, 1992, and that name is approved by the ~~commissioner~~ division under this subsection as appropriate to identify the converted association as a savings bank.

SECTION 5268. 214.04 (4) of the statutes is amended to read:

214.04 **(4)** With the approval of the ~~commissioner~~ division, to become a member of, purchase stock or securities in, deposit money with, or comply with any other conditions of membership or credit for any corporation or agency of the United States or of this state, to the extent that such agency assists in furthering or facilitating the purposes or powers of the savings bank.

SECTION 5269. 214.04 (8) of the statutes is amended to read:

214.04 **(8)** To purchase stock in service corporations and to invest in any form of indebtedness of any service corporation, subject to rules of the ~~commissioner~~ division.

SECTION 5270. 214.04 (9) of the statutes is amended to read:

214.04 **(9)** With the approval of the ~~commissioner~~ division, to purchase stock of a corporation whose principal purpose is to operate a safe deposit or escrow service business, if the purchase is necessary to utilize the services of that business.

SECTION 5271. 214.04 (12) (intro.) of the statutes is amended to read:

214.04 **(12)** (intro.) Subject to rules of the ~~commissioner~~ division, to make contracts, incur obligations, make investments, pledge assets or take other action necessary to do any of the following:

SECTION 5272. 214.04 (14) of the statutes is amended to read:

214.04 **(14)** Subject to rules of the ~~commissioner~~ division, to own and lease personal property acquired by the savings bank at the request of a prospective lessee and, upon the agreement of that person, to lease the personal property.

SECTION 5273. 214.04 (17) of the statutes is amended to read:

214.04 **(17)** With prior written approval of the ~~commissioner~~ division, to acquire all or any part of the assets of a financial institution or to sell all or any part of its assets to another financial institution.

SECTION 5274. 214.04 (18) of the statutes is amended to read:

214.04 **(18)** To borrow money and issue its obligations for the borrowed money, including but not limited to obligations, bonds, notes or other debt securities. Except as otherwise provided by this chapter or by rules of the ~~commissioner~~ division, the aggregate amount borrowed may not exceed 50% of the savings bank's total assets, except with the prior written approval of the ~~commissioner~~ division. An obligation, bond, note or other debt security may include a written provision subordinating the debt to claims of other creditors or of depositors.

SECTION 5275. 214.04 (20) of the statutes is amended to read:

214.04 **(20)** Upon receiving approval from the ~~commissioner~~ division, to act as an authorized agent for its customers in the business and functions under ch. 217. A savings bank that applies to function as a seller of checks shall meet the application requirements under ch. 217. The ~~commissioner~~ division may not charge a license or investigation fee for an application under this subsection. The seller of checks function of a savings bank shall be under the jurisdiction and supervision of the ~~commissioner~~ division. The ~~commissioner~~ division shall enforce ch. 217 as it applies to savings banks. The ~~commissioner~~ division shall determine what records shall be maintained and shall require the segregation of funds that are necessary for a savings bank to operate as a seller of checks under this subsection and ch. 217.

SECTION 5276. 214.04 (21) (a) of the statutes is amended to read:

214.04 **(21)** (a) Directly or indirectly, to acquire, place and operate, or participate in the acquisition, placement and operation of, at locations other than its home office and branch offices, remote service units, in accordance with rules established by the ~~commissioner~~ division.

SECTION 5277. 214.04 (21) (b) of the statutes is amended to read:

214.04 **(21)** (b) The rules of the ~~commissioner~~ division shall provide that any remote service unit shall be available for use, on a nondiscriminatory basis, by any state or federal savings bank which has its principal place of business in this state, by any other state or federal savings bank obtaining the consent of a state or federal savings bank that has its principal place of business in this state and is using the terminal and by all customers designated by a savings bank using the unit. This paragraph does not authorize a savings bank which has its principal place of business outside this state to conduct business as a savings bank in this state. A remote service unit shall be available for use, on a nondiscriminatory basis, by any credit union, state or national bank or state or federal savings and loan association, whose home office is located in this state, if the credit union, bank or savings and loan association requests to share its use, subject to joint rules established by the ~~commissioner~~ division of banking, the ~~commissioner~~ office of credit unions and the ~~commissioner~~ division. The rules of the ~~commissioner~~ division and the joint rules shall each prohibit any advertising with regard to a shared remote service unit which suggests or implies exclusive ownership or control of the shared unit by any savings bank or group of savings banks operating or participating in the operation of the unit. The ~~commissioner~~ division by order may authorize the installation and operation of a remote service unit in a mobile facility, after notice and hearing upon the proposed service stops of the mobile facility.

SECTION 5278. 214.04 (21) (c) of the statutes is amended to read:

214.04 **(21)** (c) If any person primarily engaged in the retail sale of goods or services owns or operates a remote service unit on such person's premises and allows access to the unit by any financial institution, group of financial institutions or their customers, nothing in this paragraph or in rules established by the ~~commissioner~~

division shall require such person to accept any connection to or use of the unit on its premises for any other purpose or function or to accept any connection to the unit on its premises by any other financial institution.

SECTION 5279. 214.04 (21) (d) of the statutes is amended to read:

214.04 **(21)** (d) If a person primarily engaged in the retail sale of goods or services owns or operates a remote service unit on such person's premises and allows access to the unit by any financial institution, group of financial institutions or their customers for any purpose or function, laws governing such institutions or rules established by the ~~commissioner~~ division shall not apply to such person other than those laws or rules directly related to the particular function performed by the unit on such person's premises for a financial institution.

SECTION 5280. 214.04 (25) of the statutes is amended to read:

214.04 **(25)** Subject to rules of the ~~commissioner~~ division, to issue credit cards, extend open–end credit and otherwise engage in or participate in credit card operations.

SECTION 5281. 214.04 (26) of the statutes is amended to read:

214.04 **(26)** With the prior approval of the ~~commissioner~~ division, establish a limited office.

SECTION 5282. 214.04 (27) of the statutes is amended to read:

214.04 **(27)** After giving notice to the ~~commissioner~~ division, establish an extended office.

SECTION 5283. 214.045 of the statutes is amended to read:

214.045 Status as internal revenue service qualified thrift lender. A savings bank shall qualify for and maintain either the 60% asset test of section 7701 (a) (19) of the internal revenue code, or an asset test prescribed by rule of the

~~commissioner~~ division that is not less than the percentage prescribed by section 7701 (a) (19) of the internal revenue code.

SECTION 5284. 214.06 (1) (intro.) of the statutes is amended to read:

214.06 **(1)** (intro.) With the prior written approval of the ~~commissioner~~ division, a savings bank may establish one or more branch offices. A branch office may be located in any of the following:

SECTION 5285. 214.07 of the statutes is amended to read:

214.07 Authorized activities. A savings bank holding company may engage in activities that are authorized by the ~~commissioner~~ division.

SECTION 5286. 214.08 of the statutes is amended to read:

214.08 Registration. A savings bank holding company and each subsidiary of a savings bank holding company shall register with the ~~commissioner~~ division within 180 days after May 7, 1992, or within 90 days after becoming a savings bank holding company or subsidiary, whichever is later. A savings bank holding company and each subsidiary of a savings bank holding company shall register on forms prescribed by the ~~commissioner~~ division. A registration form shall include information with respect to the financial condition, ownership, management, and intercompany relations of the holding company and its subsidiaries and such related matters as the ~~commissioner~~ division considers necessary.

SECTION 5287. 214.085 (1) (a) of the statutes is amended to read:

214.085 **(1)** (a) File with the ~~commissioner~~ division reports as required by the ~~commissioner~~ division. A report shall be on a form prescribed by the ~~commissioner~~ division and may require whatever information the ~~commissioner~~ division considers to be necessary concerning the operations of each savings bank holding company and subsidiary.

SECTION 5288. 214.085 (1) (b) of the statutes is amended to read:

214.085 **(1)** (b) Maintain such books and records as may be prescribed by the ~~commissioner~~ division.

SECTION 5289. 214.085 (1) (c) of the statutes is amended to read:

214.085 **(1)** (c) Be subject to examination by the ~~commissioner~~ division.

SECTION 5290. 214.085 (2) of the statutes is amended to read:

214.085 **(2)** The ~~commissioner~~ division shall assess a savings bank holding company fees and charges as necessary to cover the cost of the ~~commissioner's~~ division's examination and supervision under this chapter. The ~~commissioner~~ division may promulgate rules to establish fees and payment schedules to support registration, examination and supervision under this chapter.

SECTION 5291. 214.09 of the statutes is amended to read:

214.09 Acquisitions. Subject to rules of the ~~commissioner~~ division, a savings bank holding company may acquire control of a savings bank or of a savings bank holding company upon application to and with the prior written approval of the ~~commissioner~~ division. The application shall be in a form prescribed by the ~~commissioner~~ division. The ~~commissioner~~ division shall approve the application if the ~~commissioner~~ division determines that the acquisition is consistent with the interest of maintaining a sound financial system and that the proposed acquisition does not afford a basis for supervisory objection.

SECTION 5292. 214.095 (3) of the statutes is amended to read:

214.095 **(3)** The ~~commissioner~~ division shall promulgate rules to regulate the formation of and the ongoing business of the subsidiaries and the savings bank holding company, including the rights of members or stockholders, levels of investment in holding company subsidiaries, and stock sales.

SECTION 5293. 214.155 (2) of the statutes is amended to read:

214.155 **(2)** A savings bank proposing any action under sub. (1) shall file an application with the ~~commissioner~~ division for approval of the transaction and shall provide the ~~commissioner~~ division with copies of all applications and materials filed with a federal agency or agency of another state in seeking approval of the transaction.

SECTION 5294. 214.16 (2) of the statutes is amended to read:

214.16 **(2)** An in–state savings bank holding company proposing any action under sub. (1) shall file an application with the ~~commissioner~~ division for approval of the transaction and shall provide the ~~commissioner~~ division with copies of all applications and materials filed with a federal agency or agency of another state in seeking approval of the transaction.

SECTION 5295. 214.17 (1) (intro.) of the statutes is amended to read:

214.17 **(1)** (intro.) The ~~commissioner~~ division finds that the statutes of the state in which the regional institution or regional holding company has its principal place of business permit all of the following:

SECTION 5296. 214.17 (2) of the statutes is amended to read:

214.17 **(2)** The ~~commissioner~~ division has not disapproved the acquisition of the savings bank or the acquisition or merger with the in–state savings bank holding company under s. 214.18.

SECTION 5297. 214.17 (3) of the statutes is amended to read:

214.17 **(3)** The ~~commissioner~~ division publishes under ch. 985 a class 3 notice, in the official state newspaper, of the application to take an action under s. 214.165 and of the opportunity for a hearing and, if at least 25 residents of this state petition for a hearing within 30 days of the final notice or if the ~~commissioner~~ division on the

~~commissioner's~~ division's own motion calls for a hearing within 30 days of the final notice, the ~~commissioner~~ division holds a public hearing on the application, except that a hearing is not required if the ~~commissioner~~ division finds that an emergency exists and that the proposed action under s. 214.165 is necessary and appropriate to prevent the probable failure of an in–state savings bank that is closed or in danger of closing.

SECTION 5298. 214.17 (4) of the statutes is amended to read:

214.17 **(4)** The ~~commissioner~~ division is provided a copy of any application seeking approval by a federal agency of the acquisition of an in–state savings bank or acquisition of or merger with an in–state savings bank holding company and of any supplemental material or amendments filed with the application.

SECTION 5299. 214.17 (5) of the statutes is amended to read:

214.17 **(5)** The applicant has paid the ~~commissioner~~ division a fee of $1,000 together with the actual costs incurred by the ~~commissioner~~ division in holding any hearing on the application.

SECTION 5300. 214.18 (intro.) of the statutes is amended to read:

214.18 Standards for disapproval. (intro.) The ~~commissioner~~ division may disapprove any action under s. 214.165 if the ~~commissioner~~ division finds any of the following:

SECTION 5301. 214.18 (6) of the statutes is amended to read:

214.18 **(6)** The applicant has failed to enter into an agreement prepared by the ~~commissioner~~ division to comply with laws and rules of this state regulating consumer credit finance charges and of the charges and related disclosure requirements, except to the extent preempted by federal law or regulation.

SECTION 5302. 214.18 (8) of the statutes is amended to read:

214.18 **(8)** The applicant fails to meet any other standard established by rule of the ~~commissioner~~ division.

SECTION 5303. 214.20 of the statutes is amended to read:

214.20 Divestiture. A savings bank holding company that ceases to be an in–state savings bank holding company or regional holding company shall immediately notify the ~~commissioner~~ division of the change in its status and shall, as soon as practical and no later than 2 years after the event causing it to no longer be one of these entities, divest itself of control of all in–state savings banks and in–state savings bank holding companies. A savings bank holding company that fails to immediately notify the ~~commissioner~~ division shall be subject to a forfeiture of $500 per day, beginning on the day its status changes and ending on the day the ~~commissioner~~ division receives notification.

SECTION 5304. 214.24 (1) of the statutes is amended to read:

214.24 **(1)** An adult resident of this state may, with the approval of the ~~commissioner~~ division, organize a savings bank.

SECTION 5305. 214.24 (2) of the statutes is amended to read:

214.24 **(2)** For stock savings banks, the ~~commissioner~~ division shall determine the minimum required capital which shall be at least the minimum required to obtain insurance of accounts from a deposit insurance corporation and may include additional amounts as the ~~commissioner~~ division may require, based on rules promulgated by the ~~commissioner~~ division.

SECTION 5306. 214.24 (3) of the statutes is amended to read:

214.24 **(3)** For mutual savings banks, the ~~commissioner~~ division shall determine the aggregate minimum amount of funds to be paid into the savings bank's deposit accounts by persons subscribing for deposit accounts and the length of time

for which the incorporators shall guarantee payment of savings bank operating expenses. The minimum amount of capital required shall be at least the minimum required to obtain insurance of the accounts from a deposit insurance corporation and may include additional amounts as the ~~commissioner~~ division may require, based on rules promulgated by the ~~commissioner~~ division.

SECTION 5307. 214.245 (intro.) of the statutes is amended to read:

214.245 Content of application to organize. (intro.) The incorporators shall file an application for a certificate to organize a savings bank on forms prescribed by the ~~commissioner~~ division. The application shall include any information the ~~commissioner~~ division considers necessary but shall include at least all of the following:

SECTION 5308. 214.25 (1) of the statutes is amended to read:

214.25 **(1)** The ~~commissioner~~ division shall approve the articles of incorporation of a savings bank.

SECTION 5309. 214.25 (2) of the statutes is amended to read:

214.25 **(2)** Duplicate originals of the articles of incorporation executed by the incorporators, and any subsequent amendments to the articles that are adopted by the members or stockholders of the savings bank shall be filed with and approved by the ~~commissioner~~ division.

SECTION 5310. 214.25 (3) of the statutes is amended to read:

214.25 **(3)** Upon their approval by the ~~commissioner~~ division, articles of incorporation and amendments to the articles shall be recorded in the office of the register of deeds in the county in which the home office of the savings bank is located.

SECTION 5311. 214.25 (5) of the statutes is amended to read:

214.25 **(5)** The effective date of the articles of incorporation and amendments to the articles shall be the date of recording in the office of the register of deeds or a later date if the document provides for a different date. The register of deeds shall forward a certificate of recording to the ~~commissioner~~ division.

SECTION 5312. 214.255 (1) of the statutes is amended to read:

214.255 **(1)** The ~~commissioner~~ division shall approve the bylaws of a savings bank.

SECTION 5313. 214.255 (2) of the statutes is amended to read:

214.255 **(2)** Duplicate originals of the bylaws and any subsequent amendments to the bylaws shall be filed with and approved by the ~~commissioner~~ division.

SECTION 5314. 214.255 (3) of the statutes is amended to read:

214.255 **(3)** The effective date of the bylaws and amendments to the bylaws shall be the date on which they are approved by the ~~commissioner~~ division or a later date if the document provides for a different date.

SECTION 5315. 214.26 (1) of the statutes is amended to read:

214.26 **(1)** The ~~commissioner~~ division may require additional information and shall conduct whatever investigation necessary, including subpoenaing books and records, taking public testimony and conducting hearings, to determine if the ~~commissioner~~ division should issue a certificate to organize. The incorporators shall share jointly and severally the expense of an investigation.

SECTION 5316. 214.26 (2) (a) of the statutes is amended to read:

214.26 **(2)** (a) The expense fund shall be an asset of the proposed mutual savings bank if the ~~commissioner~~ division approves the application, and shall be reflected on the books as a liability under the caption "subsidy by incorporators".

SECTION 5317. 214.26 (2) (c) of the statutes is amended to read:

214.26 **(2)** (c) After 3 years of corporate existence, the board of directors may petition the ~~commissioner~~ division for authority to repay the incorporators, on a proportional basis, any unused portion remaining in the expense fund. If the ~~commissioner~~ division determines that the operations of the mutual savings bank at that point are of such degree as so enable the mutual savings bank to operate without the subsidy, the ~~commissioner~~ division may authorize repayment.

SECTION 5318. 214.26 (2) (d) of the statutes is amended to read:

214.26 **(2)** (d) After the 4th year of corporate existence, and each subsequent year, the board of directors of the mutual savings bank may petition the ~~commissioner~~ division for authority to pay out of current income of any period to the incorporators on a proportional basis, the amount remaining after payment of expenses, provision for taxes and the provision for distribution of earnings as a recovery of previous charges made to the expense fund account. The ~~commissioner~~ division may approve or deny the petition for recovery payments. Recovery payments may not exceed the total of the charges made to the expense fund account.

SECTION 5319. 214.26 (3) (a) of the statutes is amended to read:

214.26 **(3)** (a) Within 30 days after receiving a completed application, the ~~commissioner~~ division shall furnish a notice of application to the incorporators and to each savings bank authorized to operate an office within 4 miles of the proposed home office if it is to be located in Milwaukee county, or within 20 miles of the proposed home office if it is to be located outside of Milwaukee county. The notice shall describe the location and nature of the proposed home office and any other proposed office and shall solicit written comments on the application. If a hearing on the application has been scheduled, the notice shall indicate the time and place

of the hearing. If a hearing has not been scheduled, the notice shall describe the right of interested persons to request a hearing.

SECTION 5320. 214.26 (3) (b) of the statutes is amended to read:

214.26 **(3)** (b) The incorporators shall publish the notice of application as a class 3 notice under ch. 985 in the city, town or village where the home office is to be located and shall provide the ~~commissioner~~ division with proof of publication.

SECTION 5321. 214.26 (4) (intro.) of the statutes is amended to read:

214.26 **(4)** (intro.) The ~~commissioner~~ division shall conduct a public hearing on the application if any of the following occurs:

SECTION 5322. 214.26 (4) (b) of the statutes is amended to read:

214.26 **(4)** (b) Within 3 days after publication of the final notice of application any person planning to participate in a hearing on the application files with the ~~commissioner~~ division a request for hearing.

SECTION 5323. 214.26 (5) of the statutes is amended to read:

214.26 **(5)** If a hearing date is not indicated in the notice of application and a hearing is subsequently required, the ~~commissioner~~ division shall give written notice of the time and place of the hearing to the incorporators and to anyone who has requested a hearing, at least 10 days before the hearing.

SECTION 5324. 214.26 (7) (intro.) of the statutes is amended to read:

214.26 **(7)** (intro.) To approve an application, the ~~commissioner~~ division must find, based on the record of the application, the ~~commissioner's~~ division's investigation and the public hearing, if any, that all of the following conditions exist:

SECTION 5325. 214.26 (7) (c) of the statutes is amended to read:

214.26 **(7)** (c) The proposed name is not deceptively similar to that of another financial institution within an area defined by rule of the ~~commissioner~~ division.

SECTION 5326. 214.26 (8) of the statutes is amended to read:

214.26 **(8)** The ~~commissioner~~ division shall have discretionary authority to grant a certificate of authority. The ~~commissioner~~ division may refuse to issue a certificate of authority to the incorporators to commence business if, in the ~~commissioner's~~ division's opinion, any incorporator is not of such character and general fitness as to warrant belief that the savings bank will be conducted for the best interest of its members or stockholders or if other sufficient reasons exist for a refusal to issue a certificate of authority.

SECTION 5327. 214.265 (1) (a) of the statutes is amended to read:

214.265 **(1)** (a) If the ~~commissioner~~ division approves an application to organize, the ~~commissioner~~ division shall issue to the incorporators a certificate of authority to effect a temporary organization.

SECTION 5328. 214.265 (5) of the statutes is amended to read:

214.265 **(5)** The directors shall prepare articles of incorporation, bylaws, and other documents and items as required by rule of the ~~commissioner~~ division.

SECTION 5329. 214.265 (6) of the statutes is amended to read:

214.265 **(6)** The directors shall apply for insurance of accounts with a deposit insurance corporation and provide the ~~commissioner~~ division with a copy of each filing and additional documents filed or received in connection with the filing.

SECTION 5330. 214.265 (8) of the statutes is amended to read:

214.265 **(8)** If a stock savings bank, the officers and directors shall furnish the ~~commissioner~~ division with the names and addresses of all investors who subscribe to purchase stock.

SECTION 5331. 214.265 (9) of the statutes is amended to read:

214.265 **(9)** No business, other than that of completing the organization of the proposed savings bank, may be transacted until the ~~commissioner~~ division issues certificate of incorporation.

SECTION 5332. 214.265 (10) of the statutes is amended to read:

214.265 **(10)** A temporary certificate of authority issued under sub. (1) (a) shall be effective for 180 days after the date issued. The ~~commissioner~~ division may, for cause, extend the effective period of the certificate for such time as the ~~commissioner~~ division considers to be advisable.

SECTION 5333. 214.27 (1) of the statutes is amended to read:

214.27 **(1)** In addition to the organization requirements of this subchapter, the ~~commissioner~~ division may require additional assurances, information, capital or agreements from the officers, directors or employes of the savings bank. If the requirements of this subchapter, rules promulgated under this subchapter, federal law and the ~~commissioner's~~ division's requests are completed, the incorporators shall provide the ~~commissioner~~ division with a certificate of compliance in a form prescribed by the ~~commissioner~~ division, together with a $500 fee.

SECTION 5334. 214.27 (2) of the statutes is amended to read:

214.27 **(2)** Within 90 days after receipt of the certificate of compliance and receipt of all required fees, the ~~commissioner~~ division shall issue a certificate of incorporation authorizing the savings bank to commence business. The certificate of incorporation shall specify the date of the corporate existence of the savings bank.

SECTION 5335. 214.27 (3) of the statutes is amended to read:

214.27 **(3)** The ~~commissioner~~ division shall terminate the corporate existence and void the articles of incorporation and certificate of incorporation of a savings bank if the savings bank fails to commence business within 6 months after the date

on the certificate of incorporation. The ~~commissioner~~ division may, in writing, extend the time period to commence business for such time as the ~~commissioner~~ division considers to be advisable.

SECTION 5336. 214.275 of the statutes is amended to read:

214.275 Appeal of denial. If the ~~commissioner~~ division does not grant a certificate of organization, the incorporators may appeal to the review board to review the determination.

SECTION 5337. 214.305 of the statutes is amended to read:

214.305 Annual and special meetings. The date of the annual meeting of members or stockholders shall be specified in the bylaws. Failure to hold an annual meeting may not cause a dissolution of the savings bank. Special meetings may be called by the board of directors, by stockholders of not less than 20% of the outstanding stock, by members constituting not less than 20% of the eligible votes or by any other person designated in the bylaws. The ~~commissioner~~ division may call a special meeting with not less than 7 days' written or oral notice. An annual or special meeting shall be held at the home office of the savings bank or in another place within the same county if specifically designated in the notice of the meeting.

SECTION 5338. 214.31 (1) of the statutes is amended to read:

214.31 **(1)** Notice of an annual meeting shall be provided not fewer than 10 days nor more than 40 days before the date of the meeting in the manner provided in the bylaws. The notice shall be displayed at each office of the savings bank in a manner prescribed by rule of the ~~commissioner~~ division. The notice shall state the time, place and purpose of the meeting.

SECTION 5339. 214.34 (1) of the statutes is amended to read:

214.34 **(1)** Every person appointed or elected to any position requiring the receipt, payment, management or use of savings bank money, or whose duties permit or require access to or custody of savings bank money or securities, or whose duties permit the regular making of entries in the books or other records of the savings bank, shall be bonded by a trust or company authorized to issue bonds in this state or by a fidelity insurance company licensed to do business in this state. A bond shall be in a form prescribed by the ~~commissioner~~ division and in an amount fixed by the board of directors. A bond shall be payable to the savings bank to indemnify the savings bank for any loss the savings bank may sustain through any dishonest or criminal act or omission by the bonded person, whether committed alone or in concert with others. A bond shall provide that cancellation of the bond by the surety or by the insured is not effective before 30 days' written notice is given to the ~~commissioner~~ division, unless the ~~commissioner~~ division approves an earlier cancellation.

SECTION 5340. 214.34 (2) of the statutes is amended to read:

214.34 **(2)** Notwithstanding sub. (1), the ~~commissioner~~ division may proceed against a savings bank if the ~~commissioner~~ division believes that the business of the savings bank is being conducted in an unsafe or unsound manner or that the form or amount of bonds approved by the board of directors is inadequate to give reasonable protection to the savings bank.

SECTION 5341. 214.345 (1) of the statutes is amended to read:

214.345 **(1)** Upon election, a director shall take an oath that the director will diligently and honestly perform the duties of that office and will not knowingly violate or willingly permit to be violated this chapter, any rules of the ~~commissioner~~ division, the articles of incorporation or bylaws under which the savings bank operates or any other state or federal law applicable to a savings bank.

SECTION 5342. 214.345 (2) of the statutes is amended to read:

214.345 **(2)** The ~~commissioner~~ division may require disclosure by directors, officers and employes of their personal interest, directly or indirectly, in any business or transaction on behalf of or involving the savings bank and of their control of or active participation in enterprises having activities related to the business of the savings bank.

SECTION 5343. 214.345 (5) (intro.) of the statutes is amended to read:

214.345 **(5)** (intro.) Subject to the approval of the ~~commissioner~~ division, a savings bank's bylaws shall provide for reasonable indemnification to its officers, directors and employes in connection with the faithful performance of their duties for the savings bank.

SECTION 5344. 214.37 (4) (b) of the statutes is amended to read:

214.37 **(4)** (b) The examination of financial records by, or the furnishing of financial records by a savings bank to, any officer, employe or agent of the ~~commissioner~~ division or a deposit insurance corporation for use solely in the exercise of that person's duties as an officer, employe or agent.

SECTION 5345. 214.37 (5) of the statutes is amended to read:

214.37 **(5)** If a member or stockholder desires to communicate with other members or stockholders of the savings bank with reference to any question pending or to be presented at an annual or special meeting, the savings bank shall give that person, upon written request, a written statement of the approximate number of members or stockholders entitled to vote at the meeting and an estimate of the cost of preparing and mailing the communication. The requester shall submit the communication to the ~~commissioner~~ division who, if finding it to be appropriate and accurate, shall direct the savings bank to prepare and mail the communication to the

members or stockholders upon the requester's payment or adequate provision for payment of the expenses of preparation and mailing.

SECTION 5346. 214.375 of the statutes is amended to read:

214.375 Closing books. A savings bank shall close its books at least once annually and at such other times as the ~~commissioner~~ division may require. The date of the annual closing may be March 31, June 30, September 30 or December 31 or as otherwise provided by rule of the ~~commissioner~~ division.

SECTION 5347. 214.40 (1) of the statutes is amended to read:

214.40 **(1)** A savings bank may be organized to exercise the powers conferred by this chapter with minimum capital, surplus and reserves for operating expenses as determined by the ~~commissioner~~ division. The ~~commissioner~~ division may not establish requirements for savings banks at a level less than that required for insurance of accounts. For a savings bank other than one resulting from the conversion from an existing financial institution, the ~~commissioner~~ division may establish capital requirements at least as stringent as those required under s. 214.43 (1).

SECTION 5348. 214.40 (2) of the statutes is amended to read:

214.40 **(2)** A stock savings bank may not commence business until it has a paid–in surplus equal to 20% of its capital. The ~~commissioner~~ division may waive this requirement for a financial institution that converts to a savings bank.

SECTION 5349. 214.42 (1) of the statutes is amended to read:

214.42 **(1)** The board of directors of a stock savings bank may propose an amendment to the articles of incorporation providing for the retirement of all of the capital stock and a detailed plan for effectuating the amendment. The resulting capital of the savings bank may not be less than the minimum initial capital that is

required to organize a savings bank. The proposal shall be subject to the ~~commissioner's~~ division's approval.

SECTION 5350. 214.42 (2) of the statutes is amended to read:

214.42 **(2)** If the ~~commissioner~~ division approves the proposal, the savings bank's board of directors may request in writing an appraisal of the value of the capital stock. The ~~commissioner~~ division shall order an appraisal to be made at the expense of the savings bank.

SECTION 5351. 214.43 (1) of the statutes is amended to read:

214.43 **(1)** A savings bank shall maintain total capital of not less than 6% of total assets. This is the minimum capital level acceptable for a savings bank that is well–managed and whose overall financial condition is fundamentally sound. If the ~~commissioner~~ division determines that the financial condition or history, management or earnings prospects of a savings bank are not adequate, the ~~commissioner~~ division may require a higher minimum capital level for the savings bank.

SECTION 5352. 214.435 (3) of the statutes is amended to read:

214.435 **(3)** The board of directors may quarterly, semiannually or annually declare a dividend on capital stock of so much of the net profits of the savings bank that the board determines to be expedient, except that until the paid–in surplus of the savings bank equals its capital stock, a dividend may not be declared unless there has been transferred to paid–in surplus not less than 10% of the net profits of the preceding half year in the case of quarterly or semiannual dividends, or not less than 10% of the net profits for the preceding year in the case of annual dividends. A stock dividend may be declared out of retained earnings with the written approval of the ~~commissioner~~ division.

SECTION 5353. 214.435 (4) of the statutes is amended to read:

214.435 **(4)** The written approval of the ~~commissioner~~ division is required before any dividends on stock that exceed 50% of the savings bank's net profits of that year may be declared in any calendar year.

SECTION 5354. 214.48 (3) of the statutes is amended to read:

214.48 **(3)** Each loan or investment that a savings bank makes or purchases, in whole or in part, shall be adequately underwritten and reserved against as necessary in accordance with its payment performance, and in accordance with rules of the ~~commissioner~~ division.

SECTION 5355. 214.48 (5) of the statutes is amended to read:

214.48 **(5)** If an appraisal of real estate securing a savings bank's loan is obtained as part of an examination by the ~~commissioner~~ division, the cost of the appraisal shall promptly be paid by the savings bank to the appraiser.

SECTION 5356. 214.485 (intro.) of the statutes is amended to read:

214.485 Investment in loans. (intro.) Subject to rules of the ~~commissioner~~ division, a savings bank may lend funds under any of the following conditions or for any of the following purposes:

SECTION 5357. 214.485 (8) of the statutes is amended to read:

214.485 **(8)** Through secured or unsecured loans for business, corporate, commercial or agricultural purposes if the total of all loans granted under this subsection does not exceed 10% of the savings bank's total assets, unless a greater amount is authorized in writing by the ~~commissioner~~ division.

SECTION 5358. 214.485 (12) of the statutes is amended to read:

214.485 **(12)** Through issuance of letters of credit or other similar arrangements as provided for by rules of the ~~commissioner~~ division with regard to

aggregate amounts permitted, take–out commitments for stand–by letters of credit, underlying documentation and underwriting, legal limitations on loans of the savings bank, control and subsidiary records and other procedures considered to be necessary by the ~~commissioner~~ division.

SECTION 5359. 214.485 (17) of the statutes is amended to read:

214.485 **(17)** For any other purpose authorized by rule of the ~~commissioner~~ division.

SECTION 5360. 214.49 (intro.) of the statutes is amended to read:

214.49 Other investments. (intro.) Subject to rules of the ~~commissioner~~ division, a savings bank may invest funds in any of the following:

SECTION 5361. 214.49 (5) (intro.) of the statutes is amended to read:

214.49 **(5)** (intro.) With the prior written consent of the ~~commissioner~~ division, a savings bank may invest in the initial purchase and development, or the purchase or commitment to purchase after completion, of home sites and housing for sale or rental, including projects for the reconstruction, rehabilitation or rebuilding of residential properties to meet the minimum standards of health and occupancy prescribed by a local governmental unit, the provision of accommodations for retail stores, shops and other community services that are reasonably incident to that housing, or in the stock of a corporation that owns one or more of those projects and that is wholly owned by one or more financial institutions. The total investment in any one project may not exceed 15% of the savings bank's capital, nor may the aggregate investment under this subsection exceed 50% of its capital. A savings bank may not make an investment under this subsection unless it is in compliance with the capital requirements under s. 214.43 and with the capital maintenance

requirements of its deposit insurance corporation. The ~~commissioner~~ division may approve the investment only if the savings bank shows all of the following:

SECTION 5362. 214.49 (15) of the statutes is amended to read:

214.49 **(15)** In any other investment authorized by rule of the ~~commissioner~~ division.

SECTION 5363. 214.51 (1) of the statutes is amended to read:

214.51 **(1)** A savings bank may sell a loan or a participating interest in a loan with or without recourse. The ~~commissioner~~ division may by rule adopt limitations on the sale of loans except loans sold to agencies of the United States or this state or to another government–sponsored agency if approved by the ~~commissioner~~ division.

SECTION 5364. 214.51 (2) of the statutes is amended to read:

214.51 **(2)** A savings bank may contract to service a loan or a participating interest in a loan, subject to rules of the ~~commissioner~~ division.

SECTION 5365. 214.52 (3) of the statutes is amended to read:

214.52 **(3)** Unless prior written approval of the ~~commissioner~~ division is obtained, a savings bank may not purchase, lease or acquire a site for an office building or an interest in real estate from an officer, director, employe, from a stockholder holding more than 10% of the stock of the savings bank, or from any firm, corporation, entity, or family in which an officer, director, employe or stockholder holding more than 10% of the stock of a savings bank has a direct or indirect interest.

SECTION 5366. 214.525 of the statutes is amended to read:

214.525 Prohibited loans. A savings bank may not make a loan to a person owning 10% or more of its stock, an affiliated person, agent, or attorney of the savings bank, either individually or as an agent or partner of another, except under rules of the ~~commissioner~~ division and regulations of a deposit insurance corporation.

SECTION 5367. 214.53 (3) of the statutes is amended to read:

214.53 **(3)** The ~~commissioner~~ division may require a director or officer of a savings bank who knowingly participates in or assents to, or who knowingly permits an officer, employe or agent of the savings bank to make, an investment that is not authorized by this subchapter to obtain an indemnity bond, insurance, or collateral sufficient to indemnify the savings bank against damages that the savings bank may sustain as a result of the investment. If an unauthorized investment, the amount considered sufficient to indemnify the savings bank shall be the difference between the book value and the market value of the investment at the time the ~~commissioner~~ division determines that the investment is unauthorized. If an unauthorized loan, the amount considered sufficient to indemnify the savings bank shall be the difference between the book value of the loan and the amount of the loan that could have been made under this subchapter. If an unauthorized investment is sold or disposed of without recourse, the ~~commissioner~~ division shall release all or part of the indemnity after deducting any loss. If the balance of an unauthorized loan is reduced to an amount that would permit the loan to be made under this subchapter, the indemnity shall be released. In making a determination under this subsection, the ~~commissioner~~ division may order an independent appraisal at the savings bank's expense.

SECTION 5368. 214.54 (1) of the statutes is amended to read:

214.54 **(1)** Except as provided in sub. (2) and s. 214.49 (4), the total of outstanding loans and extensions of credit, both direct and indirect, made by a savings bank to a single person shall be subject to limits established by rule of the ~~commissioner~~ division, but may not exceed 15% of the savings bank's capital.

SECTION 5369. 214.545 of the statutes is amended to read:

214.545 Rules. The ~~commissioner~~ division shall promulgate rules to determine permissible levels of investment and permissible concentrations of assets for savings banks that apply to all lending and investment authority under this subchapter. The rules shall give due regard to capital adequacy, operating income, underwriting standards, risk inherent in the investment or loan, and competitive parity with other financial institutions.

SECTION 5370. 214.58 (1) of the statutes is amended to read:

214.58 **(1)** The board of directors shall determine the rate and amount of interest to be paid on or credited to deposit accounts. The board of directors may establish reasonable classifications of accounts based on the types of accounts, the length of time accounts are continued in effect, the size of initial deposits into accounts, the minimum balances of accounts required for payment of interest, the frequency and extent of the activity on accounts, or on other classifications the ~~commissioner~~ division may approve.

SECTION 5371. 214.585 (5) of the statutes is amended to read:

214.585 **(5)** In any other form receiving the prior written approval of the ~~commissioner~~ division.

SECTION 5372. 214.592 of the statutes is amended to read:

214.592 Financially related services tie-ins. In any transaction conducted by a savings bank, a savings bank holding company or a subsidiary of either with a customer who is also a customer of any other subsidiary of any of them, the customer shall be given a notice in 12–point boldface type in substantially the following form:

NOTICE OF RELATIONSHIP

This company, ... (insert name and address of savings bank, savings bank holding company or subsidiary), is related to .... (insert name and address of savings

bank, savings bank holding company or subsidiary) of which you are also a customer. You may not be compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction.

If you feel that you have been compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction, you should contact the management of either of the above companies at either of the above addresses or the ~~office of the commissioner~~ division of savings and loan at .... (insert address).

SECTION 5373. 214.62 (2) (e) of the statutes is amended to read:

214.62 **(2)** (e) Other provisions necessary or desirable or that the ~~commissioner~~ division requires.

SECTION 5374. 214.62 (3) of the statutes is amended to read:

214.62 **(3)** After approval by the board of directors of the merging financial institution and of the savings bank, the merger agreement shall be submitted to the ~~commissioner~~ division for approval, together with a certified copy of the authorizing resolution of each board of directors. Before issuing approval, the ~~commissioner~~ division may examine the affairs of each merging financial institution and its affiliates and subsidiaries, the expense of which is to be paid by the merging financial institution.

SECTION 5375. 214.62 (4) (intro.) of the statutes is amended to read:

214.62 **(4)** (intro.) The ~~commissioner~~ division may approve or disapprove the proposed merger agreement. The ~~commissioner~~ division may not approve a merger agreement unless the ~~commissioner~~ division finds all of the following:

SECTION 5376. 214.62 (5) of the statutes is amended to read:

214.62 **(5)** If the ~~commissioner~~ division fails to approve a proposed merger, the ~~commissioner~~ division shall state the objections in writing and give the merging financial institutions a stated period of time in which to amend the plan of merger.

SECTION 5377. 214.625 of the statutes is amended to read:

214.625 Merger; vote of approval. If approved by the ~~commissioner~~ division, the plan of merger shall be submitted to the members or stockholders of each merging financial institution for approval. A meeting of the members or stockholders of a savings bank shall be called and held in accordance with ss. 214.305 and 214.31. The plan is approved if it receives the affirmative vote of the majority of the total votes entitled to be cast.

SECTION 5378. 214.63 of the statutes is amended to read:

214.63 (title) **Merger; ~~commissioner's~~ certificate.** The executed merger agreement, together with a certified copy of the minutes of the meeting of members or stockholders of each merging financial institution approving the merger agreement, shall be filed with the ~~commissioner~~ division. The ~~commissioner~~ division shall issue to the resulting savings bank a certificate of merger, setting forth the name of each merging financial institution, the name of the resulting savings bank and the date on which the ~~commissioner~~ division approves the articles of incorporation and bylaws of the resulting savings bank. The merger takes effect on the date of the recording of the certificate or a later date if the certificate provides for a different date. Recording shall be completed in the same manner as required for savings bank articles of incorporation, in each county in which the home office of any of the merging financial institutions was located and in the county in which the home office of the resulting savings bank is located. The certificate shall be

conclusive evidence of the merger and of the correctness of the merger proceedings except against this state.

SECTION 5379. 214.64 of the statutes is amended to read:

214.64 (title) **Merger; ~~commissioner's~~ expenses.** The merging financial institutions shall pay the expenses of any examination made by or at the direction of the ~~commissioner~~ division in connection with a proposed merger.

SECTION 5380. 214.645 of the statutes is amended to read:

214.645 Sale of assets. Subject to rules of the ~~commissioner~~ division, a savings bank may, in a transaction not in the usual course of business, sell all or substantially all of its assets, with or without its name and goodwill, to another financial institution, in consideration of money, capital or obligations of the purchasing institution. A savings bank may sell an office or facility and equipment subject to rules of the ~~commissioner~~ division.

SECTION 5381. 214.65 (2) (a) of the statutes is amended to read:

214.65 **(2)** (a) The board of directors shall adopt by a two–thirds majority vote of all directors a resolution setting forth the terms of the proposed sale and shall submit the plan to the ~~commissioner~~ division for preliminary approval. Upon receipt of approval by the ~~commissioner~~ division, the plan shall be submitted to a vote of the members or stockholders at a special or annual meeting.

SECTION 5382. 214.65 (2) (b) of the statutes is amended to read:

214.65 **(2)** (b) The proposed sale is approved by the members or stockholders if it receives an affirmative vote from a majority of the total number of votes that are entitled to cast. A proposal for the voluntary liquidation of the savings bank may be submitted to the members or stockholders at the same meeting or at any later meeting called for that purpose. A certified summary of proceedings setting forth the

terms of the proposed sale, the form and timing of the notice given, the vote on the proposal and the total number of votes entitled to cast shall be filed with the ~~commissioner~~ division.

SECTION 5383. 214.65 (3) of the statutes is amended to read:

214.65 **(3)** If the ~~commissioner~~ division finds that the deposit insurance corporation has approved the sale, the proposed sale is fair to all members, stockholders, creditors and other persons concerned and provision has been made for the disposition of the remaining assets, if any, of the savings bank, the ~~commissioner~~ division shall issue to the savings bank a certificate of authorization for the sale with a copy of the filed report of proceedings attached to the certificate.

SECTION 5384. 214.655 (2) (intro.) of the statutes is amended to read:

214.655 **(2)** (intro.) A savings bank shall apply to the ~~commissioner~~ division for authority to form an interim institution. The application shall be made on forms prescribed by the ~~commissioner~~ division and shall be accompanied by a nonrefundable $1,000 fee. The ~~commissioner~~ division shall promulgate rules governing the formation of, and the standards and supervisory considerations to be applied to, interim institutions. An application shall contain all of the following:

SECTION 5385. 214.66 (1) of the statutes is amended to read:

214.66 **(1)** Applying to the ~~commissioner~~ division for authority to organize as a savings bank.

SECTION 5386. 214.66 (5) of the statutes is amended to read:

214.66 **(5)** Obtaining the ~~commissioner's~~ division's approval to convert to a savings bank.

SECTION 5387. 214.66 (7) of the statutes is amended to read:

214.66 **(7)** After obtaining the ~~commissioner's~~ division's approval, giving notice to its previous regulatory authority.

SECTION 5388. 214.665 (1) of the statutes is amended to read:

214.665 **(1)** With the prior approval of the ~~commissioner~~ division, which shall state that the proposed merger is necessary for the protection of depositors and other creditors, a savings bank that is in default or in danger of default may, by a majority vote of its board of directors and without a vote of its members or stockholders, merge with another savings bank, a state or federal savings and loan association, a state bank or a federal bank. The other entity shall be the resulting or continuing savings bank, savings and loan association or bank.

SECTION 5389. 214.665 (2) of the statutes is amended to read:

214.665 **(2)** The ~~commissioner~~ division shall by rule establish standards for determining if a savings bank is in default or in danger of default.

SECTION 5390. 214.67 (1) of the statutes is amended to read:

214.67 **(1)** With the prior approval of the ~~commissioner~~ division, which shall state that the proposed sale is necessary for the protection of depositors and other creditors, a savings bank may, by a majority vote of its board of directors and without a vote of its members or stockholders, sell all or any part of its assets to another savings bank, a state or federal savings and loan association, a state bank or a national bank if the savings bank, savings and loan association or bank assumes in writing all of the liabilities of the selling savings bank or to a deposit insurance corporation.

SECTION 5391. 214.67 (2) of the statutes is amended to read:

214.67 **(2)** A savings bank may sell to a savings bank, state or federal savings and loan association, state bank or federal bank an insubstantial portion of its total

deposits as described in 12 USC 1815 5 (d) (2) (D). Approval of the sale shall be by a majority vote of the board of directors and, with approval of the ~~commissioner~~ division, may be without a vote of its members or stockholders.

SECTION 5392. 214.675 (1) of the statutes is amended to read:

214.675 **(1)** A person, whether acting directly or indirectly, alone or with one or more persons, shall give the ~~commissioner~~ division 60 days' written notice of intent to acquire control of 10% or more of a savings bank, affiliate, savings bank subsidiary, savings bank holding company or service corporation.

SECTION 5393. 214.675 (2) of the statutes is amended to read:

214.675 **(2)** A person, whether acting directly or indirectly, alone or with one or more persons, shall apply to the ~~commissioner~~ division 60 days before any proposed change in control. A change in control occurs if any change of ownership of stock, or of rights related to stock, would result in a person, whether acting directly or indirectly, alone or with one or more persons, owning, directly or indirectly, 25% or more of the voting shares or rights in a savings bank, affiliate, savings bank subsidiary, savings bank holding company or service corporation or such lesser amount that would entitle the person to elect one member to the board of directors of the entity.

SECTION 5394. 214.675 (3) of the statutes is amended to read:

214.675 **(3)** The ~~commissioner~~ division may examine the books and records of a person filing notice of intent under sub. (1) or an application under sub. (2).

SECTION 5395. 214.675 (4) of the statutes is amended to read:

214.675 **(4)** The ~~commissioner's~~ division's decision on a filing under sub. (1) or (2) shall be issued within 30 days after the date of receipt of a complete initial application or the date of receipt of additional information requested by the

~~commissioner~~ division that is necessary for making the decision. The ~~commissioner~~ division shall make a request for additional information within 30 days of the date of the ~~commissioner's~~ division's receipt of an initial filing.

SECTION 5396. 214.675 (5) of the statutes is amended to read:

214.675 **(5)** The ~~commissioner~~ division shall promulgate rules to implement this section.

SECTION 5397. 214.68 (1) (b) of the statutes is amended to read:

214.68 **(1)** (b) At the meeting the members or stockholders may, by affirmative vote of not less than two–thirds of the eligible votes, resolve to convert the savings bank into a federal savings bank, or if a federal institution, into a savings bank. A verified copy of the minutes of the meeting shall be filed with the ~~commissioner~~ division within 10 days after the date of the meeting.

SECTION 5398. 214.68 (1) (d) of the statutes is amended to read:

214.68 **(1)** (d) Within 6 months after the date of the meeting to convert, the savings bank shall take all steps necessary to complete the conversion. Within 10 days after receipt of federal authorization, the savings bank shall file with the ~~commissioner~~ division a copy of its federal authorization. Upon filing, the savings bank shall cease to be a savings bank and shall be a federal savings bank.

SECTION 5399. 214.68 (1) (e) of the statutes is amended to read:

214.68 **(1)** (e) Within 6 months after the date of the federal institution's meeting to convert, the ~~commissioner~~ division shall examine the federal institution and shall determine the action necessary to qualify the federal institution to convert to a savings bank. Upon complying with the necessary requirements, the ~~commissioner~~ division shall approve the conversion.

SECTION 5400. 214.68 (3) of the statutes is amended to read:

214.68 **(3)** Before any conversion under this section is effective, the ~~commissioner~~ division shall issue a certificate of conversion.

SECTION 5401. 214.685 (1) of the statutes is amended to read:

214.685 **(1)** A mutual savings bank may convert to a stock savings bank under this section. The board of directors of the mutual savings bank shall adopt a plan of conversion that complies with this section and the rules of the ~~commissioner~~ division. The plan of conversion is subject to the approval of the ~~commissioner~~ division.

SECTION 5402. 214.685 (2) of the statutes is amended to read:

214.685 **(2)** Conversion of a mutual savings bank shall be effective only if it is accomplished according to a plan of conversion approved by the ~~commissioner~~ division under sub. (1) and if the plan is approved by an affirmative vote of the majority of all votes entitled to be cast by members. Notice of a meeting to vote on the plan of conversion shall be sent to each member at least 10 days before the meeting. The notice shall state the date, time, place and purpose of the meeting, provide a summary of the plan of conversion and include any other information the ~~commissioner~~ division requires.

SECTION 5403. 214.685 (3) (intro.) of the statutes is amended to read:

214.685 **(3)** (intro.) Within 10 days after the date of a meeting at which a plan of conversion is adopted, the board of directors shall submit to the ~~commissioner~~ division all of the following:

SECTION 5404. 214.685 (3) (b) of the statutes is amended to read:

214.685 **(3)** (b) Any additional information pertaining to the plan of conversion that the ~~commissioner~~ division may require.

SECTION 5405. 214.685 (4) (intro.) of the statutes is amended to read:

214.685 **(4)** (intro.) The ~~commissioner~~ division may approve a plan of conversion if the ~~commissioner~~ division finds that the plan meets all of the following conditions:

SECTION 5406. 214.685 (4) (c) of the statutes is amended to read:

214.685 **(4)** (c) Complies with any standard which the ~~commissioner~~ division may promulgate by rule.

SECTION 5407. 214.685 (5) of the statutes is amended to read:

214.685 **(5)** The ~~commissioner~~ division may issue to a mutual savings bank a certificate of conversion to a stock savings bank, if the ~~commissioner~~ division determines the plan of conversion has been implemented as approved and the savings bank has complied with this section and any conditions to the approval. The date specified in the certificate is the effective date of the conversion. The certificate shall be recorded with the register of deeds in the county in which the home office of the savings bank is located.

SECTION 5408. 214.685 (8) (intro.) of the statutes is amended to read:

214.685 **(8)** (intro.) The ~~commissioner~~ division shall issue rules governing the conversion of mutual savings banks, including:

SECTION 5409. 214.685 (8) (j) of the statutes is amended to read:

214.685 **(8)** (j) Any other requirements for converting a mutual savings bank to a stock savings bank that the ~~commissioner~~ division considers to be necessary.

SECTION 5410. 214.715 (title) of the statutes is amended to read:

214.715 (title) **Powers of ~~commissioner~~ the division.**

SECTION 5411. 214.715 (1) (intro.) of the statutes is amended to read:

214.715 **(1)** (intro.) The ~~commissioner~~ division shall do all of the following:

SECTION 5412. 214.715 (1) (e) of the statutes is amended to read:

214.715 **(1)** (e) Submit an annual report to the governor and the legislature regarding the work of the ~~commissioner's office~~ division under this chapter.

SECTION 5413. 214.715 (1) (f) of the statutes is amended to read:

214.715 **(1)** (f) Commence an action ~~in the commissioner's name~~ to enforce any law of this state that applies to savings banks, service corporations, savings bank subsidiaries, affiliates or savings bank holding companies, including the enforcement of any obligation of the officers, directors, agents or employes of these entities.

SECTION 5414. 214.715 (1) (h) of the statutes is amended to read:

214.715 **(1)** (h) Establish a reasonable fee structure, subject to approval of the review board, for savings banks and savings bank holding companies and for their service corporations and subsidiaries. The fees may include annual fees, application fees, regular and special examination fees and other fees that relate to the ~~commissioner's~~ division's responsibilities under this chapter and that are directly attributable to the entities operating under this chapter. The ~~commissioner~~ division may assess, bill and collect fees established under this paragraph. The amounts collected by the ~~commissioner~~ division shall be used for the expenses of the ~~office of the commissioner~~ division.

SECTION 5415. 214.715 (2) of the statutes is amended to read:

214.715 **(2)** ~~The commissioner~~ Employes of the division may not be subject to any civil liability or penalty, or to any criminal prosecution, for any error in judgment or discretion made in good faith and upon reasonable grounds in any action taken or omitted by the ~~commissioner~~ employe in an official capacity.

SECTION 5416. 214.715 (3) of the statutes is amended to read:

214.715 **(3)** If it appears to the ~~commissioner~~ division that a savings bank is conducting its business in violation of this chapter, the ~~commissioner~~ division may report the facts to the department of justice which may bring an action to revoke the certificate of incorporation of the savings bank.

SECTION 5417. 214.715 (4) (a) of the statutes is amended to read:

214.715 **(4)** (a) A savings bank that intends to move its home office or a branch office to some other location not more than one mile from its current location shall make an application to the ~~commissioner~~ division. The ~~commissioner~~ division may approve or deny the application for relocation.

SECTION 5418. 214.715 (4) (b) of the statutes is amended to read:

214.715 **(4)** (b) A savings bank that intends to move its home office or a branch office to some other location more than one mile from its current location shall make an application to the ~~commissioner~~ division. The ~~commissioner~~ division shall give notice and provide an opportunity for hearing as provided in s. 214.26 (3) to (5). In approving or denying the application for relocation, the ~~commissioner~~ division shall determine the need for relocation and determine whether undue harm or injury would be caused to any savings bank doing business in the area or vicinity of the proposed relocation.

SECTION 5418m. 214.72 (1) (am) of the statutes is created to read:

214.72 **(1)** (am) "Department" means the department of financial institutions.

SECTION 5419. 214.72 (1) (b) of the statutes is amended to read:

214.72 **(1)** (b) "Financial regulator" means the ~~commissioner,~~ department secretary and deputy ~~commissioner,~~ secretary, and an administrator ~~of examination and supervision~~, a supervisor of data processing, legal counsel and a ~~savings bank~~

financial institution examiner employed by the department and includes any member of a financial regulator's immediate family, as defined in s. 19.42 (7).

SECTION 5420. 214.72 (3) of the statutes is amended to read:

214.72 **(3)** Within 30 days after commencing employment as a financial regulator and at least once each year, each financial regulator, for himself or herself and covering his or her immediate family, shall complete a written, sworn report disclosing the nature of all business relationships with savings banks on forms prescribed by the ~~commissioner~~ department. Each report shall be reviewed by the ~~commissioner~~ department, except that the ~~commissioner's~~ secretary's and deputy ~~commissioner's~~ secretary's report shall be reviewed by the review board. The reviewers shall determine if any business relationship is or appears improper and, if so, may direct the termination of that business relationship within a reasonable, prescribed time period.

SECTION 5421. 214.725 (1) of the statutes is amended to read:

214.725 **(1)** At least once every 18 months and more often if necessary, the ~~commissioner~~ division shall examine the books, records, operations and affairs of a savings bank. In the course of the examination, the ~~commissioner~~ division may also examine in the same manner any entity, company or individual that the ~~commissioner~~ division determines may have a relationship with the savings bank or a savings bank holding company, savings bank subsidiary, service corporation or affiliate of the savings bank, if the relationship may adversely affect the affairs, activities and safety and soundness of the savings bank.

SECTION 5422. 214.725 (2) of the statutes is amended to read:

214.725 **(2)** The ~~commissioner~~ division shall consider it to be necessary to conduct an examination more often than every 18 months if a required report from

a savings bank indicates a material change in financial condition or a material violation of a state or federal law, of a federal regulation or of a rule of the ~~commissioner~~ division. If that condition is grounds for taking custody of the savings bank under s. 214.76, the examination shall be initiated within 10 business days.

SECTION 5423. 214.725 (3) (f) of the statutes is amended to read:

214.725 **(3)** (f) Any other matter the ~~commissioner~~ division considers to be appropriate.

SECTION 5424. 214.725 (4) of the statutes is amended to read:

214.725 **(4)** If a savings bank, its savings bank holding company or any of its savings bank subsidiaries or service corporations has not been audited at least once in the 12 months before the ~~commissioner's~~ division's examination, the ~~commissioner~~ division shall order an audit of the entity's books and records to be made by an independent certified public accountant, selected by the ~~commissioner~~ division, who has experience in financial institution audits. The cost of the audit shall be paid for by the entity being audited.

SECTION 5425. 214.725 (5) of the statutes is amended to read:

214.725 **(5)** ~~The commissioner, employes~~ Employes of the ~~office of the commissioner~~ division or other designated agents may administer oaths and examine and take and preserve testimony under oath as to anything in the affairs or ownership of the savings bank or the entity examined.

SECTION 5426. 214.725 (7) of the statutes is amended to read:

214.725 **(7)** If a savings bank fails to submit to an examination, the ~~commissioner~~ division shall report that failure to the attorney general, who shall institute proceedings to revoke its certificate of incorporation.

SECTION 5427. 214.735 of the statutes is amended to read:

214.735 Examination report. Upon completion of an examination, the ~~commissioner~~ division shall provide an examination report to the board of directors of the savings bank or other entity examined. Each director shall read the report and shall sign an affidavit affirming that the director has read and understands the report. The affidavits shall be retained by the savings bank or entity examined and may be examined by the ~~commissioner~~ division.

SECTION 5428. 214.74 (title) of the statutes is amended to read:

214.74 (title) **Orders of the ~~commissioner~~ division.**

SECTION 5429. 214.74 (1) of the statutes is amended to read:

214.74 **(1)** If the affairs of the savings bank, savings bank subsidiary, service corporation or affiliate or savings bank holding company are not being conducted in accordance with this chapter, the ~~commissioner~~ division may require the directors, officers and employes to take necessary corrective action. If the necessary corrective action is not taken, the ~~commissioner~~ division may issue an order to the directors of the entity, to be served personally or by certified mail, specifying a date for the performance of the corrective action.

SECTION 5430. 214.74 (2) of the statutes is amended to read:

214.74 **(2)** If the order contains a finding that the business of the savings bank or savings bank holding company is being conducted in a fraudulent, illegal, unsafe or unsound manner or that the violation or the continuance of the practice to be corrected may cause insolvency, substantial dissipation of assets or earnings or the impairment of capital, the savings bank or savings bank holding company shall comply with the order immediately, unless the order is modified or withdrawn by the ~~commissioner~~ division or modified or terminated by a court. Notwithstanding sub. (3), the ~~commissioner~~ division may apply to the circuit court in the county in which

the home office of the savings bank or savings bank holding company is located for enforcement of an order.

SECTION 5431. 214.74 (3) of the statutes is amended to read:

214.74 **(3)** If a hearing before the review board has not been requested within 20 days after service of an order, the ~~commissioner~~ division may, at any time within 90 days after the date specified in the order for an action to be taken or discontinued, commence an action in the circuit court of the county in which the home office of the savings bank or savings bank holding company is located to compel the directors, officers or employes to take required corrective action. If a hearing is requested pursuant to s. 214.78, the ~~commissioner~~ division may institute suit within 90 days after a determination by the review board.

SECTION 5432. 214.74 (4) of the statutes is amended to read:

214.74 **(4)** This section is in addition to the enforcement authority of the ~~commissioner~~ division under subch. XII.

SECTION 5433. 214.745 of the statutes is amended to read:

214.745 (title) **~~Commissioner's~~ Division's notice to members or stockholders.** The ~~commissioner~~ division may prepare a statement of the condition of the savings bank, affiliate, savings bank subsidiary, service corporation or savings bank holding company and may mail the statement to the members or stockholders or may publish the statement as a class 1 notice under ch. 985. The expense of a mailing or publication shall be paid by the savings bank, affiliate, savings bank subsidiary, service corporation or savings bank holding company.

SECTION 5434. 214.75 (1) of the statutes is amended to read:

214.75 **(1)** A savings bank shall maintain books and records, as required by the ~~commissioner~~ division, in accordance with generally accepted accounting principles

and the requirements of its deposit insurance corporation. All books and records shall be current, complete, organized and accessible to the ~~commissioner, the commissioner's~~ division's agents and examiners and to the savings bank's auditors and accountants.

SECTION 5435. 214.75 (2) of the statutes is amended to read:

214.75 **(2)** A savings bank employing an outside data processing service shall inform the ~~commissioner~~ division at the initiation, renewal or changing of a contract for data processing services with an outside data processing service. The contract shall be submitted to the ~~commissioner~~ division at least 60 days before its implementation. The contract shall provide that the records maintained shall at all times be available for examination and audit by the ~~commissioner~~ division. A savings bank shall implement internal control and security measures for its data processing activities.

SECTION 5436. 214.75 (3) of the statutes is amended to read:

214.75 **(3)** The ~~commissioner~~ division may examine any data processing center that provides data processing or related services to a savings bank as often as the ~~commissioner~~ division examines the savings bank it serves.

SECTION 5437. 214.75 (4) of the statutes is amended to read:

214.75 **(4)** The ~~commissioner~~ division shall by rule prescribe periods of time for which savings banks must retain records and after the expiration of which, the savings bank may destroy those records. Liability may not accrue against the savings bank, the ~~commissioner~~ division or this state for destruction of records according to rules of the ~~commissioner~~ division promulgated under this subsection. In an action in which records of the savings bank may be called in question or

demanded, a showing of the expiration of the retention period shall be sufficient excuse for failure to produce the records.

SECTION 5438. 214.75 (5) (a) of the statutes is amended to read:

214.75 **(5)** (a) A savings bank may cause records kept by the savings bank to be recorded, copied or reproduced by any photostatic, photographic or miniature photographic process or by optical imaging if the process employed correctly, accurately and permanently copies, reproduces or forms a medium for copying, reproducing or recording the original record on a film or other durable material. A savings bank may thereafter dispose of the original record after obtaining the written consent of the ~~commissioner~~ division. This subsection, except that part requiring written consent of the ~~commissioner~~ division, is applicable to federal savings banks if it does not contravene federal law.

SECTION 5439. 214.755 (1) (intro.) of the statutes is amended to read:

214.755 **(1)** (intro.) ~~The commissioner, employes~~ Employes of the ~~office of the commissioner~~ division and members of the review board may not disclose information gathered by examination of or obtained through reports from a savings bank or from a state or federal financial institution regulatory authority except to any of the following:

SECTION 5440. 214.76 (1) of the statutes is amended to read:

214.76 **(1)** At least once in each year and not more than 12 months after its last audit, a savings bank shall cause its books, records and accounts to be audited by an independent certified public accountant not connected with the savings bank. The certified public accountant shall conduct the audit to produce a certified financial statement. The ~~commissioner~~ division may require additional information to be included in an audit report.

SECTION 5441. 214.76 (3) of the statutes is amended to read:

214.76 **(3)** A copy of the audit report, including a balance sheet of the savings bank on the date of the audit and a statement of income and expenses of the savings bank during the year ending with the date of the audit and the written summary prepared for the board of directors shall be filed with the ~~commissioner~~ division within 60 days after the date on which the savings bank received the audit report. The ~~commissioner~~ division may, for good cause shown, extend the filing date for up to 60 additional days.

SECTION 5442. 214.76 (4) of the statutes is amended to read:

214.76 **(4)** The audit report filed with the ~~commissioner~~ division shall be certified by the accountant conducting the audit. If a savings bank fails to cause an audit to be made, the ~~commissioner~~ division shall order an audit to be made by an independent certified public accountant at the savings bank's expense. Instead of the audit required under sub. (1), the ~~commissioner~~ division may accept an audit or portion of an audit made exclusively for a deposit insurance corporation or for a financial regulator of another state if the home office of the savings bank is located in that state.

SECTION 5443. 214.76 (5) (a) (intro.) of the statutes is amended to read:

214.76 **(5)** (a) (intro.) Annually, no later than February 1, a savings bank shall file with the ~~commissioner~~ division a report of its activities of the preceding calendar year, upon forms prescribed by the ~~commissioner~~ division. The report shall include all of the following:

SECTION 5444. 214.76 (5) (a) 3. of the statutes is amended to read:

214.76 **(5)** (a) 3. Any other information that the ~~commissioner~~ division requires.

SECTION 5445. 214.76 (5) (b) of the statutes is amended to read:

214.76 **(5)** (b) A savings bank shall include with its annual report a copy of a statement of condition and operations as of the end of the savings bank's most recent fiscal year, which shall be available to the public. The savings bank shall publish a printed statement containing such information as the ~~commissioner~~ division requires as a class 1 notice under ch. 985 in each municipality in which the savings bank operates an office. Proof of publication shall be furnished to the ~~commissioner~~ division within 60 days after the date of the report.

SECTION 5446. 214.765 (1) of the statutes is amended to read:

214.765 **(1)** A violation of subch. VI or VII or s. 214.34, 214.59 or 214.76, or the failure to comply with recommendations of an examination report of the ~~commissioner~~ division within 60 days after the date of issuance of the report or within any other period the ~~commissioner~~ division specifies, shall be considered an unsafe and unsound practice and creates an unsafe and unsound condition in the savings bank. A savings bank or a person affiliated with a savings bank who violates these provisions shall be subject to a forfeiture under s. 214.935 and to other enforcement powers of the ~~commissioner~~ division under this subchapter, subch. XII and rules of the ~~commissioner~~ division.

SECTION 5447. 214.765 (2) of the statutes is amended to read:

214.765 **(2)** Continued violation of any provision in sub. (1) after the ~~commissioner~~ division issues an order to correct shall subject the members of the board of directors of the savings bank to removal from the board and to a permanent order of prohibition under s. 214.91.

SECTION 5448. 214.765 (3) of the statutes is amended to read:

214.765 **(3)** The ~~commissioner~~ division shall promulgate rules to implement this section.

SECTION 5449. 214.772 (4) (a) 5. of the statutes is amended to read:

214.772 **(4)** (a) 5. Any other information the ~~commissioner~~ division requires.

SECTION 5450. 214.772 (4) (b) (intro.) of the statutes is amended to read:

214.772 **(4)** (b) (intro.) Upon receipt of a completed application and the required fee, the ~~commissioner~~ division may issue a certificate of authority. The certificate of authority may be subject to specific conditions that the ~~commissioner~~ division believes necessary to adequately safeguard the interests of the residents of this state. The ~~commissioner~~ division may not issue a certificate of authority to do business in this state unless all of the following conditions are met:

SECTION 5451. 214.772 (4) (b) 1. of the statutes is amended to read:

214.772 **(4)** (b) 1. The foreign savings bank is in sound financial condition and entitled to public confidence, and the ~~commissioner~~ division is satisfied that the foreign savings bank will conduct its business in this state in accordance with the laws of this state.

SECTION 5452. 214.772 (4) (c) (intro.) of the statutes is amended to read:

214.772 **(4)** (c) (intro.) The ~~commissioner~~ division may revoke a certificate of authority issued under this section if any of the following occurs:

SECTION 5453. 214.772 (4) (c) 2. of the statutes is amended to read:

214.772 **(4)** (c) 2. The foreign savings bank refuses to permit the ~~commissioner~~ division to conduct an examination, or fails to pay applicable fees.

SECTION 5454. 214.772 (4) (c) 3. of the statutes is amended to read:

214.772 **(4)** (c) 3. The ~~commissioner~~ division determines that the foreign savings bank is in an unsafe condition or that its continued operation in this state is otherwise inconsistent with the best interests of the residents of this state.

SECTION 5455. 214.772 (5) of the statutes is amended to read:

214.772 **(5)** A foreign savings bank doing business in this state shall be examined by the ~~commissioner~~ division as provided under s. 214.725, audited under s. 214.76 and assessed fees as provided under s. 214.715 (1) (h), together with any out–of–state travel expenses incurred in the course of an examination or audit. The ~~commissioner~~ division may accept all or part of an examination or audit prepared on behalf of the regulatory authority responsible for the supervision of the foreign savings bank in the jurisdiction in which the foreign savings bank is organized.

SECTION 5456. 214.772 (6) of the statutes is amended to read:

214.772 **(6)** A foreign savings bank doing business in this state shall maintain on file with the ~~commissioner~~ division the name and address of a person in this state who is authorized to receive legal process on behalf of the foreign savings bank. The ~~commissioner~~ division shall maintain a current record of each person so designated. The record of the ~~commissioner~~ division shall be conclusive evidence of the authority of the person whose name appears in the record to receive process on behalf of the foreign savings bank.

SECTION 5457. 214.772 (7) of the statutes is amended to read:

214.772 **(7)** If the laws of another jurisdiction prohibit a savings bank from doing business in that jurisdiction, a foreign savings bank organized under the laws of that jurisdiction may not be authorized to do business in this state. If the laws of another jurisdiction require the posting of securities or impose other additional requirements as a condition of permitting a savings bank to do business in that

jurisdiction, the ~~commissioner~~ division may impose similar requirements on a foreign savings bank organized under the laws of that jurisdiction before issuing the foreign savings bank a certificate of authority to do business in this state.

SECTION 5458. 214.775 (intro.) of the statutes is amended to read:

214.775 Procedure upon the impairment of capital. (intro.) If the ~~commissioner~~ division finds from a report, examination or other source that a savings bank's capital is impaired, the ~~commissioner~~ division may do any of the following:

SECTION 5459. 214.78 (1) (a) of the statutes is amended to read:

214.78 **(1)** (a) Advise the ~~commissioner~~ division on matters related to this chapter.

SECTION 5460. 214.78 (1) (b) of the statutes is amended to read:

214.78 **(1)** (b) Review the acts, orders and determinations of the ~~commissioner~~ division.

SECTION 5461. 214.78 (1) (c) of the statutes is amended to read:

214.78 **(1)** (c) Act on matters pertaining to this chapter that may be submitted to it by the ~~commissioner~~ division.

SECTION 5462. 214.78 (3) of the statutes is amended to read:

214.78 **(3)** A person who subpoenaes a witness shall advance the fees and mileage of the witness. Witness fees shall be the same as fees under s. 814.67 (1) (b) and (c). The fees of witnesses who are called by the review board in the interests of the state shall be paid by the state upon presentation of proper vouchers approved by the chairperson of the review board and charged to the appropriation under s. ~~20.175~~ 20.144 (1) (g).

SECTION 5463. 214.785 (1) of the statutes is amended to read:

214.785 **(1)** Any interested person or a savings bank aggrieved by any act, order or determination of the ~~commissioner~~ division, which relates to savings banks may, within 20 days after receipt or service of a copy of the act, order or determination, file a written notice requesting the review board's review of the ~~commissioner's~~ division's act, order or determination. The sole review of the ~~commissioner's~~ division's decision shall be to determine if the ~~commissioner~~ division acted within the scope of the ~~commissioner's~~ division's authority, has not acted in an arbitrary or capricious manner and that the act, order or determination of the ~~commissioner~~ division is supported by substantial evidence in view of the entire record as submitted. The review of applications for new savings banks, branch offices or relocation of offices shall be based exclusively on the record and new evidence may not be taken by the review board. Applications under this subsection shall be considered and disposed of as speedily as possible.

SECTION 5464. 214.785 (2) of the statutes is amended to read:

214.785 **(2)** A determination of the review board shall be subject to review under ch. 227. If an act, order or determination of the ~~commissioner~~ division is reversed or modified by the review board, the ~~commissioner~~ division shall be considered to be a person aggrieved and directly affected by the decision under s. 227.53 (1).

SECTION 5465. 214.82 (title) of the statutes is amended to read:

214.82 (title) **~~Commissioner's~~ Division's authority to take custody and appoint a conservator or a receiver.**

SECTION 5466. 214.82 (1) (intro.) of the statutes is amended to read:

214.82 **(1)** (intro.) The ~~commissioner~~ division may take custody of and appoint a conservator for the property, liabilities, books, records, business and assets of a

savings bank for any of the purposes under s. 214.825 if any of the following conditions exists:

SECTION 5467. 214.82 (1) (a) of the statutes is amended to read:

214.82 **(1)** (a) The savings bank fails to produce an annual audited financial statement, after receiving one extension from the ~~commissioner~~ division.

SECTION 5468. 214.82 (1) (b) of the statutes is amended to read:

214.82 **(1)** (b) The savings bank's books and records, after at least 2 consecutive notices from the ~~commissioner~~ division spanning at least 2 consecutive calendar quarters, are in an inaccurate and incomplete condition to the extent that the ~~commissioner~~ division is unable to determine the financial condition of the savings bank or the details or purpose of any transaction that may materially affect the savings bank's financial condition.

SECTION 5469. 214.82 (1) (e) of the statutes is amended to read:

214.82 **(1)** (e) The savings bank has experienced substantial dissipation of assets due to a violation of a state or federal law, regulation, rule or order of the ~~commissioner~~ division or due to any unsafe or unsound practice.

SECTION 5470. 214.82 (1) (h) of the statutes is amended to read:

214.82 **(1)** (h) The savings bank or its officers, directors or employes are violating a state or federal law, regulation, rule or supervisory order of the ~~commissioner~~ division or of another regulatory authority.

SECTION 5471. 214.82 (1) (j) of the statutes is amended to read:

214.82 **(1)** (j) The directors, officers, trustees or liquidators have neglected, failed or refused to take any action that the ~~commissioner~~ division considers necessary for the protection of the savings bank, including production of an annual audited financial statement after an extension was granted, have continued to

maintain the savings bank's books and records in an inaccurate and incomplete condition for 2 consecutive quarters after 2 notices from the ~~commissioner~~ division or have impeded or obstructed an examination.

SECTION 5472. 214.82 (2) of the statutes is amended to read:

214.82 **(2)** The ~~commissioner~~ division may postpone taking custody of a savings bank pending a satisfactory resolution of the condition permitting custody as suggested by the deposit insurance corporation, if the savings bank has sufficient liquidity and has adopted and implemented an operating plan considered prudent by the ~~commissioner~~ division.

SECTION 5473. 214.82 (3) of the statutes is amended to read:

214.82 **(3)** The ~~commissioner~~ division shall promulgate rules to govern the determination of a need for a conservator, the selection and appointment of a conservator and the conduct of a conservatorship, including allocation of the payment of costs.

SECTION 5474. 214.825 of the statutes is amended to read:

214.825 Purposes of taking custody. The purposes of taking custody of a savings bank may include examination; production of an audited financial statement; reconstruction of books and records; conservation of assets; restoration of impaired capital; the making of any necessary or equitable adjustment, including changes in officers and management, considered necessary by the ~~commissioner~~ division under any plan of reorganization or liquidation; restructuring of the savings bank through a merger or formation of a interim institution; establishment of a conservatorship to operate and manage a savings bank as an ongoing concern until the grounds for custody and conservatorship are remedied; or the maturing of an obligation of the deposit insurance corporation.

SECTION 5475. 214.83 of the statutes is amended to read:

214.83 (title) ~~**Commissioner's**~~ **Division's powers during custody.** During the period in which the ~~commissioner~~ division has custody of a savings bank, the ~~commissioner~~ division shall have all powers necessary to accomplish the purposes of custody of the savings bank and the authority to call meetings of the members, stockholders, former officers and directors, liquidators or trustees to consider and act upon matters considered by the ~~commissioner~~ division to be of sufficient importance to obtain the views of those persons.

SECTION 5476. 214.835 (intro.) of the statutes is amended to read:

214.835 Custody of savings banks. (intro.) If the ~~commissioner~~ division takes custody of a savings bank, in addition to powers conferred under ss. 214.825 and 214.83, the ~~commissioner~~ division may do any of the following:

SECTION 5477. 214.835 (1) of the statutes is amended to read:

214.835 **(1)** Notify the deposit insurance corporation of the custody and the reasons for that action, including a copy of the ~~commissioner's~~ division's report of examination and condition of the savings bank, and to appoint the deposit insurance corporation or its designee as receiver or conservator for the savings bank.

SECTION 5478. 214.835 (3) of the statutes is amended to read:

214.835 **(3)** Determine and declare the savings bank to be in default, find from the ~~commissioner's~~ division's examination and from reports of the savings bank the amount of insured deposits and make any necessary orders that may be required for the purpose of making deposit insurance available to depositors.

SECTION 5479. 214.84 of the statutes is amended to read:

214.84 Notice of custody; action to enjoin. On the date the ~~commissioner~~ division takes custody of a savings bank, the ~~commissioner~~ division shall provide by

1st class mail a written notice of that action to the president or secretary and to 2 or more directors of the savings bank or to 2 or more of the trustees of any trust or to 2 or more of the liquidators if the savings bank is in liquidation. If the parties receiving notice believe the ~~commissioner~~ division does not have authority to take custody, the savings bank, the directors or officers of the savings bank or the trustees or liquidators, within 20 days after the mailing of the notice, or within further periods of time as the ~~commissioner~~ division may extend up to an additional 60 days, may file a complaint in the circuit court of the county in which the savings bank is located to enjoin custody. The court shall require the ~~commissioner~~ division to show cause why custody should not be enjoined. If, upon hearing, the court finds that grounds do not exist for the ~~commissioner's~~ division's custody, it may enter an order enjoining further custody.

SECTION 5480. 214.845 of the statutes is amended to read:

214.845 Segregation of collections during custody. All payments received on deposit accounts on depositors' unpledged accounts during custody of the savings bank shall be segregated in a separate account until the savings bank is redelivered to the directors, trustees or liquidators or delivered to a conservator or receiver. A depositor whose payments have been segregated may request the return of those payments and the ~~commissioner~~ division shall repay them without interest or dividends. Before delivery of the savings bank or its assets to any trustee, liquidator, receiver or conservator, the ~~commissioner~~ division shall return the money segregated in the separate account.

SECTION 5481. 214.85 of the statutes is amended to read:

214.85 Redelivery of possession. If, after examination of the savings bank and consideration of all conditions affecting its affairs, the ~~commissioner~~ division

finds that the cause for taking custody has been removed, the ~~commissioner~~ division shall relinquish custody of the savings bank, remove any conservator appointed and redeliver the savings bank and all assets, books and records to its qualified directors, trustees or liquidators.

SECTION 5482. 214.855 of the statutes is amended to read:

214.855 Limitations upon custody. The custody of a savings bank by the ~~commissioner~~ division, including a conservatorship, may be continued for a reasonable period not to exceed 12 months, unless a longer time period is approved by a vote of two–thirds of the directors of the savings bank or ordered by a court.

SECTION 5483. 214.90 (intro.) of the statutes is amended to read:

214.90 Action to correct conditions. (intro.) The ~~commissioner~~ division may issue an order requiring a savings bank, savings bank subsidiary, service corporation, affiliate, savings bank holding company or a party affiliated with a savings bank to take action to correct any condition resulting from a violation or practice identified in the order. The ~~commissioner~~ division may by order require the savings bank, savings bank subsidiary, service corporation, affiliate, savings bank holding company or party affiliated with a savings bank to do any of the following:

SECTION 5484. 214.90 (1) (b) of the statutes is amended to read:

214.90 **(1)** (b) The violation or practice involved a reckless disregard for applicable state or federal laws, regulations, rules or orders of the ~~commissioner~~ division or other appropriate regulator.

SECTION 5485. 214.90 (5) of the statutes is amended to read:

214.90 **(5)** Submit candidates for future directors, employes or officers to the ~~commissioner~~ division for approval.

SECTION 5486. 214.90 (6) of the statutes is amended to read:

214.90 **(6)** Take any other action the ~~commissioner~~ division considers necessary.

SECTION 5487. 214.905 (1) (intro.) of the statutes is amended to read:

214.905 **(1)** (intro.) If an order under s. 214.90 specifies that the books and records of a savings bank are so incomplete and inaccurate that the ~~commissioner~~ division is unable to determine the financial condition of the savings bank or unable to determine the nature, details or purpose of any transaction that may have a material effect on the savings bank's financial condition, the ~~commissioner~~ division shall issue an order that requires all of the following:

SECTION 5488. 214.905 (1) (c) of the statutes is amended to read:

214.905 **(1)** (c) Establishment of reserves for any losses that the ~~commissioner~~ division finds were incurred due to the condition of the books and records.

SECTION 5489. 214.905 (2) of the statutes is amended to read:

214.905 **(2)** An order under sub. (1) shall be effective until the ~~commissioner~~ division determines through an examination that the condition has been corrected and rescinds the order.

SECTION 5490. 214.91 (1) (intro.) of the statutes is amended to read:

214.91 **(1)** (intro.) The ~~commissioner~~ division may remove from a savings bank any employe, agent or person affiliated with the savings bank if the ~~commissioner~~ division finds that the person has done any of the following:

SECTION 5491. 214.91 (1) (a) of the statutes is amended to read:

214.91 **(1)** (a) Directly or indirectly violated any state or federal law, regulation, rule or order or any agreement between the savings bank and the ~~commissioner~~ division or between the savings bank and the deposit insurance corporation.

SECTION 5492. 214.91 (2) (intro.) of the statutes is amended to read:

214.91 **(2)** (intro.) The ~~commissioner~~ division may serve upon a savings bank employe, agent or person affiliated with the savings bank a written notice of the ~~commissioner's~~ division's intention to remove or suspend the person from office in the savings bank or to prohibit any further participation in any manner by that person in the conduct of the affairs of a savings bank or of a savings and loan association organized under ch. 215, if the ~~commissioner~~ division finds that, because of a violation permitting removal under sub. (1), any of the following conditions exists:

SECTION 5493. 214.915 (1) of the statutes is amended to read:

214.915 **(1)** Except as provided in rules of the ~~commissioner~~ division, any person who has been removed or suspended from office in a savings bank or prohibited from participating in the conduct of the affairs of a savings bank under s. 214.90 may not, while an order is in effect, hold any office in or participate in any manner in the conduct of the affairs of another savings bank, savings bank subsidiary, affiliate, service corporation, savings bank holding company or state savings and loan association.

SECTION 5494. 214.92 of the statutes is amended to read:

214.92 Effect of termination or resignation. The resignation, termination of employment, or separation of a person affiliated with a savings bank from the savings bank does not affect the authority of the ~~commissioner~~ division to issue an order under s. 214.90, 214.91 or 214.915 if the order is issued within 6 years after the person ceases to be a person affiliated with the savings bank.

SECTION 5495. 214.925 (1) of the statutes is amended to read:

214.925 **(1)** Except with the prior written consent of the ~~commissioner~~ division, a person who has been convicted of a criminal offense involving dishonesty or a

breach of trust may not participate, directly or indirectly, in any manner in the conduct of the affairs of a savings bank.

SECTION 5496. 214.93 of the statutes is amended to read:

214.93 False statements. A person may not knowingly make, cause, or allow another person to make or cause to be made, a false statement, under oath if required by this chapter or on any report or statement required by the ~~commissioner~~ division or by this chapter.

SECTION 5497. 214.935 (intro.) of the statutes is amended to read:

214.935 Civil forfeitures. (intro.) In addition to the enforcement authority granted to the ~~commissioner~~ division, the following forfeiture provisions apply:

SECTION 5498. 214.935 (1) of the statutes is amended to read:

214.935 **(1)** Except as provided in sub. (2), any person who violates this chapter, any rule promulgated under this chapter or an order of the ~~commissioner~~ division may be required to forfeit not more than $10,000. Each day of continued violation constitutes a separate offense.

SECTION 5499. 215.01 (6) of the statutes is amended to read:

215.01 **(6)** ~~"Commissioner"~~ "Division" means the ~~commissioner~~ division of savings and loan.

SECTION 5500. 215.01 (19) of the statutes is amended to read:

215.01 **(19)** "Net income" means the gross income for a period less the aggregate of expenses, determined according to generally accepted accounting principles or an accounting standard or practice approved by the ~~commissioner~~ division.

SECTION 5501. 215.01 (20) (a) of the statutes is amended to read:

215.01 **(20)** (a) In a stock association, the aggregate of capital stock, additional paid–in capital, retained earnings and other accounts designated as components of net worth by the ~~commissioner~~ division, determined according to generally accepted accounting principles or an accounting standard or practice approved by the ~~commissioner~~ division.

SECTION 5502. 215.01 (20) (b) of the statutes is amended to read:

215.01 **(20)** (b) In a mutual association, the aggregate of retained earnings and other accounts designated as components of net worth by the ~~commissioner~~ division, determined according to generally accepted accounting principles or an accounting standard or practice approved by the ~~commissioner~~ division.

SECTION 5503. 215.01 (21) of the statutes is repealed.

SECTION 5504. 215.02 (title) of the statutes is repealed and recreated to read:

215.02 (title) **Division of savings and loan.**

SECTION 5505. 215.02 (1), (2) and (3) of the statutes are repealed.

SECTION 5506. 215.02 (4) of the statutes is amended to read:

215.02 **(4)** (title) IMMUNITY ~~OF COMMISSIONER~~. ~~The commissioner~~ Employes of the division shall not be subject to any civil liability or penalty, nor to any criminal prosecution, for any error in judgment or discretion made in good faith and upon reasonable grounds in any action taken or omitted by the ~~commissioner~~ employe in the ~~commissioner's~~ employe's official capacity.

SECTION 5507. 215.02 (5) of the statutes is amended to read:

215.02 **(5)** ACTIONS VENUE. Proceedings by any association to enjoin the ~~commissioner~~ division in the discharge of the ~~commissioner's~~ division's duties shall be had in the county where the savings and loan association is located, or in the state supreme court. All suits and proceedings arising out of this chapter, in which the

state, or any of its officers or agents are parties, shall be conducted under the direction and supervision of the department of justice.

SECTION 5508. 215.02 (6) (a) (intro.) of the statutes is amended to read:

215.02 **(6)** (a) (intro.) ~~The commissioner and all~~ All employes of the ~~office~~ division and members of the review board shall keep confidential all the facts and information obtained in the course of examinations by the office and all examination and other confidential information obtained from any state or federal regulatory authority, including an authority of this state or another state, for financial institutions, mortgage bankers, insurance or securities, except:

SECTION 5509. 215.02 (6) (a) 3. of the statutes is amended to read:

215.02 **(6)** (a) 3. Under rules prescribed by the ~~commissioner~~ division, for the purpose of comparing notes as to matters affecting an association with an examiner of the federal home loan bank board or federal savings and loan insurance corporation as to any association whose savings accounts are insured by the federal savings and loan insurance corporation.

SECTION 5510. 215.02 (6) (a) 4. (intro.) of the statutes is amended to read:

215.02 **(6)** (a) 4. (intro.) The ~~commissioner~~ division may:

SECTION 5511. 215.02 (6) (a) 4. a. of the statutes is amended to read:

215.02 **(6)** (a) 4. a. Furnish to the federal home loan bank board or federal savings and loan insurance corporation or to any official or examiner thereof a copy of any examination made by the ~~office~~ division of any association or of any report made by such association and filed with the ~~office~~ division.

SECTION 5512. 215.02 (6) (a) 4. b. of the statutes is amended to read:

215.02 **(6)** (a) 4. b. Give access to and disclose to the federal home loan bank board, federal savings and loan insurance corporation or to any official or examiner

thereof any information possessed by the ~~commissioner~~ division about the conditions or affairs of any association whose savings accounts are insured by the federal savings and loan insurance corporation.

SECTION 5513. 215.02 (6) (a) 5. of the statutes is amended to read:

215.02 **(6)** (a) 5. The ~~commissioner~~ division may give access to and disclose to an instrumentality insuring the savings accounts of an association, or to the official examiner of the instrumentality, any information possessed by the ~~commissioner~~ division about the conditions or affairs of the association.

SECTION 5514. 215.02 (6) (a) 6. of the statutes is amended to read:

215.02 **(6)** (a) 6. The ~~commissioner~~ division may disclose to any regulatory authority of this state or another state for financial institutions, mortgage bankers, insurance or securities facts and information obtained in the course of examinations by the ~~office~~ division, if the regulatory authority agrees to keep the facts and information confidential.

SECTION 5515. 215.02 (7) (title) of the statutes is amended to read:

215.02 **(7)** (title) ~~COMMISSIONER TO ISSUE ORDERS; REASONABLE~~ ORDERS AND RULES.

SECTION 5516. 215.02 (7) (a) of the statutes is amended to read:

215.02 **(7)** (a) In addition to performing the duties prescribed in this chapter, the ~~commissioner~~ division shall, with the approval of the review board, issue orders prescribing reasonable rules for conducting the business of associations, subject to the requirements of ch. 227.

SECTION 5517. 215.02 (7) (c) of the statutes is amended to read:

215.02 **(7)** (c) If the ~~commissioner~~ division, as a result of any examination or report made to the ~~commissioner~~ division, finds that any association is violating the provisions of the articles or bylaws of the association, or the laws of this state, or the

laws of the United States, or any lawful rule or order promulgated by the ~~commissioner~~ division and review board or any order of the ~~commissioner~~ division, the ~~commissioner~~ division shall deliver a formal written order to the board of directors of the association in which the facts known to the ~~commissioner~~ division are set forth, demanding the discontinuance of the violation and, where applicable, order the association to institute corrective action thereon. The association affected by the order may within 10 days after the order has been delivered to the association request a review of the findings and order before the ~~commissioner~~ division, at which time any pertinent evidence may be presented. After review, the ~~commissioner~~ division, on the basis of the evidence presented and any matters of record in the ~~office~~ division's offices, shall continue, modify or set aside the order. The enforcement of any order issued under this paragraph shall be stayed pending review before the ~~commissioner~~ division, and during the period of any subsequent review under s. 215.04 (4).

SECTION 5518. 215.02 (7) (d) of the statutes is amended to read:

215.02 **(7)** (d) Any association which wilfully violates par. (c) or any order issued thereunder shall, for each violation, forfeit not more than $250 per day for each day the violation continues. Assessment of any forfeiture shall become effective 20 days from the date of delivery of the order, 20 days from the date of review by the ~~commissioner~~ division, if requested, or 20 days from the date of the decision of the review board, if an appeal is taken pursuant to s. 215.04 (4).

SECTION 5519. 215.02 (8) of the statutes is amended to read:

215.02 **(8)** REVOCATION OF CERTIFICATE OF INCORPORATION OR LICENSE. Whenever it appears to the ~~commissioner~~ division that any association or corporation which has received a certificate of incorporation or a license to do business in this state is

conducting its business in violation of this chapter, the ~~commissioner~~ division shall report the facts to the department of justice which may bring an action to revoke the certificate of incorporation or license of such association or corporation.

SECTION 5520. 215.02 (9) of the statutes is amended to read:

215.02 **(9)** APPROVAL OF ACTS. Whenever any association requests approval of the ~~commissioner~~ division for any act, which by statute requires such approval, the ~~commissioner~~ division shall have 90 days in which to grant or deny such approval. If the ~~commissioner~~ division fails to act, approval shall be deemed to have been granted. In matters which require the holding of public hearings, the 90–day period shall not commence until the conclusion of the hearing and the date set by the ~~commissioner~~ division for receipt of briefs.

SECTION 5521. 215.02 (10) (a) 1. (intro.) of the statutes is amended to read:

215.02 **(10)** (a) 1. (intro.) The ~~commissioner~~ division may remove an officer, director or employe of an association if either of the following applies:

SECTION 5522. 215.02 (10) (a) 1. b. of the statutes is amended to read:

215.02 **(10)** (a) 1. b. The officer, director or employe violates or permits the violation of this chapter, a rule promulgated under this chapter or an order of the ~~commissioner~~ division.

SECTION 5523. 215.02 (10) (a) 2. of the statutes is amended to read:

215.02 **(10)** (a) 2. The ~~commissioner~~ division may issue an order removing an officer, director or employe under subd. 1. only after the officer, director or employe is afforded a hearing before the review board and the review board approves the order.

SECTION 5524. 215.02 (10) (a) 3. of the statutes is amended to read:

215.02 **(10)** (a) 3. An order of removal takes effect on the date issued. A copy of the order shall be served upon the association and upon the officer, director or employe in the manner provided by law for service of a summons in a court of record or by mailing a copy to the association and officer, director or employe at their last–known post–office addresses. Any removal under this subsection has the same effect as if made by the board of directors or the members or stockholders of the association. An officer, director or employe removed from office or employment under this subsection may not be elected as an officer or director of, or be employed by, an association without the approval of the ~~commissioner~~ division and the review board. An order of removal under this subsection is a final order or determination of the review board under s. 215.04 (6).

SECTION 5525. 215.02 (10) (b) of the statutes is amended to read:

215.02 **(10)** (b) The ~~commissioner~~ division may appoint any person to fill the vacancies caused by removal of officers or directors. Any person so appointed shall hold office until the next annual meeting of the members or stockholders.

SECTION 5526. 215.02 (11) (a) of the statutes is amended to read:

215.02 **(11)** (a) The ~~commissioner~~ division shall submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) an annual report on the general conduct and condition of associations doing business in this state. The report shall be based upon the individual annual reports of associations filed with the ~~commissioner~~ division, and shall also include the information required in ss. 215.32 (7) (a), 215.56 (7) (a) and 215.76 (7) (a).

SECTION 5527. 215.02 (11) (b) of the statutes is amended to read:

215.02 **(11)** (b) The ~~commissioner~~ division shall designate the number of copies of the report to be made available for distribution. Each association is entitled to one copy.

SECTION 5528. 215.02 (12) of the statutes is amended to read:

215.02 **(12)** DISPOSITION OF OBSOLETE RECORDS. The ~~commissioner~~ division may turn over obsolete departmental records to the secretary of administration, pursuant to s. 16.61.

SECTION 5529. 215.02 (14) (title) of the statutes is amended to read:

215.02 **(14)** (title) FEES FOR ~~OFFICE~~ PUBLICATIONS.

SECTION 5530. 215.02 (14) (a) of the statutes is amended to read:

215.02 **(14)** (a) Whenever extra copies of statutory reprints of this chapter, the annual report of savings and loan associations or any other publication published by the ~~office~~ division are requested, such extra copies shall be furnished upon payment of such fee as the ~~commissioner~~ division determines. All such fees shall be paid by the ~~commissioner~~ division into the general fund to the credit of the ~~office~~ division.

SECTION 5531. 215.02 (15) (a) 1. (intro.) of the statutes is amended to read:

215.02 **(15)** (a) 1. (intro.) Within 10 days after any of the following petitions have been filed with the ~~commissioner~~ division, the ~~commissioner~~ division shall proceed to hear the same:

SECTION 5532. 215.02 (15) (b) of the statutes is amended to read:

215.02 **(15)** (b) At the time and place so fixed, unless by stipulation some other time and place is fixed, the ~~commissioner~~ division shall hear all parties interested and shall cause the testimony given to be reduced to writing~~, or the commissioner may designate some person employed in the commissioner's office to take testimony, hear the petition and file the testimony with the commissioner~~.

SECTION 5533. 215.02 (15) (c) of the statutes is amended to read:

215.02 **(15)** (c) The ~~commissioner~~ division shall within a reasonable time make findings as to all matters covered by the petition and make such order as the ~~commissioner~~ division deems just and reasonable.

SECTION 5534. 215.02 (15) (d) of the statutes is amended to read:

215.02 **(15)** (d) The findings and order of the ~~commissioner~~ division shall be final unless modified by the court.

SECTION 5535. 215.02 (16) (a) of the statutes is amended to read:

215.02 **(16)** (a) *Annual fee.* Associations organized under this chapter shall, on or before July 15, pay an annual fee as determined by the ~~commissioner~~ division and the review board, but not exceeding 12 cents per $1,000 of assets or fraction thereof, as of the close of the preceding calendar year.

SECTION 5536. 215.02 (16) (b) of the statutes is amended to read:

215.02 **(16)** (b) *Penalty for failure to pay fee.* An association failing to pay the annual fee to the ~~commissioner~~ division by July 15 of each year shall, if ordered by the ~~commissioner~~ division, forfeit $10 for each day it fails to pay the fee.

SECTION 5537. 215.02 (16) (c) 1. of the statutes is amended to read:

215.02 **(16)** (c) 1. On or before June 30 of each year the ~~commissioner~~ division and the review board shall fix a per diem charge for the services of each examiner used in the examination of an association, for the next 12 months. Such per diem charge shall be the same for all associations. The hours constituting a day shall be that which is fixed for state employes by s. 230.35.

SECTION 5538. 215.02 (16) (c) 2. of the statutes is amended to read:

215.02 **(16)** (c) 2. After the per diem charge for each examiner has been fixed by the ~~commissioner~~ division and review board, each association shall be uniformly

billed for examinations during the ensuing year on a fixed per diem basis for each examiner engaged in such examination.

SECTION 5539. 215.02 (16) (d) of the statutes is amended to read:

215.02 **(16)** (d) *Special examination costs.* The ~~commissioner~~ division shall charge any special costs and expenses incurred because of special work required by the ~~commissioner~~ division, caused by an association not having proper or sufficient management or failing to keep its books, records and other matters in a standard and approved manner. An itemized statement of such charges must be submitted to the association.

SECTION 5540. 215.02 (17) (a) of the statutes is amended to read:

215.02 **(17)** (a) The ~~office~~ division may, in relation to any matter within its powers, issue subpoenas and take testimony.

SECTION 5541. 215.02 (17) (b) of the statutes is amended to read:

215.02 **(17)** (b) Witnesses shall be entitled to the same fees as are allowed to witnesses in courts of record. Such fees shall be audited and paid by the state in the same manner as other expenses of the ~~office~~ division are audited and paid. No witness subpoenaed at the instance of any party other than the ~~office~~ division shall be entitled to payment of fees by the state, unless the ~~office~~ division certifies that the testimony of the witness was material to the hearing or proceeding.

SECTION 5542. 215.02 (18) of the statutes is amended to read:

215.02 **(18)** AUTHORITY TO GRANT CERTAIN POWERS. Unless the ~~commissioner~~ division is expressly restricted by statute from acting under this subsection with respect to a specific power, right or privilege, the ~~commissioner~~ division by rule may, with the approval of the review board, authorize associations to exercise any power under the notice, disclosure or procedural requirements governing federally

chartered associations or to make any loan or investment or exercise any right, power or privilege of federally chartered associations permitted under a federal law, regulation or interpretation. Notice, disclosure and procedures prescribed by statute which may be modified by a rule adopted under this subsection include, but are not limited to, those provided under s. 138.056. A rule adopted under this subsection may not affect s. 138.041 or chs. 421 to 428 or restrict powers specifically granted associations under this chapter.

SECTION 5543. 215.03 (1) of the statutes is amended to read:

215.03 **(1)** (title) TYPES OF ASSOCIATIONS SUPERVISED ~~AND CONTROLLED BY THE COMMISSIONER~~. All associations organized under this chapter or similar laws, or permitted by license to transact, in this state, a business similar to that authorized by this chapter, shall be under the supervision and control of the ~~commissioner~~ division.

SECTION 5544. 215.03 (2) (a) of the statutes is amended to read:

215.03 **(2)** (a) At least once within every 18–month period, the ~~commissioner~~ division shall examine the cash, bills, collaterals, securities, assets, books of account, condition and affairs of all such associations and for that purpose the ~~commissioner~~ division or the division's examiners ~~appointed by the commissioner~~ shall have access to, and may compel the production of, all their books, papers, securities and moneys, administer oaths to and examine their officers and agents as to their affairs. ~~Neither the commissioner nor any~~ An employe of the ~~office shall~~ division may not examine an association in which the ~~commissioner~~ employe is interested as an officer or director.

SECTION 5545. 215.03 (2) (b) of the statutes is amended to read:

215.03 **(2)** (b) The ~~commissioner~~ division may accept an examination–audit made by the federal home loan bank board or any other governmental agency authorized to make examination–audits of savings and loan associations pursuant to their rules and regulations. The examination–audit must comply with the procedure established by the ~~commissioner~~ division.

SECTION 5546. 215.03 (5) (title) of the statutes is amended to read:

215.03 **(5)** (title) ACCOUNTING AND BOOKKEEPING PROCEDURE ~~PRESCRIBED BY COMMISSIONER~~.

SECTION 5547. 215.03 (5) (a) of the statutes is amended to read:

215.03 **(5)** (a) Whenever it appears to the ~~commissioner~~ division that any association does not keep books and accounts in such manner as to enable the ~~commissioner~~ division to readily ascertain its true condition, the ~~commissioner~~ division may require the officers of such associations or any of them to open and keep such books or accounts as the ~~commissioner~~ division prescribes.

SECTION 5548. 215.03 (5) (b) of the statutes is amended to read:

215.03 **(5)** (b) Any association that fails to open books or keep books or accounts as prescribed by the ~~commissioner~~ division, shall, at the discretion of the ~~commissioner~~ division, forfeit $10 for each day it so fails. If the association fails to pay the forfeiture, the ~~commissioner~~ division may institute proceedings to recover such forfeitures.

SECTION 5549. 215.03 (6) (a) 1. of the statutes is amended to read:

215.03 **(6)** (a) 1. Not later than February 1 of each year each association subject to the supervision and control of the ~~commissioner~~ division shall file with the ~~commissioner~~ division a report of its activities of the preceding year, upon forms furnished by the ~~commissioner~~ division.

SECTION 5550. 215.03 (6) (a) 2. c. of the statutes is amended to read:

215.03 **(6)** (a) 2. c. Such other information as the ~~commissioner~~ division requires.

SECTION 5551. 215.03 (6) (a) 3. of the statutes is amended to read:

215.03 **(6)** (a) 3. Attached to the annual report shall be a copy of a printed statement of condition and operations as of the end of the association's most recent fiscal year, which shall be available to the public. The reports shall be published as a class 1 notice, under ch. 985, where the association is located, in the condensed form as the ~~commissioner~~ division prescribes. Proof of publication shall be furnished to the ~~commissioner~~ division within 45 days after the date of the report. The printed statement shall contain such information as the ~~commissioner~~ division may by rule prescribe.

SECTION 5552. 215.03 (6) (b) of the statutes is amended to read:

215.03 **(6)** (b) If such association fails or refuses to furnish the report herein required, it shall be subject, at the discretion of the ~~commissioner~~ division, to a forfeiture of $10 per day for each day of default, and the ~~commissioner~~ division may maintain an action ~~in the name of the state~~ to recover such penalty, and the same shall be paid into the general fund.

SECTION 5553. 215.03 (7) (a) of the statutes is amended to read:

215.03 **(7)** (a) Any association which determines to move its home office or branch to some other location not more than one mile from its then location shall make an application to the ~~commissioner~~ division. The ~~commissioner~~ division may approve or deny such application for relocation.

SECTION 5554. 215.03 (7) (b) of the statutes is amended to read:

215.03 **(7)** (b) Any association which determines to move its home office or branch to some other location more than one mile from its then location shall make an application to the ~~commissioner~~ division. The ~~commissioner~~ division shall give notice and provide an opportunity for hearing as provided in s. 215.40 (7). In approving or denying the application for relocation, the ~~commissioner~~ division shall ascertain the need for relocation and determine whether undue harm or injury would be caused to any properly conducted association or branch now doing business in the area or vicinity of the proposed relocation.

SECTION 5555. 215.03 (8) (a) of the statutes is amended to read:

215.03 **(8)** (a) Any association desiring to establish a branch office, subject to the limitations of s. 215.13 (39), shall apply to the ~~commissioner~~ division in such form as the ~~commissioner~~ division prescribes, giving such information as the ~~commissioner~~ division requires. Each application shall be accompanied by a fee of $500. The ~~commissioner~~ division shall give notice and provide an opportunity for hearing as provided in s. 215.40 (7). The ~~commissioner~~ division may grant certificates of authority to maintain and operate branch offices or may refuse to issue certificates when, in the ~~commissioner's~~ division's opinion, such branch is not in the best interests of the public, or when other good and sufficient reasons exist for refusal.

SECTION 5556. 215.03 (8) (b) of the statutes is amended to read:

215.03 **(8)** (b) It is the intent of this section to provide adequate and convenient savings and loan facilities for the public. When 2 or more applications for a branch in the same area are pending, priority of application shall be considered but not be controlling, and the ~~commissioner~~ division shall give consideration to the equitable distribution of branches among the associations making application.

SECTION 5557. 215.03 (8) (c) of the statutes is amended to read:

215.03 **(8)** (c) Review of the decision of the ~~commissioner~~ division in regard to applications for branches shall be governed by s. 215.04 (4).

SECTION 5558. 215.04 (1) (a) of the statutes is amended to read:

215.04 **(1)** (a) Advise the ~~commissioner, deputy commissioner and others~~ division in respect to improvement in the condition and service of associations;

SECTION 5559. 215.04 (1) (b) of the statutes is amended to read:

215.04 **(1)** (b) Review the acts, orders and determinations of the ~~commissioner~~ division under sub. (4);

SECTION 5560. 215.04 (1) (c) of the statutes is amended to read:

215.04 **(1)** (c) Act promptly on matters and questions, pertaining to associations, that may be submitted to it by the ~~commissioner~~ division;

SECTION 5561. 215.04 (3) (b) of the statutes is amended to read:

215.04 **(3)** (b) The fees of witnesses who are called by the review board in the interests of the state shall be paid by the state in the same manner that other expenses are paid, upon presentation of proper vouchers approved by a member of the review board and charged to the appropriation of the ~~office~~ division.

SECTION 5562. 215.04 (4) of the statutes is amended to read:

215.04 **(4)** REVIEW OF GRIEVANCES, ORDERS OR DETERMINATIONS. Any interested person or any association aggrieved by any act, order or determination of the ~~commissioner~~ division, which relates to savings and loan associations may, within 20 days thereof, apply to the review board to review the action of the ~~commissioner~~ division. The sole review of the ~~commissioner's~~ division's decision shall be to determine whether or not the ~~commissioner~~ division has acted within the scope of the ~~commissioner's~~ division's authority, has not acted in an arbitrary or capricious

manner, and that the act, order or determination of the ~~commissioner~~ division is supported by substantial evidence in view of the entire record as submitted. The review of applications for branches, relocation of association offices or new charters shall be based exclusively on the record, and no new evidence shall be taken by the review board. Applications under this subsection shall be considered and disposed of as speedily as possible.

SECTION 5563. 215.04 (6) of the statutes is amended to read:

215.04 **(6)** REVIEW OF FINAL ORDERS AND DETERMINATIONS. Any final order or determination of the review board shall be subject to review under ch. 227. If an act, order or determination of the ~~commissioner~~ division is reversed or modified by the review board, the ~~commissioner~~ division shall be deemed a person aggrieved and directly affected thereby under s. 227.53 (1).

SECTION 5564. 215.11 (1) of the statutes is amended to read:

215.11 **(1)** WHO SHALL FURNISH BOND; TYPE AND FORM. Before entry upon the discharge of the person's duties, every person appointed or elected to any position requiring receipt, payment or custody of money or other personal property of an association or in its custody or control as collateral or otherwise shall give a bond in some surety company, licensed by this state, in such sum as the ~~commissioner~~ division prescribes. In lieu of individual bonds, the ~~commissioner~~ division may accept a schedule or blanket bond which covers all of the officers, directors and employes of the association, whose duties include the receipt, payment or custody of money or other personal property. Such bonds shall be in the form prescribed by the ~~commissioner~~ division.

SECTION 5565. 215.11 (2) of the statutes is amended to read:

215.11 **(2)** (title) SURETY BONDS TO BE APPROVED ~~BY THE BOARD~~ AND FILED ~~WITH THE COMMISSIONER~~. No officer, director or employe who is required to give bond shall enter upon the discharge of the person's duties until the person's bond has been approved by the board. The minute book of the association shall contain a record of each bond executed and approved. Such bonds shall be filed with the ~~commissioner~~ division within 10 days after approval by the board.

SECTION 5566. 215.11 (3) of the statutes is amended to read:

215.11 **(3)** SURETY BOND COVERAGE. Such bond shall be sufficient to protect the association from loss by reason of acts of fraud or dishonesty, including forgery, theft, embezzlement, wrongful abstraction or misapplication on the part of the person, directly or through connivance with others. At any time the ~~commissioner~~ division may require an additional bond.

SECTION 5567. 215.11 (4) (a) of the statutes is amended to read:

215.11 **(4)** (a) No termination of this bond shall be effective unless the surety gives in advance at least 10 days' written notice by registered mail to the ~~commissioner~~ division. If this bond is terminated at the request of the insured (employer) this provision shall apply nevertheless, it being the duty of the surety to give the required written notice to the ~~commissioner~~ division, such notice to be given promptly and within 10 days after the receipt of such request;

SECTION 5568. 215.11 (4) (b) of the statutes is amended to read:

215.11 **(4)** (b) The surety agrees to furnish the ~~commissioner, at Madison,~~ division a copy of all riders and indorsements executed subsequently to the effective date of this bond.

SECTION 5569. 215.11 (5) of the statutes is amended to read:

215.11 **(5)** (title) ~~COMMISSIONER~~ DIVISION MAY CONSENT TO TERMINATION AND WAIVE NOTICE ~~THEREOF~~. The ~~commissioner~~ division may waive, as to the termination of any bond, the 10–day written notice in advance and may give written consent to the termination being made effective as of a date agreed upon by the surety and the association.

SECTION 5570. 215.13 (21) of the statutes is amended to read:

215.13 **(21)** ACQUIRING ASSETS OF OTHER ASSOCIATIONS. Acquire all or any part of the assets of any other association with prior approval of the ~~commissioner~~ division.

SECTION 5571. 215.13 (22) of the statutes is amended to read:

215.13 **(22)** SELLING OF ASSETS TO OTHER ASSOCIATIONS. Sell all or any part of its assets to any other association with prior approval of the ~~commissioner~~ division.

SECTION 5572. 215.13 (26) (intro.) of the statutes is amended to read:

215.13 **(26)** INVESTMENT SECURITIES. (intro.) Invest in the following types of securities, subject to such limitations as may be fixed by the ~~commissioner~~ division:

SECTION 5573. 215.13 (26) (f) of the statutes is amended to read:

215.13 **(26)** (f) Such other types of securities which may be approved and authorized by the ~~commissioner~~ division.

SECTION 5574. 215.13 (27) of the statutes is amended to read:

215.13 **(27)** LEND MONEY TO OTHER ASSOCIATIONS. Lend money to other savings and loan associations incorporated and operating under this chapter, subject to approval of the ~~commissioner~~ division.

SECTION 5575. 215.13 (28) of the statutes is amended to read:

215.13 **(28)** BORROWING MONEY. Borrow money and issue its obligations for the borrowed money, including but not limited to obligations, bonds, notes or other debt

securities. The aggregate amount borrowed under this subsection may not exceed 50% of the association's total assets, except with the prior written approval of the ~~commissioner~~ division. An obligation, bond, note or other debt security may include a written provision subordinating the debt to claims of other creditors or of savers.

SECTION 5576. 215.13 (31) of the statutes is amended to read:

215.13 **(31)** INSURANCE OF SAVINGS ACCOUNTS. Insure the savings accounts of savers with the federal savings and loan insurance corporation or with another instrumentality approved by the ~~commissioner~~ division.

SECTION 5577. 215.13 (36) of the statutes is amended to read:

215.13 **(36)** LIMITED OFFICE. With the prior written approval of the ~~commissioner~~ division, establish a limited office providing lending or other services. Deposits to savings accounts may not be accepted at a limited office except as permitted under sub. (46).

SECTION 5578. 215.13 (39) of the statutes is amended to read:

215.13 **(39)** BRANCHES. Subject to the approval of the ~~commissioner~~ division, any savings and loan association may establish and maintain one or more branch offices within the normal lending area of the home office, as defined in s. 215.21 (2), in this state or in any one of the regional states, as defined in s. 215.36 (1) (f). In the ~~commissioner's~~ division's approval, the ~~commissioner~~ division may limit the powers of the branch. Savings and loan associations may promote thrift in their local schools by accepting payments in the school upon savings accounts of the teachers and pupils.

SECTION 5579. 215.13 (40) of the statutes is amended to read:

215.13 **(40)** LOCATION OF BRANCHES. Whenever an association is absorbed or a branch office is acquired under s. 215.36, 215.53 or 215.73, maintain and operate a

branch office at the location of the absorbed association or of the acquired branch office, if the ~~commissioner~~ division finds that the continued operation of a branch office at the location of the absorbed association or of the acquired branch office would be in the public interest. This subsection does not permit continued operation of an office of an absorbed association which received its certificate of incorporation less than 5 years prior to its absorption.

SECTION 5580. 215.13 (41) of the statutes is amended to read:

215.13 **(41)** SELLER OF CHECKS. To engage as an authorized agent in the business and functions provided for in ch. 217 for their members upon receiving a certificate of authority from the ~~commissioner~~ division. Such applicants shall be under the jurisdiction and supervision of the ~~commissioner~~ division and meet the same requirements as other applicants under ch. 217, but no license or investigation fee shall be charged savings and loan association applicants. The ~~commissioner~~ division has the authority to enforce ch. 217 as it applies to savings and loan associations~~, the same as that granted the commissioner of banking in enforcing ch. 217~~. The ~~commissioner~~ division shall determine the records that shall be maintained and shall require the segregation of such funds as is necessary for operations permitted savings and loan associations under this subsection and ch. 217.

SECTION 5581. 215.13 (42) of the statutes is amended to read:

215.13 **(42)** INVEST IN REAL PROPERTY. Invest in, or in interests in, real property, subject to such rules as the ~~commissioner~~ division shall issue.

SECTION 5582. 215.13 (46) (a) 1. of the statutes is amended to read:

215.13 **(46)** (a) 1. Directly or indirectly, acquire, place and operate, or participate in the acquisition, placement and operation of, at locations other than its home or branch offices, remote service units, in accordance with rules established by

the ~~commissioner~~ division. Remote service units established in accordance with such rules are not subject to sub. (36), (39), (40) or (47) or s. 215.03 (8). The rules of the ~~commissioner~~ division shall provide that any such remote service unit shall be available for use, on a nondiscriminatory basis, by any state or federal savings and loan association which has its principal place of business in this state, by any other savings and loan association obtaining the consent of a state or federal savings and loan association which has its principal place of business in this state and is using the terminal and by all customers designated by a savings and loan association using the unit. This paragraph does not authorize a savings and loan association which has its principal place of business outside this state to conduct business as a savings and loan association in this state. The remote service units also shall be available for use, on a nondiscriminatory basis, by any credit union, state or national bank or state or federal savings bank, whose home office is located in this state, if the credit union, bank or savings bank requests to share its use, subject to the joint rules established under s. 221.04 (1) (k). The rules of the ~~commissioner~~ division shall prohibit any advertising with regard to a shared remote service unit which suggests or implies exclusive ownership or control of the shared unit by any savings and loan association or group of savings and loan associations operating or participating in the operation of the unit. The ~~commissioner~~ division by order may authorize the installation and operation of a remote service unit in a mobile facility, after notice and hearing upon the proposed service stops of the mobile facility.

SECTION 5583. 215.13 (46) (a) 3. of the statutes is amended to read:

215.13 **(46)** (a) 3. If any person primarily engaged in the retail sale of goods or services owns or operates a remote service unit on such person's premises and allows access to the unit by any financial institution, group of financial institutions or their

customers, nothing in this paragraph or in rules established by the ~~commissioner~~ division shall, or shall be construed or interpreted to, require such person to accept any connection to or use of the unit on its premises for any other purpose or function or to accept any connection to the unit on its premises by any other financial institution.

SECTION 5584. 215.13 (46) (a) 4. of the statutes is amended to read:

215.13 **(46)** (a) 4. If a person primarily engaged in the retail sale of goods or services owns or operates a remote service unit on such person's premises and allows access to the unit by any financial institution, group of financial institutions or their customers for any purpose or function, no laws governing such institutions or rules established by the ~~commissioner~~ division shall apply to such person other than those laws or rules directly related to the particular function performed by the unit on such person's premises for a financial institution.

SECTION 5585. 215.13 (47) of the statutes is amended to read:

215.13 **(47)** EXTENDED OFFICE. With the approval of the ~~commissioner~~ division, extend its home office or branch by purchasing or leasing real estate for the purpose of establishing, identifying and maintaining an extended office, but only if the extended office is located within 1,000 feet of the home office or branch. All measurements under this subsection shall be made in a straight line from the nearest adjacent points in the respective property lines. The authority under this subsection is in addition to the authority to establish branch offices under s. 215.03 (8).

SECTION 5586. 215.13 (51) of the statutes is amended to read:

215.13 **(51)** CONTRACT FOR FINANCIAL SERVICES. Contract with a bank that is owned by a bank holding company which also owns the contracting association, to

provide products or services under s. 221.04 (1) (pm). The bank shall be subject to regulation and examination by the ~~commissioner~~ division with regard to services performed under the contract to the same extent as if the services were being performed by the association itself on its own premises.

SECTION 5587. 215.135 (1) of the statutes is amended to read:

215.135 **(1)** Subject to any regulatory approval required by law and subject to sub. (2), a savings and loan association, directly or through a subsidiary, may undertake any activity, exercise any power or offer any financially related product or service in this state that any other provider of financial products or services may undertake, exercise or provide or that the ~~commissioner~~ division finds to be financially related.

SECTION 5588. 215.135 (2) of the statutes is amended to read:

215.135 **(2)** The activities, powers, products and services that may be undertaken, exercised or offered by savings and loan associations under sub. (1) are limited to those specified by rule of the ~~commissioner~~ division. The ~~commissioner~~ division may direct any savings and loan association to cease any activity, the exercise of any power or the offering of any product or service authorized by rule under this subsection. Among the factors that the ~~commissioner~~ division may consider in so directing a savings and loan association are the savings and loan association's net worth, assets, management rating and liquidity ratio and its ratio of net worth to assets.

SECTION 5589. 215.141 of the statutes is amended to read:

215.141 Financially related services tie-ins. In any transaction conducted by an association, a savings and loan holding company or a subsidiary of either with a customer who is also a customer of any other subsidiary of any of them, the

customer shall be given a notice in 12–point boldface type in substantially the following form:

NOTICE OF RELATIONSHIP

This company, ... (insert name and address of association, savings and loan holding company or subsidiary), is related to .... (insert name and address of association, savings and loan holding company or subsidiary) of which you are also a customer. You may not be compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction.

If you feel that you have been compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction, you should contact the management of either of the above companies at either of the above addresses or the ~~office of the commissioner~~ division of savings and loan at .... (insert address).

SECTION 5590. 215.15 (1) of the statutes is amended to read:

215.15 **(1)** SAVINGS ACCOUNT FORMS. The association shall issue to each saver a written summary of the terms of the saver's account or, if permitted by the ~~commissioner~~ division, a receipt. The ~~commissioner~~ division may promulgate rules prescribing the form of or otherwise regulating issuance and use of evidences of savings accounts, summaries of savings accounts and receipts.

SECTION 5591. 215.15 (3) (a) (intro.) of the statutes is amended to read:

215.15 **(3)** (a) (intro.) The board of directors may, subject to the rules of the ~~commissioner~~ division and par. (b), provide for the following:

SECTION 5592. 215.15 (3) (b) of the statutes is amended to read:

215.15 **(3)** (b) Unless the ~~commissioner~~ division approves, a mutual association may not issue negotiable certificates of deposit which are not in registered form in an aggregate amount exceeding 20% of the total amount in savings accounts.

SECTION 5593. 215.15 (3) (c) of the statutes is amended to read:

215.15 **(3)** (c) The ~~commissioner~~ division may promulgate rules governing the transfer of savings accounts or the replacement of lost or destroyed evidences of savings accounts.

SECTION 5594. 215.16 (intro.) of the statutes is amended to read:

215.16 Savings account earnings. (intro.) Subject to the rules of the ~~commissioner~~ division, the board of directors of an association may:

SECTION 5595. 215.18 (3) of the statutes is amended to read:

215.18 **(3)** An association may agree in writing not to close a savings account. The ~~commissioner~~ division may promulgate rules restricting the authority of an association to close savings accounts.

SECTION 5596. 215.20 (2) of the statutes is amended to read:

215.20 **(2)** An association may make, buy, sell and hold property improvement loans to such persons, for such purposes, in such individual and aggregate amounts, and upon such terms as the ~~commissioner~~ division by rule prescribes.

SECTION 5597. 215.205 (intro.) of the statutes is amended to read:

215.205 Other loans and investments. (intro.) Subject to such rules as the ~~commissioner~~ division prescribes, an association may make, buy, sell and hold the following loans and investments:

SECTION 5598. 215.205 (4) of the statutes is amended to read:

215.205 **(4)** Loans or interests in loans to financial institutions with respect to which the United States, or any agency or instrumentality thereof, has any function

of examination or supervision, or to any broker or dealer registered with the securities and exchange commission, secured by loans, obligations or investments in which it has any statutory authority to invest directly, subject to such rules as the ~~commissioner~~ division may issue.

SECTION 5599. 215.21 (1) (intro.) of the statutes is amended to read:

215.21 **(1)** BASIC SECURITY REQUIRED. (intro.) Subject to such additional limitations as the ~~commissioner~~ division may prescribe, associations may make loans on the security of any of the following:

SECTION 5600. 215.21 (1) (c) of the statutes is amended to read:

215.21 **(1)** (c) An assignment or transfer of stock certificates or other evidence of the borrower's ownership interest in a corporation formed for the cooperative ownership of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage involving a one–family residence, apply to a proceeding to enforce the lender's rights in security given for a loan under this paragraph. The ~~commissioner~~ division shall promulgate joint rules with the ~~commissioners~~ office of credit unions ~~and banking~~ that establish procedures for enforcing a lender's rights in security given for a loan under this paragraph.

SECTION 5601. 215.21 (5) (a) of the statutes is amended to read:

215.21 **(5)** (a) The aggregate of loans that an association may make to any one borrower is subject to such limits as determined and prescribed by the ~~commissioner~~ division and review board, but not exceeding 10% of the aggregate savings accounts or the net worth of the association, whichever is less.

SECTION 5602. 215.21 (6) (a) of the statutes is amended to read:

215.21 **(6)** (a) *Direct reduction mortgage loans.* The total monthly contractual payment on a direct reduction mortgage shall appear in the mortgage note. The

~~commissioner~~ division shall by regulation establish the maximum terms for the various types of direct reduction mortgages. The interest charges on loans of this type may be adjusted monthly or semiannually in accordance with the terms of the mortgage note.

SECTION 5603. 215.21 (7) (intro.) of the statutes is amended to read:

215.21 **(7)** TYPES OF REAL ESTATE SECURITY. (intro.) An association may make loans on the following types of real estate security as defined by the ~~commissioner~~ division:

SECTION 5604. 215.21 (7) (c) of the statutes is amended to read:

215.21 **(7)** (c) Commercial type properties, the aggregate of which shall be fixed by the ~~commissioner~~ division;

SECTION 5605. 215.21 (14) of the statutes is amended to read:

215.21 **(14)** SELLING LOANS. Except as otherwise prescribed in s. 215.13 (22) an association may sell mortgage loans, without recourse, to any person, and service such loans for the purchaser in accordance with a duly executed servicing agreement. The aggregate of loans sold in any calendar year shall not exceed such limits as may be set by the ~~commissioner~~ division and review board.

SECTION 5606. 215.21 (15) of the statutes is amended to read:

215.21 **(15)** PARTICIPATION LOANS. Any association may participate with other lenders in mortgage loans of any type that such association may otherwise make, subject to such rules as the ~~commissioner~~ division issues, including the interest in participation loans to be retained by the originator. The normal lending area, prescribed in sub. (2), shall not apply to any association purchasing a participating interest in such loan, provided the real estate securing such loan is located within the United States.

SECTION 5607. 215.21 (17) (b) (intro.) of the statutes is amended to read:

215.21 **(17)** (b) (intro.) Without the prior written approval of the ~~commissioner~~ division, no association may directly or indirectly make a mortgage loan to:

SECTION 5608. 215.21 (17) (b) 2. of the statutes is amended to read:

215.21 **(17)** (b) 2. Such other persons as the ~~commissioner~~ division may by rule designate to avoid conflicts between the best interests of the association and the interests of its officers, directors or employes.

SECTION 5609. 215.21 (17) (d) 2. of the statutes is amended to read:

215.21 **(17)** (d) 2. To a nonprofit, religious, charitable or fraternal organization or a corporation in which the association has been authorized to invest by the ~~commissioner~~ division.

SECTION 5610. 215.21 (28) of the statutes is amended to read:

215.21 **(28)** LOANS OUTSIDE THE LENDING AREA. Subject to the rules issued by the ~~commissioner~~ division and without regard to the limitation set forth in sub. (2), an association may make or invest its funds in loans, originated and serviced by or through an institution, the accounts or deposits of which are insured by the federal savings and loan insurance corporation or the federal deposit insurance corporation or by or through an approved federal housing administration mortgagee, in an aggregate amount not exceeding 10% of such association's assets on the security of real estate or leasehold interests.

SECTION 5611. 215.22 (2) of the statutes is amended to read:

215.22 **(2)** All real estate acquired pursuant to this section shall be sold within 10 years from acquiring title thereto, unless the ~~commissioner~~ division grants extensions of time within which such real estate shall be sold.

SECTION 5612. 215.23 (intro.) of the statutes is amended to read:

215.23 Limitations on investments in office buildings and related facilities. (intro.) An association's aggregate investment in the following may not exceed the association's net worth without the prior written approval of the ~~commissioner~~ division:

SECTION 5613. 215.24 of the statutes is amended to read:

215.24 Minimum net worth. An association shall maintain net worth at an amount not less than the minimum amount established by the ~~commissioner~~ division. If an association fails to maintain the minimum net worth required under this section, the ~~commissioner~~ division may take appropriate action, including but not limited to ordering the association to take corrective action or to restrict payment of dividends.

SECTION 5614. 215.25 of the statutes is amended to read:

215.25 Audit requirements. Each association shall be audited at least once in each fiscal year by auditors and in a manner satisfactory to the ~~commissioner~~ division in accordance with the policies established by the ~~commissioner~~ division. The auditors are to be designated by the board of directors and must be independent, certified public accountants certified in this state. In lieu of audits by independent, certified public accountants, the board of directors may request an audit of the books and accounts to be made by the ~~commissioner~~ division to check the assets of the association and to determine losses, which request the ~~commissioner~~ division may refuse. The ~~commissioner~~ division may at any time make or cause to be made an audit of any association, with appraisals, when deemed advisable. Associations shall promptly file with the ~~commissioner~~ division a copy of the report of each audit, other than audits made by the ~~commissioner~~ division. The cost of any audit made pursuant to this section shall be paid by the association audited.

SECTION 5615. 215.26 (3) of the statutes is amended to read:

215.26 **(3)** OBSOLETE RECORDS. Any association may destroy or dispose of such of its records as may become obsolete after first obtaining the written consent of the ~~commissioner~~ division.

SECTION 5616. 215.26 (4) (a) of the statutes is amended to read:

215.26 **(4)** (a) Any association may cause any or all records kept by such association to be recorded, copied or reproduced by any photostatic, photographic or miniature photographic process or by optical imaging if the process employed correctly, accurately and permanently copies, reproduces or forms a medium for copying, reproducing or recording the original record on a film or other durable material. An association may thereafter dispose of the original record after first obtaining the written consent of the ~~commissioner~~ division. This section, excepting the part of it which requires written consent of the ~~commissioner~~ division, is applicable to federal associations insofar as it does not contravene federal law.

SECTION 5617. 215.26 (5) of the statutes is amended to read:

215.26 **(5)** LEGAL HOLIDAYS. The ~~commissioner~~ division shall designate such of the legal holidays listed in s. 895.20 as days on which no association may transact business or be open for the purpose of transacting business. For purposes of this subsection, operation of a remote service unit as defined in s. 215.13 (46) (a) 1. or an unstaffed facility does not constitute the transaction of business.

SECTION 5618. 215.26 (8) (b) 1. of the statutes is amended to read:

215.26 **(8)** (b) 1. The ~~commissioner~~ division or ~~duly~~ its authorized representatives.

SECTION 5619. 215.26 (8) (b) 3. of the statutes is amended to read:

215.26 **(8)** (b) 3. Any federal agency or other instrumentality approved by the ~~commissioner~~ division which is authorized to inspect and examine books and records of an insured association.

SECTION 5620. 215.26 (9) of the statutes is amended to read:

215.26 **(9)** CLOSING BOOKS. Each association shall close its books at least once annually and at such other times as the ~~commissioner~~ division requires. The date of the annual fiscal closing may be March 31, June 30, September 30 or December 31, unless rules of the ~~commissioner~~ division otherwise direct.

SECTION 5621. 215.32 (title) of the statutes is amended to read:

215.32 (title) **Possession by ~~commissioner~~ division; involuntary liquidation.**

SECTION 5622. 215.32 (1m) (intro.) of the statutes is amended to read:

215.32 **(1m)** CONDITIONS FOR TAKING POSSESSION. (intro.) The ~~commissioner~~ division may take possession of the business and property of any association to which this chapter applies if the ~~commissioner~~ division finds that the association:

SECTION 5623. 215.32 (1m) (h) of the statutes is amended to read:

215.32 **(1m)** (h) Has failed to comply with an order of the ~~commissioner~~ division; or

SECTION 5624. 215.32 (2) (intro.) of the statutes is amended to read:

215.32 **(2)** PROCEDURE AFTER TAKING POSSESSION. (intro.) After taking possession of the business and property of an association, the ~~commissioner~~ division shall immediately:

SECTION 5625. 215.32 (2) (a) of the statutes is amended to read:

215.32 **(2)** (a) Serve written notice on an officer of the association stating that the ~~commissioner~~ division has taken possession and control of the business and

property of the association. A copy of the notice and proof of service thereof shall be filed with the clerk of circuit court.

SECTION 5626. 215.32 (2) (b) of the statutes is amended to read:

215.32 **(2)** (b) Mail notice to the last–known address of any person known to the ~~commissioner~~ division to be in possession of assets of the association.

SECTION 5627. 215.32 (3) of the statutes is amended to read:

215.32 **(3)** EMPLOYMENT OF COUNSEL; RETENTION OF OFFICERS AND EMPLOYES OF ASSOCIATION. The ~~commissioner~~ division may employ necessary counsel and experts in a liquidation under this section and may retain any officer or employe of the association.

SECTION 5628. 215.32 (4) of the statutes is amended to read:

215.32 **(4)** (title) APPOINTMENT OF SPECIAL DEPUTY ~~COMMISSIONERS~~. The ~~commissioner~~ division may appoint special ~~deputy commissioners~~ deputies as agents to assist in the liquidation and distribution of the assets of associations whose business and property the ~~commissioner~~ division has taken possession of. A certificate of the appointment shall be filed ~~in the office of the commissioner~~ with the division and a certified copy shall be filed in the office of the clerk of circuit court.

SECTION 5629. 215.32 (5) of the statutes is amended to read:

215.32 **(5)** (title) SURETY BONDS OF SPECIAL ~~DEPUTY COMMISSIONERS~~ DEPUTIES AND ASSISTANTS. Special ~~deputy commissioners~~ deputies and assistants shall furnish surety bonds in accordance with s. 215.11.

SECTION 5630. 215.32 (6) (title) of the statutes is amended to read:

215.32 **(6)** (title) DUTIES OF SPECIAL ~~DEPUTY COMMISSIONERS~~ DEPUTIES.

SECTION 5631. 215.32 (6) (a) of the statutes is amended to read:

215.32 **(6)** (a) *Notice, allowance and payment of claims.* The special deputy commissioner shall publish a class 3 notice, under ch. 985, requiring all persons who have claims against the association, other than savers whose claims are shown in the records of the association, to file proof of their claims at a place and by a date not earlier than 30 days after the last insertion of the notice. The special deputy ~~commissioner~~ shall mail a copy of the notice to all persons, at their last–known addresses, who appear as creditors upon the books of the association. Proof of publication and service of the notice shall be filed with the clerk of circuit court. A claim, other than that of a saver whose claim is shown on the records of the association, for which no proof of claim is filed by the date fixed in the notice is barred. Savers whose claims are shown in the records of the association need not file proof of their claims. Any interested party may file written objections to any claim with the special deputy ~~commissioner~~. The special deputy ~~commissioner~~ may reject any claim, including a claim of a saver. After notice by registered mail of rejection, the claim is barred unless the claimant commences an action within 90 days after the date of mailing of the notice of rejection.

SECTION 5632. 215.32 (6) (b) of the statutes is amended to read:

215.32 **(6)** (b) *Inventory of assets and statement of liabilities.* The special deputy ~~commissioner~~ appointed under this section shall make an inventory of the assets of the association. One copy of the inventory shall be filed ~~in the office of the commissioner~~ with the division and one in the office of the clerk of circuit court. After the time for filing proof of claims has expired, the special deputy ~~commissioner~~ shall make a complete list of the claims for which proof of claims were filed and specify the claims ~~he or she~~ the special deputy has rejected. One copy shall be filed ~~in the office~~

~~of the commissioner~~ with the division and one in the office of the clerk of circuit court. The inventory of assets and list of claims shall be open to inspection.

SECTION 5633. 215.32 (6) (c) of the statutes is amended to read:

215.32 **(6)** (c) *Execution of legal documents; borrowing of money.* A special deputy ~~commissioner~~ appointed under this section may, with the prior approval of the ~~commissioner~~ division and the circuit court, execute, acknowledge and deliver all deeds, assignments, releases or other instruments necessary and proper to effect any sale or transfer or incumbrance of the property of an association subject to this section and may borrow money for use in the liquidation.

SECTION 5634. 215.32 (6) (d) of the statutes is amended to read:

215.32 **(6)** (d) *Conservation of assets; collection of claims; sale of assets and performance of any other acts upon order of the court.* A special deputy ~~commissioner~~ appointed under this section may take any action necessary to conserve the assets and business of an association subject to this section and shall proceed to liquidate its affairs. The special deputy ~~commissioner~~ shall collect all claims belonging to the association, and, with the prior approval of the ~~commissioner~~ division and the circuit court, may sell or compound all bad or doubtful claims, do any act or execute any necessary instruments, or sell the property of the association.

SECTION 5635. 215.32 (6) (e) of the statutes is amended to read:

215.32 **(6)** (e) *Depositing of moneys in one or more financial institutions.* The moneys collected by the special deputy ~~commissioner~~ under this section shall be deposited in financial institutions, and in case of the suspension or insolvency of the depository the deposits shall be preferred before all other deposits.

SECTION 5636. 215.32 (6) (em) 1. of the statutes is amended to read:

215.32 **(6)** (em) 1. All costs, expenses and debts of the association incurred on or after the date on which the ~~commissioner~~ division takes possession of the association.

SECTION 5637. 215.32 (6) (f) of the statutes is amended to read:

215.32 **(6)** (f) *Liquidating dividends.* After the date fixed for filing proof of claims under s. 215.32 (6) (a), the special deputy ~~commissioner~~ may, with the prior approval of the ~~commissioner~~ division and the circuit court, out of the funds remaining after the payment of costs, expenses, debts and claims under par. (em), declare liquidating dividends, and may declare a final liquidating dividend. The liquidating dividends shall be paid to those persons, in those amounts directed by the circuit court.

SECTION 5638. 215.32 (6) (g) of the statutes is amended to read:

215.32 **(6)** (g) *Notice prior to order for final distribution.* Prior to the order for final distribution under par. (f), the special deputy ~~commissioner~~ shall publish a class 3 notice, under ch. 985, and give such further notice as the circuit court directs, requiring all persons who have claims against the association arising during the liquidation proceedings to file proof of their claims at a place and by a date not earlier than 30 days after the last insertion of the notice. Proof of publication of the notice shall be filed with the clerk of circuit court. A claim for which no proof of claim is filed by the date fixed in the notice is barred. Any interested party may file written objection to any claim with the special deputy ~~commissioner~~. The special deputy ~~commissioner~~ may reject any claim. After notice by registered mail of rejection, the claim is barred unless the claimant commences an action within 90 days after the date of mailing of the rejection.

SECTION 5639. 215.32 (6) (h) of the statutes is amended to read:

215.32 **(6)** (h) *Transfer of residual assets to commissioner.* After the order for final distribution has been made under par. (f), the special deputy ~~commissioner~~ shall, with the approval of the ~~commissioner~~ division and the circuit court, assign all assets, claims and demands that have been written off and considered worthless, and all unknown assets, to the ~~commissioner~~ division. The ~~commissioner~~ division may accept and hold the assets, claims and demands, with the power to compound, compromise, settle and assign them and execute and deliver any legal instrument incidental thereto without court approval. Any moneys received shall be paid into the general fund of the state after the ~~commissioner~~ division has deducted the cost of ~~his or her~~ division services, attorney fees and other incidental expenses.

SECTION 5640. 215.32 (7) (a) 1. (intro.) of the statutes is amended to read:

215.32 **(7)** (a) 1. (intro.) The special deputy ~~commissioner~~ shall deliver to the ~~commissioner~~ division:

SECTION 5641. 215.32 (7) (a) 1. a. of the statutes is amended to read:

215.32 **(7)** (a) 1. a. Any unclaimed liquidating dividends and all funds remaining in the hands of the special deputy ~~commissioner~~ at the date of the order for final distribution.

SECTION 5642. 215.32 (7) (a) 2. of the statutes is amended to read:

215.32 **(7)** (a) 2. The ~~commissioner~~ division shall deposit moneys delivered under subd. 1. in a financial institution, to the credit of the ~~commissioner~~ division in trust for the persons entitled to the moneys.

SECTION 5643. 215.32 (7) (a) 3. (intro.) of the statutes is amended to read:

215.32 **(7)** (a) 3. (intro.) The ~~commissioner~~ division shall include in the annual report under s. 215.02 (11):

SECTION 5644. 215.32 (7) (c) (intro.) of the statutes is amended to read:

215.32 **(7)** (c) (intro.) The ~~commissioner~~ division may:

SECTION 5645. 215.32 (7) (d) of the statutes is amended to read:

215.32 **(7)** (d) The ~~commissioner~~ division may make application to the circuit court for an order determining what books or records of an association subject to this section are to be kept or destroyed. All books or records ordered kept shall be kept in a manner and place ordered, subject to the further order of the circuit court. The expense of keeping books or records shall be paid before final distribution. All books or records ordered destroyed shall be delivered to the ~~commissioner~~ division to be destroyed.

SECTION 5646. 215.32 (8) of the statutes is amended to read:

215.32 **(8)** (title) TITLE PASSES TO ~~COMMISSIONER~~ DIVISION. The possession of and title to all property of the association is transferred from the association to the ~~commissioner~~ division on the date the notice required by sub. (2) is filed. The filing of the notice bars any attachment, garnishment, execution or other legal proceedings against the association or its property.

SECTION 5647. 215.32 (9) of the statutes is amended to read:

215.32 **(9)** EFFECT OF POSSESSION. No association shall have a lien or charge for any payment, advance or clearance made or liability incurred, against any of the assets of the association after the ~~commissioner~~ division has possession.

SECTION 5648. 215.32 (10) of the statutes is amended to read:

215.32 **(10)** ACTION TO ENJOIN PROCEEDINGS. An association subject to this section may, within 10 days after the notice required under sub. (2) is filed, apply to the circuit court to enjoin further proceedings. The circuit court, after citing the ~~commissioner~~ division to show cause why further proceedings should not be enjoined and hearing the matter, may enjoin the ~~commissioner~~ division from further

proceedings, and direct the ~~commissioner~~ division to surrender the association's business and property to the association.

SECTION 5649. 215.32 (11) of the statutes is amended to read:

215.32 **(11)** COMPENSATION AND EXPENSES IN CONNECTION WITH LIQUIDATION. The compensation of the special ~~deputy commissioners~~ deputies, counsel and other employes and assistants and all expenses of supervision and liquidation shall be fixed by the ~~commissioner~~ division, subject to the approval of the circuit court, and shall upon the certificate of the ~~commissioner~~ division be paid out of the funds of the association. Such expenses include the cost of the service rendered by the ~~commissioner~~ division to the association and shall be determined from time to time by the ~~commissioner~~ division and shall be paid to the ~~commissioner~~ division from the assets of the association.

SECTION 5650. 215.32 (13) (intro.) of the statutes is amended to read:

215.32 **(13)** REINSTATEMENT. (intro.) Whenever the ~~commissioner~~ division has taken possession of the business and property of any association, the association may resume business when:

SECTION 5651. 215.32 (13) (a) of the statutes is amended to read:

215.32 **(13)** (a) In the case of a mutual association, the owners of at least two–thirds of such association's dollar value aggregate of outstanding savings accounts or, in the case of a capital stock association, the owners of at least two–thirds of the association's outstanding shares, execute a petition to such effect, in the form prescribed by the ~~commissioner~~ division;

SECTION 5652. 215.32 (13) (b) of the statutes is amended to read:

215.32 **(13)** (b) Such members, savers or stockholders, or a committee selected by them, submit to the ~~commissioner~~ division a plan for the reorganization and reinstatement of the association;

SECTION 5653. 215.32 (13) (c) of the statutes is amended to read:

215.32 **(13)** (c) The ~~commissioner~~ division recommends that control of the business and property of the association be returned to the directors; and

SECTION 5654. 215.32 (13) (d) of the statutes is amended to read:

215.32 **(13)** (d) The court in which such liquidation is pending, upon application of the ~~commissioner~~ division, finds that the association will be in a safe and sound condition when control is resumed by the directors.

SECTION 5655. 215.32 (14) of the statutes is amended to read:

215.32 **(14)** REINSTATEMENT UPON A RESTRICTED BASIS. Such association may resume business upon a restricted basis, and upon limitations and conditions prescribed by the ~~commissioner~~ division when approved by the circuit court, upon application of the ~~commissioner~~ division. Such restrictions and conditions may include a prohibition against the acceptance of payments on new savings accounts, reasonable restrictions upon withdrawals of savings accounts and the payment of other liabilities. Such associations shall thereupon be relieved from the control of the ~~commissioner~~ division.

SECTION 5656. 215.32 (15) (a) of the statutes is amended to read:

215.32 **(15)** (a) The ~~commissioner~~ division may, if the ~~commissioner~~ division takes possession of any association, the savings accounts of which are to any extent insured by the federal savings and loan insurance corporation, tender to said corporation the appointment as statutory liquidator of such association. If the ~~commissioner~~ division does not make such tender, the ~~commissioner~~ division shall

tender to said corporation the appointment as statutory co–liquidator to act jointly with the ~~commissioner~~ division, but such co–liquidatorship shall not be for more than one year from the date of such tender, at the expiration of which time the ~~commissioner~~ division shall become the sole liquidator except as herein otherwise provided. The ~~commissioner~~ division shall tender to said corporation the appointment as sole statutory liquidator of such association whenever said corporation has become subrogated to the rights of 90 per cent of the liability of such association on savings accounts. If the corporation becomes subrogated as to all the savings accounts in such association, it may then exercise all the powers and privileges herein conferred upon it without court approval.

SECTION 5657. 215.32 (15) (b) of the statutes is amended to read:

215.32 **(15)** (b) If the corporation accepts the appointment as sole liquidator it shall possess all the powers and privileges of the ~~commissioner~~ division as statutory liquidator of a possessed savings and loan association, and be subject to all the duties of the ~~commissioner~~ division as sole liquidator, except insofar as such powers and privileges or duties are in conflict with federal laws, and except as herein otherwise provided, unless such association resumes business, pursuant to subs. (13) and (14). If the corporation accepts the appointment as co–liquidator, it shall possess such powers and privileges jointly with the ~~commissioner~~ division and shall be subject to such duties jointly with said ~~commissioner~~ division.

SECTION 5658. 215.32 (15) (c) of the statutes is amended to read:

215.32 **(15)** (c) In the event the corporation accepts the appointment as co–liquidator or liquidator, it shall file such acceptance with the ~~commissioner~~ division and the clerk of the circuit court and it may act without bond. Upon the filing by the corporation of its acceptance of the appointment as sole liquidator, the

possession of and title to all the assets, business and property of the association shall vest in the corporation without the execution of any conveyance, assignments, transfer or indorsement. Upon the filing by the corporation of its acceptance of the appointment as co–liquidator, such possession and title shall be vested in the ~~commissioner~~ division and the corporation jointly. If the corporation does not qualify as sole liquidator at or before the time herein provided for the expiration of the co–liquidatorship, the corporation shall be wholly divested of and from such joint title and possession and the sole title and possession shall thereupon vest in the ~~commissioner~~ division. The vesting of title and possession of the property of the association, under sub. (8), shall not render such property subject to any claims or demands against the federal corporation, except such as may be incumbered by it with respect to such association and its property. Whether or not it serves as aforesaid, the corporation may make loans on the security of or may purchase with the approval of the court, except as herein otherwise provided, all or any part of the assets of any association, the savings accounts of which are to any extent insured by it, but in the event of such purchase, the corporation shall pay a reasonable price.

SECTION 5659. 215.33 (3) (a) 5. of the statutes is amended to read:

215.33 **(3)** (a) 5. Such other information as the ~~commissioner~~ division may require.

SECTION 5660. 215.33 (3) (b) (intro.) of the statutes is amended to read:

215.33 **(3)** (b) *Approval of applications.* (intro.) Upon receipt of a completed application and the required fee, the ~~commissioner~~ division may issue a certificate of authority. The certificate of authority may be subject to specific conditions that the ~~commissioner~~ division believes necessary to adequately safeguard the interests

of the residents of this state. A certificate of authority to do business in this state shall not be issued unless:

SECTION 5661. 215.33 (3) (b) 1. of the statutes is amended to read:

215.33 **(3)** (b) 1. The association is in sound financial condition and entitled to public confidence, and the ~~commissioner~~ division is satisfied that the association will conduct its business in this state in accordance with the laws of this state.

SECTION 5662. 215.33 (3) (b) 2. of the statutes is amended to read:

215.33 **(3)** (b) 2. The accounts of the association are insured by the federal savings and loan insurance corporation or any other insurer acceptable to the ~~commissioner~~ division, or that adequate and sufficient securities have been deposited with the ~~state treasurer~~ secretary of administration to assure that the association will meet its obligations to the residents of this state.

SECTION 5663. 215.33 (3) (c) (intro.) of the statutes is amended to read:

215.33 **(3)** (c) *Revocation.* (intro.) The ~~commissioner~~ division may revoke a certificate of authority issued under this section if:

SECTION 5664. 215.33 (3) (c) 2. of the statutes is amended to read:

215.33 **(3)** (c) 2. The association refuses to permit the ~~commissioner~~ division to conduct a complete examination of the association, or fails to pay applicable costs or fees.

SECTION 5665. 215.33 (3) (c) 3. of the statutes is amended to read:

215.33 **(3)** (c) 3. The ~~commissioner~~ division determines that the association is in an unsafe condition or that its continued operation in this state is otherwise inconsistent with the best interests of the residents of this state.

SECTION 5666. 215.33 (4) of the statutes is amended to read:

215.33 **(4)** EXAMINATION AND AUDIT OF FOREIGN ASSOCIATIONS. Each foreign association doing business in this state shall be examined by the ~~commissioner~~ division as provided under s. 215.03, audited under s. 215.25 and assessed fees and costs as provided under s. 215.02 (16), together with any out–of–state travel expenses incurred in the course of the examination and audit. However, the ~~commissioner~~ division may accept as all or part of the examination or audit, all or any part of an examination or audit made on behalf of the agency responsible for the supervision of the foreign association in the jurisdiction in which the association is organized.

SECTION 5667. 215.33 (5) of the statutes is amended to read:

215.33 **(5)** DESIGNATION OF REGISTERED AGENT. Each foreign association doing business in this state shall maintain on file with the ~~commissioner~~ division the name and address of an individual in this state who is authorized to receive legal process on behalf of the association. The ~~commissioner~~ division shall maintain a current record of each individual so designated. The record of the ~~commissioner~~ division shall be conclusive evidence of the authority of the person whose name appears therein to receive process on behalf of the association.

SECTION 5668. 215.33 (6) of the statutes is amended to read:

215.33 **(6)** RECIPROCITY. If the laws of another jurisdiction prohibit an association chartered by this state and insured by the federal savings and loan insurance corporation from doing business in that jurisdiction, no association organized under the laws of that jurisdiction may be authorized to do business in this state. If the laws of another jurisdiction require the posting of securities or impose other additional requirements as a condition of permitting an association chartered by this state to do business in that jurisdiction, the ~~commissioner~~ division may

impose similar requirements on an association organized under the laws of that jurisdiction before issuing the association a certificate of authority to do business in this state.

SECTION 5669. 215.35 (1) (intro.) of the statutes is amended to read:

215.35 **(1)** (intro.) The ~~commissioner~~ division may waive any portion of s. 215.53, 215.57, 215.58, 215.73 or 215.77 if the ~~commissioner~~ division makes written findings of both of the following:

SECTION 5670. 215.36 (2) (b) of the statutes is amended to read:

215.36 **(2)** (b) An in–state savings and loan proposing any action under par. (a) shall provide the ~~commissioner~~ division a copy of any original application seeking approval by a federal agency or by an agency of the regional state and of any supplemental material or amendments filed in connection with any application.

SECTION 5671. 215.36 (3) (b) of the statutes is amended to read:

215.36 **(3)** (b) An in–state savings and loan holding company proposing any action under par. (a) shall provide the ~~commissioner~~ division a copy of any original application seeking approval by a federal agency or by an agency of the regional state and of any supplemental material or amendments filed in connection with any application.

SECTION 5672. 215.36 (5) (a) (intro.) of the statutes is amended to read:

215.36 **(5)** (a) (intro.) The ~~commissioner~~ division finds that the statutes of the regional state in which the regional savings and loan or regional savings and loan holding company has its principal place of business permit all of the following:

SECTION 5673. 215.36 (5) (b) of the statutes is amended to read:

215.36 **(5)** (b) The ~~commissioner~~ division has not disapproved the acquisition of the in–state savings and loan or the acquisition or merger with the in–state savings and loan holding company under sub. (7).

SECTION 5674. 215.36 (5) (c) of the statutes is amended to read:

215.36 **(5)** (c) The ~~commissioner~~ division gives a class 3 notice, under ch. 985, in the official state newspaper, of the application to take an action under sub. (4) and of the opportunity for a hearing and, if at least 25 residents of this state petition for a hearing within 30 days of the final notice or if the ~~commissioner~~ division on ~~his or her~~ the division's motion calls for a hearing within 30 days of the final notice, the ~~commissioner~~ division holds a public hearing on the application, except that a hearing is not required if the ~~commissioner~~ division finds that an emergency exists and that the proposed action under sub. (4) is necessary and appropriate to prevent the probable failure of an in–state savings and loan that is closed or in danger of closing.

SECTION 5675. 215.36 (5) (d) of the statutes is amended to read:

215.36 **(5)** (d) The ~~commissioner~~ division is provided a copy of any original application seeking approval by a federal agency of the acquisition of an in–state savings and loan or acquisition of or merger with an in–state savings and loan holding company and of any supplemental material or amendments filed with the application.

SECTION 5676. 215.36 (5) (e) of the statutes is amended to read:

215.36 **(5)** (e) The applicant has paid the ~~commissioner~~ division a fee of $1,000 together with the actual costs incurred by the ~~commissioner~~ division in holding any hearing on the application.

SECTION 5677. 215.36 (7) (intro.) of the statutes is amended to read:

215.36 **(7)** STANDARDS FOR DISAPPROVAL. (intro.) The ~~commissioner~~ division may disapprove of any action under sub. (4) if the ~~commissioner~~ division finds any of the following:

SECTION 5678. 215.36 (7) (ct) of the statutes is amended to read:

215.36 **(7)** (ct) The applicant has failed to enter into an agreement prepared by the ~~commissioner~~ division to comply with laws and rules of this state regulating consumer credit finance charges and other charges and related disclosure requirements, except to the extent preempted by federal law or regulation.

SECTION 5679. 215.36 (7) (e) of the statutes is amended to read:

215.36 **(7)** (e) The applicant fails to meet any other standards established by rule of the ~~commissioner~~ division.

SECTION 5680. 215.36 (9) (a) of the statutes is amended to read:

215.36 **(9)** (a) Subsections (1) to (7) do not apply prior to January 1, 1987, except that the ~~commissioner~~ division may promulgate rules under sub. (7) (e) to be applicable no earlier than the date that subs. (1) to (7) apply.

SECTION 5681. 215.36 (11) of the statutes is amended to read:

215.36 **(11)** DIVESTITURE. Any savings and loan holding company that ceases to be an in–state savings and loan holding company or regional savings and loan holding company shall immediately notify the ~~commissioner~~ division of the change in its status and shall, as soon as practical and, in any case, within 2 years after the event causing it to no longer be one of these entities, divest itself of control of all in–state savings and loans and in–state savings and loan holding companies. A savings and loan holding company that fails to immediately notify the ~~commissioner~~ division is liable for a forfeiture of $500 for each day beginning with the day its status

changes and ending with the day notification is received by the ~~commissioner~~ division.

SECTION 5682. 215.40 (1) (c) of the statutes is amended to read:

215.40 **(1)** (c) An association shall include the word "savings" in its name if its name includes the word "bank". This paragraph does not apply to an association name if the association obtained approval for use of the name from the ~~commissioner~~ division before February 12, 1992.

SECTION 5683. 215.40 (2) (intro.) of the statutes is amended to read:

215.40 **(2)** MINIMUM MEMBERSHIP AND SAVINGS ACCOUNTS. (intro.) The ~~commissioner~~ division shall determine:

SECTION 5684. 215.40 (2) (d) of the statutes is amended to read:

215.40 **(2)** (d) Such other requirements as the ~~commissioner~~ division deems necessary or desirable.

SECTION 5685. 215.40 (3) of the statutes is amended to read:

215.40 **(3)** WHO MAY ORGANIZE. Adult citizens of this state, hereinafter referred to as incorporators, desiring to organize a mutual association under this section shall make application to the ~~commissioner~~ division as prescribed on forms furnished by the ~~commissioner~~ division.

SECTION 5686. 215.40 (4) (e) of the statutes is amended to read:

215.40 **(4)** (e) Such other information as the ~~commissioner~~ division requires.

SECTION 5687. 215.40 (5) of the statutes is amended to read:

215.40 **(5)** APPLICATION FEE. The applicants shall pay to the ~~commissioner~~ division $200 to defray the cost of investigation, which sum shall be ~~paid by the commissioner~~ deposited into the general fund to the credit of the ~~office~~ division.

SECTION 5688. 215.40 (6) (a) of the statutes is amended to read:

215.40 **(6)** (a) Along with the application, the incorporators shall file an agreement with the ~~commissioner~~ division that, in addition to their initial savings account subscriptions, they will create an expense fund in an amount not less than one–half of the total minimum required amount of savings accounts. The expense fund is for organization expenses, operating deficits, earnings distributions on savings accounts and losses.

SECTION 5689. 215.40 (6) (b) of the statutes is amended to read:

215.40 **(6)** (b) This expense fund shall become a part of the assets of the proposed association if the ~~commissioner~~ division approves the application and will be reflected on the books as a liability under the caption "Subsidy by incorporators."

SECTION 5690. 215.40 (6) (d) of the statutes is amended to read:

215.40 **(6)** (d) At the end of 3 years of corporate existence, the board of directors may petition the ~~commissioner~~ division for authority to repay the incorporators on a proportional basis, any unused portion remaining in the subsidy by directors. If the ~~commissioner~~ division determines that the operations of the association at that point are of such degree as to enable the association to operate as an independent institution, requiring no further subsidy, the ~~commissioner~~ division may authorize such repayment.

SECTION 5691. 215.40 (6) (e) of the statutes is amended to read:

215.40 **(6)** (e) At the end of the 4th year, and each subsequent year, the board of directors of the association may petition the ~~commissioner~~ division for authority to pay out of current income of any period to the incorporators on a proportional basis the amount remaining after payment of expenses, provision for taxes, and the provision for distribution of earnings as a recovery of previous charges made to the expense fund account by incorporators. The ~~commissioner~~ division may approve or

deny the petition for recovery payments. In no event shall refunds of this type exceed the total of the charges made to the expense fund account by incorporators.

SECTION 5692. 215.40 (7) (a) of the statutes is amended to read:

215.40 **(7)** (a) Within 30 days after receiving a completed application the ~~commissioner~~ division shall furnish a notice of application to the applicant and to each association authorized to operate an office within 4 miles of the proposed office if the office is to be located in Milwaukee county, or 20 miles of the proposed office if located elsewhere. The notice shall describe the location and nature of the proposed office and shall solicit written comments on the application. If a hearing on the application has been scheduled the notice shall also indicate the time and place of the hearing. If not, the notice shall notify interested persons of their right to request a hearing under par. (b) 2. The applicant shall publish the notice of application as a class 3 notice under ch. 985 in the city, town or village where the office is to be located and shall provide the ~~commissioner~~ division with proof of its publication.

SECTION 5693. 215.40 (7) (b) (intro.) of the statutes is amended to read:

215.40 **(7)** (b) (intro.) The ~~commissioner~~ division shall conduct a public hearing on the application if any of the following occur:

SECTION 5694. 215.40 (7) (b) 2. of the statutes is amended to read:

215.40 **(7)** (b) 2. Within 3 days after publication of the notice of application any person planning to participate in a hearing on the application files with the ~~commissioner~~ division a request for hearing; or

SECTION 5695. 215.40 (7) (b) 3. of the statutes is amended to read:

215.40 **(7)** (b) 3. The ~~commissioner~~ division determines that a hearing will be necessary or useful.

SECTION 5696. 215.40 (7) (c) of the statutes is amended to read:

215.40 **(7)** (c) If a hearing date was not indicated in the notice of application and a hearing is subsequently required, the ~~commissioner~~ division shall give written notice of the time and place of the hearing to the applicant and to anyone who has requested a hearing, not later than 10 days in advance of the scheduled hearing.

SECTION 5697. 215.40 (8) of the statutes is amended to read:

215.40 **(8)** CERTIFICATION OF AUTHORITY, WHEN ISSUED. If the application is approved, the ~~commissioner~~ division shall issue to the incorporators a certificate of authority to effect a temporary organization, consisting of a chairperson, a secretary and a treasurer; to execute and file articles of incorporation; to adopt and file bylaws; to adopt rules for the procedure of the incorporators; to conduct the first meeting of members; and to open subscription books for savings accounts.

SECTION 5698. 215.40 (11) of the statutes is amended to read:

215.40 **(11)** CERTIFICATE OF AUTHORITY, WHEN VOIDED. The certificate of authority shall be void after 90 days from its date, but the ~~commissioner~~ division may for cause, after a hearing, extend the life of such certificate for such time as the ~~commissioner~~ division deems advisable.

SECTION 5699. 215.40 (13) (a) (intro.) of the statutes is amended to read:

215.40 **(13)** (a) (intro.) Within the time prescribed in sub. (11), the incorporators shall file with the ~~commissioner~~ division a certificate stating:

SECTION 5700. 215.40 (13) (a) 1. of the statutes is amended to read:

215.40 **(13)** (a) 1. That articles of incorporation have been executed, filed with and approved by the ~~commissioner~~ division, and recorded; and

SECTION 5701. 215.40 (13) (a) 3. of the statutes is amended to read:

215.40 **(13)** (a) 3. That bylaws were adopted at the first meeting of members and filed with and approved by the ~~commissioner~~ division; and

SECTION 5702. 215.40 (13) (a) 9. of the statutes is amended to read:

215.40 **(13)** (a) 9. That necessary action has been taken to obtain membership in the federal home loan bank, and insurance of savings accounts from the federal savings and loan insurance corporation or other instrumentality approved by the ~~commissioner~~ division.

SECTION 5703. 215.40 (13) (b) of the statutes is amended to read:

215.40 **(13)** (b) No business, other than that of completing the organization of the proposed association, may be transacted until such time as the ~~commissioner~~ division issues a certificate of incorporation to the association to commence business.

SECTION 5704. 215.40 (14) of the statutes is amended to read:

215.40 **(14)** CERTIFICATE OF INCORPORATION, WHEN ISSUED. Upon receipt of the certificate of compliance from the incorporators, the ~~commissioner~~ division may within 30 days issue a certificate of incorporation to the association ~~under the commissioner's hand and seal~~ authorizing ~~said~~ the association to commence business. The date appearing on the certificate of incorporation shall be the date of the corporate existence of the association.

SECTION 5705. 215.40 (15) of the statutes is amended to read:

215.40 **(15)** FEE FOR CERTIFICATE OF INCORPORATION. The incorporators shall pay to the ~~commissioner~~ division a fee of $50 for the certificate of incorporation, which sum shall be ~~paid by the commissioner~~ deposited into the general fund to the credit of the ~~office~~ division.

SECTION 5706. 215.40 (17) of the statutes is amended to read:

215.40 **(17)** DISCRETIONARY AUTHORITY. The ~~commissioner~~ division shall have discretionary power in the granting of certificates of authority to incorporators desiring to organize such associations. The ~~commissioner~~ division may also refuse to issue certificates of incorporation to the incorporators to commence business when, in the ~~commissioner's~~ division's opinion, the incorporators or any of them are not of such character and general fitness as to warrant belief that the association will be conducted for the best interest of its members; the location of the association is so close to an existing association that its business might be interfered with and the support of the new association would not be such as to assure its success; or when other good and sufficient reasons exist for such refusal.

SECTION 5707. 215.40 (18) of the statutes is amended to read:

215.40 **(18)** APPEAL BY APPLICANTS AFTER BEING DENIED CERTIFICATE OF AUTHORITY. If the ~~commissioner~~ division refuses to grant a certificate of authority to organize an association, and the applicants feel aggrieved thereby, they may appeal to the review board to review the ~~commissioner's~~ division's determination under s. 215.04 (1) (d) and (4).

SECTION 5708. 215.41 (1) of the statutes is amended to read:

215.41 **(1)** FORM. The articles of incorporation of a mutual association shall be approved by the ~~commissioner~~ division. The ~~commissioner~~ division shall, with the approval of the review board, promulgate rules governing articles of incorporation.

SECTION 5709. 215.41 (2) of the statutes is amended to read:

215.41 **(2)** FILING AND APPROVAL. Duplicate originals of the articles of incorporation executed by the incorporators, and any subsequent amendments thereto adopted by the members of the association, shall be filed with and approved by the ~~commissioner~~ division.

SECTION 5710. 215.41 (3) of the statutes is amended to read:

215.41 **(3)** RECORDING. Upon their approval by the ~~commissioner~~ division, articles of incorporation and amendments thereto shall be recorded in the office of the register of deeds of the county in which the home office of the association is located.

SECTION 5711. 215.41 (5) of the statutes is amended to read:

215.41 **(5)** EFFECTIVE DATE. The effective date of articles of incorporation and amendments thereto shall be the date when left for record in the office of the register of deeds. The register of deeds shall forward a certificate of recording to the ~~commissioner~~ division.

SECTION 5712. 215.42 (1) of the statutes is amended to read:

215.42 **(1)** FORM. The bylaws of a mutual association shall be approved by the ~~commissioner~~ division. The ~~commissioner~~ division shall, with the approval of the review board, promulgate rules governing bylaws.

SECTION 5713. 215.42 (2) of the statutes is amended to read:

215.42 **(2)** FILINGS AND APPROVAL. Duplicate originals of the bylaws and any subsequent amendments thereto shall be filed with and approved by the ~~commissioner~~ division.

SECTION 5714. 215.42 (3) of the statutes is amended to read:

215.42 **(3)** EFFECTIVE DATE. The effective date of bylaws and amendments thereto shall be the date when approved by the ~~commissioner~~ division.

SECTION 5715. 215.50 (1) of the statutes is amended to read:

215.50 **(1)** MANAGEMENT RESPONSIBILITY. The government and management of a mutual association shall be vested in a board of directors, who are charged with the responsibility of compliance with this chapter, orders of the ~~commissioner~~ division,

rules of the ~~commissioner~~ division promulgated under ch. 227, the articles of incorporation and bylaws of the association, and other laws applicable to savings and loan operations.

SECTION 5716. 215.50 (6) of the statutes is amended to read:

215.50 **(6)** OATH OF DIRECTORS. Upon election, every director shall take and subscribe an oath that the director will diligently and honestly perform the duties of such office and will not knowingly violate or willingly permit to be violated this chapter, any rule of the ~~commissioner~~ division, the articles of incorporation or bylaws under which the association operates, or any other law applicable to savings and loan operations.

SECTION 5717. 215.50 (7) of the statutes is amended to read:

215.50 **(7)** DIRECTORS TO FIX COMPENSATION. The compensation of officers, directors, employes and committee members shall be fixed by a majority vote of the board of directors in accordance with the bylaws. In addition, the board of directors may, by resolution, create a fund or join a pension system or enter into deferred compensation agreements for the retirement of its officers and employes, subject to specific, prior approval of the ~~commissioner~~ division and the review board.

SECTION 5718. 215.50 (10) of the statutes is amended to read:

215.50 **(10)** PROMULGATION OF RULES. The board of directors, may by resolution, adopt rules and regulations for the conduct of business, provided that they are consistent with this chapter, the rules of the ~~commissioner~~ division, and the association's articles of incorporation and bylaws.

SECTION 5719. 215.50 (11) (a) of the statutes is amended to read:

215.50 **(11)** (a) The board may remove a director who violates this chapter, the rules of the ~~commissioner~~ division, the articles of incorporation, the bylaws, orders

of the ~~commissioner~~ division or any other law applicable to savings and loan operations. The board may remove a director only after affording the director a hearing.

SECTION 5720. 215.53 (1) (a) (intro.) of the statutes is amended to read:

215.53 **(1)** (a) (intro.) With the consent of the ~~commissioner~~ division and subject to any condition that the ~~commissioner~~ division prescribes, a mutual association organized under this chapter may, by an affirmative vote of at least two–thirds of the board of each association, do any of the following:

SECTION 5721. 215.53 (1) (a) 4. of the statutes is amended to read:

215.53 **(1)** (a) 4. Absorb a mutual savings and loan holding company or mutual savings bank holding company under a plan, approved by the ~~commissioner~~ division, that provides that the mutual savings and loan holding company or mutual savings bank holding company ceases to engage in activities that the absorbing association may not engage in and that provides that stock in a subsidiary association that is not held by the absorbed mutual savings and loan holding company or mutual savings bank holding company is redeemed.

SECTION 5722. 215.53 (3) of the statutes is amended to read:

215.53 **(3)** WITHDRAWAL REQUESTS. Any saver in an absorbed association or savings bank or in a subsidiary of an absorbed mutual savings and loan holding company or mutual savings bank holding company, who intends to file a written withdrawal request for savings accounts within one year after the date of approval of such absorption by the ~~commissioner~~ division, may do so by giving 90 days' written notice of such intention, and the savings accounts shall be withdrawn as provided in s. 215.17. Any person who has filed such written withdrawal request shall remain a member and be subject to all rights, privileges and duties under this chapter and

the bylaws and the rules and regulations of the absorbing association or, if the absorbing association is a subsidiary of a mutual savings and loan holding company, of the mutual savings and loan holding company, until the withdrawal value of the savings accounts has been paid to the person.

SECTION 5723. 215.56 (1) (b) 1. of the statutes is amended to read:

215.56 **(1)** (b) 1. Certified to the ~~commissioner~~ division under the seal of the association by its president and secretary;

SECTION 5724. 215.56 (2) of the statutes is amended to read:

215.56 **(2)** PERIOD OF LIQUIDATION. A mutual association so liquidating shall dispose of all its assets within 10 years from the date of liquidation, unless the ~~commissioner~~ division orders otherwise.

SECTION 5725. 215.56 (6) of the statutes is amended to read:

215.56 **(6)** RESUMPTION OF BUSINESS. Any mutual association in liquidation may with the approval of the ~~commissioner~~ division resume business upon conditions approved by the ~~commissioner~~ division.

SECTION 5726. 215.56 (7) (a) of the statutes is amended to read:

215.56 **(7)** (a) Unclaimed liquidating dividends and all funds remaining unpaid in the hands of the association or its board of directors at or immediately prior to the date of final distribution, together with all final liquidating costs, shall be delivered by them to the ~~commissioner~~ division to be deposited by the ~~commissioner~~ division in one or more state banks, state savings banks or state–chartered savings and loan associations, to the credit of the ~~commissioner in the commissioner's name~~ division, in trust for the various members and creditors entitled thereto. The ~~commissioner~~ division shall include in the annual report under s. 215.02 (11) the names of the associations so liquidated and the sums of unclaimed and unpaid liquidating

dividends and unclaimed funds with respect to each of them respectively, including a statement of interest or dividends earned upon the funds.

SECTION 5727. 215.56 (7) (b) (intro.) of the statutes is amended to read:

215.56 **(7)** (b) (intro.) The ~~commissioner~~ division may:

SECTION 5728. 215.56 (7) (b) 3. of the statutes is amended to read:

215.56 **(7)** (b) 3. Apply the interest and dividends earned by the moneys so held toward defraying the expenses of the ~~office~~ division.

SECTION 5729. 215.56 (8) of the statutes is amended to read:

215.56 **(8)** (title) RESERVED AUTHORITY ~~OF COMMISSIONER~~. This section shall not prohibit the ~~commissioner~~ division from proceeding against any association as provided in s. 215.32.

SECTION 5730. 215.57 (1) (b) of the statutes is amended to read:

215.57 **(1)** (b) At such meeting, by the affirmative vote, in person or by proxy, of not less than two–thirds of the dollar value of savings accounts of the association the members may by resolution declare to convert such association into a federal association or into a state–chartered association. A copy of the minutes of such meeting, verified by the affidavit of the chairperson and the secretary of the meeting, shall be filed ~~in the office of the commissioner~~ with the division within 10 days after the meeting.

SECTION 5731. 215.57 (1) (d) 1. of the statutes is amended to read:

215.57 **(1)** (d) 1. Within 6 months after the adjournment of a meeting to convert into a federal association, the association shall do what is necessary to make it a federal association. Within 10 days after the receipt of the federal charter, the association shall file with the ~~commissioner~~ division a copy of the federal charter certified by the federal home loan bank board. Upon such filing the association shall

cease to be a state–chartered association and shall thereafter be a federal association.

SECTION 5732. 215.57 (1) (d) 2. of the statutes is amended to read:

215.57 **(1)** (d) 2. Within 6 months after the adjournment of a meeting of the members of a federal mutual association called for the purpose of converting the association into a state–chartered association, the ~~commissioner~~ division shall examine such association and shall determine the action necessary to qualify the converting federal mutual association for a state charter. Upon complying with the necessary requirements, a state charter shall be issued to such association.

SECTION 5733. 215.57 (4) of the statutes is amended to read:

215.57 **(4)** (title) ~~COMMISSIONER'S APPROVAL~~ APPROVAL REQUIRED BEFORE CONVERSION BECOMES EFFECTIVE. Before any such conversion of any association shall be final and in effect, the written approval of the ~~commissioner~~ division must be secured by such association.

SECTION 5734. 215.58 (1) (a) of the statutes is amended to read:

215.58 **(1)** (a) A state chartered mutual association may convert to a stock association or a mutual savings and loan holding company may convert to a stock savings and loan holding company under this section. The board shall adopt a plan of conversion which complies with this section and the rules of the ~~commissioner~~ division. The plan of conversion is subject to the approval of the ~~commissioner~~ division.

SECTION 5735. 215.58 (1) (b) of the statutes is amended to read:

215.58 **(1)** (b) Conversion of a mutual association or a mutual savings and loan holding company under this section is effective only if done according to a plan of conversion approved by the ~~commissioner~~ division under par. (a) and if the plan is

approved by an affirmative vote of the majority of all votes entitled to be cast by members. Notice of a meeting to vote on the plan of conversion shall be sent to each member at least 10 days prior to such meeting. The notice shall state the time, place and purpose of the meeting, and provide a summary of the plan of conversion and such other information as the ~~commissioner~~ division requires.

SECTION 5736. 215.58 (1) (c) (intro.) of the statutes is amended to read:

215.58 **(1)** (c) (intro.) Within 10 days after a meeting of members at which a plan of conversion is adopted, the board shall submit to the ~~commissioner~~ division:

SECTION 5737. 215.58 (1) (c) 2. of the statutes is amended to read:

215.58 **(1)** (c) 2. Such additional information pertaining to the plan of conversion as the ~~commissioner~~ division may require.

SECTION 5738. 215.58 (2) (intro.) of the statutes is amended to read:

215.58 **(2)** (title) ~~COMMISSIONER'S APPROVAL~~ APPROVAL OF PLAN OF CONVERSION; STANDARDS. (intro.) The ~~commissioner~~ division may approve a plan of conversion under this section if the ~~commissioner~~ division finds that the plan meets all of the following conditions:

SECTION 5739. 215.58 (2) (c) of the statutes is amended to read:

215.58 **(2)** (c) The plan complies with any other standard which the ~~commissioner~~ division may promulgate by rule as in the public interest.

SECTION 5740. 215.58 (3) of the statutes is amended to read:

215.58 **(3)** CERTIFICATE OF CONVERSION; EFFECTIVE DATE. The ~~commissioner~~ division may issue a certificate of conversion from a mutual association to a stock association or from a mutual savings and loan holding company to a stock savings and loan holding company if the ~~commissioner~~ division determines the plan of conversion has been implemented as approved and the association or holding

company has complied with this section and any conditions to the approval. The date specified in the certificate is the effective date of conversion. The certificate shall be recorded with the register of deeds in the county where the home office of the association or the registered office of the holding company is located.

SECTION 5741. 215.58 (6) (intro.) of the statutes is amended to read:

215.58 **(6)** (title) RESERVED AUTHORITY ~~OF COMMISSIONER~~. (intro.) The ~~commissioner~~ division may issue rules governing the conversion of a mutual association or mutual savings and loan holding company, including:

SECTION 5742. 215.59 (1) (c) of the statutes is amended to read:

215.59 **(1)** (c) *Capital asset retention.* Subject to the approval of the ~~commissioner~~ division, if the net worth of the stock association chartered under the reorganization plan exceeds the minimum net worth under s. 215.24, a plan may permit a mutual savings and loan holding company to retain capital assets of the reorganizing mutual association.

SECTION 5743. 215.59 (1) (d) 3. of the statutes is amended to read:

215.59 **(1)** (d) 3. The ~~commissioner~~ division under par. (f).

SECTION 5744. 215.59 (1) (e) 1. of the statutes is amended to read:

215.59 **(1)** (e) 1. Notice of a meeting to vote on a reorganization plan shall be sent to members at least 10 days before the meeting. The notice shall state the time, place and purpose of the meeting, shall provide a summary of the reorganization plan and shall provide any other information that the ~~commissioner~~ division requires.

SECTION 5745. 215.59 (1) (e) 3. of the statutes is amended to read:

215.59 **(1)** (e) 3. Within 10 days after a reorganization plan receives member approval, the mutual association shall submit to the ~~commissioner~~ division a copy of the minutes of the meeting at which the plan is approved. The secretary of the

mutual association shall certify that the minutes show that the members approved the reorganization plan.

SECTION 5746. 215.59 (1) (f) (intro.) of the statutes is amended to read:

215.59 **(1)** (f) (title) ~~*Commissioner*~~ *Division approval.* (intro.) The ~~commissioner~~ division may approve a reorganization plan if the ~~commissioner~~ division finds that all of the following conditions exist:

SECTION 5747. 215.59 (1) (f) 3. of the statutes is amended to read:

215.59 **(1)** (f) 3. The reorganization plan complies with rules promulgated by the ~~commissioner~~ division governing the reorganization of a mutual association into a mutual savings and loan holding company and the operation of a mutual savings and loan holding company.

SECTION 5748. 215.59 (1) (g) of the statutes is amended to read:

215.59 **(1)** (g) *Certificate of reorganization.* If the ~~commissioner~~ division determines that the mutual association has complied with the requirements of this subsection and has implemented the reorganization plan as approved, the ~~commissioner~~ division shall issue a certificate of reorganization evidencing that the mutual association has been reorganized into a mutual savings and loan holding company. The date specified in the certificate shall be the effective date of reorganization. On the date specified in the certificate, the mutual association ceases to exist but its legal existence continues as a mutual savings and loan holding company. The certificate shall be recorded with the register of deeds in the county in which the home office of the mutual association was located and in the county in which the registered office of the mutual savings and loan holding company is located.

SECTION 5749. 215.59 (3) (a) 10. of the statutes is amended to read:

215.59 **(3)** (a) 10. Unless limited or prohibited by the ~~commissioner~~ division, engage in any activity that the federal reserve board permits a bank holding company to engage in under 12 CFR 225, subpart C, promulgated pursuant to 12 USC 1843 (c) or any activity that the federal savings and loan insurance corporation authorized a multiple savings and loan holding company to engage in directly on March 5, 1987.

SECTION 5750. 215.59 (3) (a) 12. of the statutes is amended to read:

215.59 **(3)** (a) 12. Dissolve itself and the stock association chartered under sub. (1) (b) 1. and convert itself and the stock association into a mutual association or mutual savings bank under a plan, approved by the ~~commissioner~~ division, that provides that the converting mutual savings and loan holding company ceases to engage in activities that the converted association or savings bank may not engage in and that provides that stock in a subsidiary association or savings bank that is not held by the converting mutual savings and loan holding company is redeemed.

SECTION 5751. 215.59 (4) of the statutes is amended to read:

215.59 **(4)** STOCK IN SUBSIDIARY. Under a plan approved by the ~~commissioner~~ division, a stock association that is a subsidiary of a mutual savings and loan holding company may issue any number of nonvoting shares and less than 50% of the voting shares of the stock association to persons other than the mutual savings and loan holding company.

SECTION 5752. 215.60 (1) (c) of the statutes is amended to read:

215.60 **(1)** (c) An association shall include the word "savings" in its name if its name includes the word "bank". This paragraph does not apply to an association name if the association obtained approval for use of the name from the ~~commissioner~~ division before February 12, 1992.

SECTION 5753. 215.60 (2) (intro.) of the statutes is amended to read:

215.60 **(2)** MINIMUM REQUIREMENTS. (intro.) The ~~commissioner~~ division by rule shall determine:

SECTION 5754. 215.60 (2) (c) of the statutes is amended to read:

215.60 **(2)** (c) Such other requirements as the ~~commissioner~~ division deems necessary or desirable.

SECTION 5755. 215.60 (3) of the statutes is amended to read:

215.60 **(3)** WHO MAY ORGANIZE. Any individual who is a resident of this state may apply to the ~~commissioner~~ division for authority to incorporate a stock association under this section. The individual applying is the incorporator.

SECTION 5756. 215.60 (4) (h) of the statutes is amended to read:

215.60 **(4)** (h) Such other information as the ~~commissioner~~ division requires.

SECTION 5757. 215.60 (5) of the statutes is amended to read:

215.60 **(5)** APPLICATION FEE. The incorporators shall pay to the ~~commissioner~~ division a $500 fee, which sum shall be paid by the ~~commissioner~~ division into the general fund to the credit of the ~~office~~ division. Applicants shall also be liable for any other direct costs incurred by the ~~commissioner~~ division or review board for any transcripts of hearings, per diems and travel expenses.

SECTION 5758. 215.60 (6) of the statutes is amended to read:

215.60 **(6)** NOTICE OF APPLICATION AND HEARING THEREON. Upon receipt of a properly executed application, the ~~commissioner~~ division shall, within 30 days, assign a date and place for hearing on the application and notice thereof shall be given as provided in s. 215.40 (7).

SECTION 5759. 215.60 (7) of the statutes is amended to read:

215.60 **(7)** CERTIFICATE OF AUTHORITY; WHEN ISSUED. If the application to organize a capital stock association is approved, the ~~commissioner~~ division shall issue to the incorporators a certificate of authority to effect a temporary organization, consisting of a chairperson, a secretary and a treasurer; to adopt articles of incorporation; to adopt bylaws; to adopt rules for the procedure of the incorporators; to conduct meetings; and to open subscription books for the sale of capital stock and also open subscription books for savings accounts.

SECTION 5760. 215.60 (10) of the statutes is amended to read:

215.60 **(10)** CERTIFICATE OF AUTHORITY, WHEN VOIDED. The certificate of authority as described in sub. (7) shall be void after 180 days from its date, but the ~~commissioner~~ division may, for cause, extend the life of the certificate for such time as the ~~commissioner~~ division deems advisable.

SECTION 5761. 215.60 (11) (a) (intro.) of the statutes is amended to read:

215.60 **(11)** (a) (intro.) Within the time prescribed in sub. (10), the incorporators of the proposed capital stock association shall file with the ~~commissioner~~ division a certificate stating:

SECTION 5762. 215.60 (11) (a) 1. of the statutes is amended to read:

215.60 **(11)** (a) 1. That articles of incorporation have been executed, filed with and approved by the ~~commissioner~~ division and recorded;

SECTION 5763. 215.60 (11) (a) 2. of the statutes is amended to read:

215.60 **(11)** (a) 2. That a meeting of stockholders was held and that directors and officers acceptable to the ~~commissioner~~ division were elected at the meeting;

SECTION 5764. 215.60 (11) (a) 3. of the statutes is amended to read:

215.60 **(11)** (a) 3. That bylaws were adopted and filed with and approved by the ~~commissioner~~ division;

SECTION 5765. 215.60 (11) (a) 7. of the statutes is amended to read:

215.60 **(11)** (a) 7. That insurance of savings accounts has been obtained from the federal savings and loan insurance corporation or other instrumentality approved by the ~~commissioner~~ division; and

SECTION 5766. 215.60 (11) (b) of the statutes is amended to read:

215.60 **(11)** (b) No business, other than that of completing the organization of the proposed capital stock association, may be transacted until such time as the ~~commissioner~~ division issues a certificate of incorporation to the association to commence business.

SECTION 5767. 215.60 (12) of the statutes is amended to read:

215.60 **(12)** CERTIFICATE OF INCORPORATION, WHEN ISSUED. Upon receipt of the certificate of compliance from the incorporators, described in sub. (11), and after all fees have been paid, the ~~commissioner~~ division may within 90 days issue a certificate of incorporation to the association ~~under the commissioner's hand and seal~~ authorizing ~~such~~ the association to commence business. The date appearing on the certificate of incorporation shall be the date of the corporate existence of the association.

SECTION 5768. 215.60 (13) of the statutes is amended to read:

215.60 **(13)** CERTIFICATE OF INCORPORATION, WHEN VOIDED. Any capital stock association failing to commence business within 6 months from the date of the certificate of incorporation shall have its corporate existence terminated, and its articles of incorporation and certificate of incorporation shall be voided, but the ~~commissioner~~ division may for cause, extend the life of such certificate for such time as the ~~commissioner~~ division deems advisable.

SECTION 5769. 215.60 (14) of the statutes is amended to read:

215.60 **(14)** (title) DISCRETIONARY AUTHORITY ~~OF COMMISSIONER~~. The ~~commissioner~~ division shall have the discretionary power in the granting of certificates of authority to incorporators desiring to organize capital stock associations. The ~~commissioner~~ division may refuse to issue certificates of incorporation to the incorporators of a capital stock association to commence business when, in the ~~commissioner's~~ division's opinion, the incorporators or any of them are not of such character and general fitness as to warrant belief that the association will be conducted for the best interests of the public; the location of the proposed association is so close to an existing association that undue harm might result, or the support of the new association might not be such as to assure its success; or when other good and sufficient reasons exist for such refusal.

SECTION 5770. 215.60 (15) of the statutes is amended to read:

215.60 **(15)** APPEAL BY APPLICANTS. If the ~~commissioner~~ division refuses to grant a certificate of authority or a certificate of incorporation and the applicants feel aggrieved thereby, they may appeal to the review board to review the ~~commissioner's~~ division's determination.

SECTION 5771. 215.61 (1) of the statutes is amended to read:

215.61 **(1)** FORM. The articles of incorporation of a stock association shall be approved by the ~~commissioner~~ division. The ~~commissioner~~ division shall, with the approval of the review board, promulgate rules governing articles of incorporation.

SECTION 5772. 215.61 (2) of the statutes is amended to read:

215.61 **(2)** FILING AND APPROVAL. Duplicate originals of the articles of incorporation executed by the incorporators, and any subsequent amendments thereto adopted by the stockholders of the association, shall be filed with and approved by the ~~commissioner~~ division.

SECTION 5773. 215.61 (5) of the statutes is amended to read:

215.61 **(5)** EFFECTIVE DATE. The effective date of the articles of incorporation and amendments thereto shall be the date when left for record in the office of register of deeds. The register of deeds shall forward a certificate of recording to the ~~commissioner~~ division.

SECTION 5774. 215.62 (1) of the statutes is amended to read:

215.62 **(1)** FORM. The bylaws of a stock association shall be approved by the ~~commissioner~~ division. The ~~commissioner~~ division shall, with the approval of the review board, promulgate rules governing bylaws.

SECTION 5775. 215.62 (2) of the statutes is amended to read:

215.62 **(2)** FILING AND APPROVAL. Duplicate originals of the bylaws and amendments thereto shall be filed with and approved by the ~~commissioner~~ division.

SECTION 5776. 215.62 (3) of the statutes is amended to read:

215.62 **(3)** EFFECTIVE DATE. The effective date of bylaws and subsequent amendments thereto shall be the date on which such bylaws or amendments are approved by the ~~commissioner~~ division.

SECTION 5777. 215.64 (1) of the statutes is amended to read:

215.64 **(1)** A savings and loan holding company shall be deemed to be engaged in the savings and loan business and shall be subject to the supervision and control of the ~~office of the commissioner~~ division. Such savings and loan holding company shall file reports of its financial condition when requested by the ~~commissioner~~ division, and the ~~commissioner~~ division may order an examination of its solvency and economic condition whenever, in the ~~commissioner's~~ division's opinion, an examination is required. The cost of the examination shall be paid by the savings and loan holding company. Whenever in the opinion of the ~~commissioner~~ division,

the condition of the savings and loan holding company shall endanger the safety of the savings capital of any savings and loan association which it owns or in any manner controls, or the operation of such savings and loan holding company shall be carried on in a manner which endangers the safety of such savings and loan association or its savers, or is contrary to the public interest, the ~~commissioner~~ division may order the savings and loan holding company to remedy such condition or policy within 90 days. If the ~~commissioner's~~ division's order is not complied with, the ~~commissioner~~ division may fully direct the operation of such savings and loan association or savings and loan holding company until the order is complied with, and may withhold all dividends from the institution whose operation the ~~commissioner~~ division directs during the period in which the ~~commissioner~~ division exercises such authority.

SECTION 5778. 215.67 of the statutes is amended to read:

215.67 Dividends. The board of a stock association may declare and pay dividends, subject to the orders and rules of the ~~commissioner~~ division.

SECTION 5779. 215.70 (1) of the statutes is amended to read:

215.70 **(1)** MANAGEMENT RESPONSIBILITY. The management of a stock association shall be vested in a board of directors, who are charged with the responsibility of complying with this chapter, orders of the ~~commissioner~~ division, rules of the ~~commissioner~~ division promulgated under ch. 227, the articles of incorporation and bylaws of the association, and other laws applicable to savings and loan operations.

SECTION 5780. 215.70 (4) of the statutes is amended to read:

215.70 **(4)** PROMULGATION OF RULES. The board may by resolution adopt rules for the conduct of business by the association, provided they are consistent with this

chapter, the rules of the ~~commissioner~~ division, and the articles of incorporation and bylaws of the association.

SECTION 5781. 215.73 (1) (a) (intro.) of the statutes is amended to read:

215.73 **(1)** (a) (intro.) With the consent of the ~~commissioner~~ division and subject to any condition that the ~~commissioner~~ division prescribes, a stock association organized under this chapter may, by an affirmative vote of at least two–thirds of the board of each association, do any of the following:

SECTION 5782. 215.73 (3) of the statutes is amended to read:

215.73 **(3)** WITHDRAWAL REQUESTS. Any saver in an absorbed association or savings bank, who intends to file a written withdrawal request for savings accounts within one year after the date of approval of such absorption by the ~~commissioner~~ division, may do so by giving 90 days' written notice of such intention, and the savings accounts shall be withdrawn as provided in s. 215.17.

SECTION 5783. 215.76 (1) (b) 1. of the statutes is amended to read:

215.76 **(1)** (b) 1. Certified to the ~~commissioner~~ division under the seal of the association, by its president and secretary.

SECTION 5784. 215.76 (2) of the statutes is amended to read:

215.76 **(2)** PERIOD OF LIQUIDATION. A stock association so liquidating shall dispose of its assets within 10 years from the date of liquidation, unless the ~~commissioner~~ division orders otherwise.

SECTION 5785. 215.76 (6) of the statutes is amended to read:

215.76 **(6)** RESUMPTION OF BUSINESS. A stock association in liquidation may resume business with the approval of the ~~commissioner~~ division upon conditions approved by the ~~commissioner~~ division.

SECTION 5786. 215.76 (7) (a) of the statutes is amended to read:

215.76 **(7)** (a) Unclaimed liquidating dividends and all funds remaining unpaid in the hands of the association or its board at or immediately prior to the date of final distribution, together with all final liquidating costs, shall be delivered to the ~~commissioner~~ division to be deposited in one or more state banks, state savings banks or state–chartered savings and loan associations, to the credit of the ~~commissioner~~ division, in trust for the various stockholders, owners of savings accounts or creditors entitled thereto. The ~~commissioner~~ division shall include in the annual report under s. 215.02 (11) the names of the associations so liquidated and the sums of unclaimed and unpaid liquidating dividends and unclaimed funds with respect to each of them respectively, including a statement of interest or dividends earned upon such funds.

SECTION 5787. 215.76 (7) (b) (intro.) of the statutes is amended to read:

215.76 **(7)** (b) (intro.) The ~~commissioner~~ division may:

SECTION 5788. 215.76 (7) (b) 3. of the statutes is amended to read:

215.76 **(7)** (b) 3. Apply the interest and dividends earned by the moneys so held toward defraying the expenses of the ~~office~~ division.

SECTION 5789. 215.76 (8) of the statutes is amended to read:

215.76 **(8)** (title) RESERVED AUTHORITY ~~OF COMMISSIONER~~. This section does not prohibit the ~~commissioner~~ division from proceeding against any association as provided in s. 215.32.

SECTION 5790. 215.77 (1) (b) of the statutes is amended to read:

215.77 **(1)** (b) At such meeting, the stockholders may by the affirmative vote, in person or by proxy, of not less than two–thirds of the outstanding capital stock of the association the stockholders may by resolution declare to convert the association into a federal association, or in the case of a federal capital stock association into a

state–chartered association. A copy of the minutes of the meeting, verified by the affidavit of the chairperson and the secretary of the meeting, shall be filed ~~in the office of the commissioner~~ with the division within 10 days after the meeting.

SECTION 5791. 215.77 (1) (d) 1. of the statutes is amended to read:

215.77 **(1)** (d) 1. Within 6 months after the adjournment of a meeting to convert into a federal association, the association shall do what is necessary to make it a federal association. Within 10 days after receipt of the federal charter, the association shall file with the ~~commissioner~~ division a copy of the federal charter, certified by the federal home loan bank board. Upon such filing the association shall cease to be a state–chartered association and shall thereafter be a federal association.

SECTION 5792. 215.77 (1) (d) 2. of the statutes is amended to read:

215.77 **(1)** (d) 2. Within 6 months after the adjournment of a meeting of the stockholders of a federal stock association called for the purpose of converting the association into a state–chartered association, the ~~commissioner~~ division shall examine such association and shall determine the action necessary to qualify the converting federal stock association for a state charter. Upon complying with the necessary requirements, a state charter shall be issued to such association.

SECTION 5793. 215.77 (4) of the statutes is amended to read:

215.77 **(4)** (title) ~~COMMISSIONER'S APPROVAL~~ APPROVAL REQUIRED BEFORE CONVERSION BECOMES EFFECTIVE. Before any conversion under this section is final and in effect, the written approval of the ~~commissioner~~ division must be secured by the converting association.

SECTION 5794. 217.02 (2m) of the statutes is created to read:

217.02 **(2m)** "Division" means the division of banking.

SECTION 5795. 217.02 (3) of the statutes is amended to read:

217.02 **(3)** "General order" means an order of the ~~office~~ division other than a special order.

SECTION 5796. 217.02 (6) of the statutes is repealed.

SECTION 5797. 217.02 (10) of the statutes is amended to read:

217.02 **(10)** "Special order" means an order of the ~~office~~ division to or affecting a person.

SECTION 5798. 217.03 (1) of the statutes is amended to read:

217.03 **(1)** No person shall, as a service or for a fee or other consideration, engage in the business as a seller of checks without first securing a license from the ~~office~~ division to do so. ~~Any person lawfully engaged in said business on March 18, 1968 may continue to engage therein without a license until the office has acted upon the person's application for a license, provided such application is filed within 30 days after March 18, 1968.~~

SECTION 5799. 217.03 (2) of the statutes is amended to read:

217.03 **(2)** The licensee shall be liable on checks duly issued for it by each authorized agent and shall furnish each such agent not exempt under s. 217.04 with an authorization in the form approved by the ~~office~~ division in lieu of a license from the ~~office~~ division, to be displayed in the agent's place of business indicating that it is an authorized agent of the licensee. An agent so authorized by a licensee shall not be required to secure a license.

SECTION 5800. 217.05 (intro.) of the statutes is amended to read:

217.05 Application and fees. (intro.) Each application for a license shall be made in writing and under oath to the ~~office~~ division and shall contain such

information and be in such form as ~~it~~ the division prescribes. The application shall state the full name and business address of:

SECTION 5801. 217.05 (5) (a) of the statutes is amended to read:

217.05 **(5)** (a) *Financial statements.* Financial statements reasonably satisfactory to the ~~office~~ division.

SECTION 5802. 217.05 (5) (c) of the statutes is amended to read:

217.05 **(5)** (c) *Investigation fee.* A nonrefundable fee of ~~$100~~ $300 to the office for investigating the application. If the cost of the investigation exceeds ~~$100~~ $300, the applicant shall, upon demand of the office, pay the excess cost. No investigation fee shall be required for renewal of a license. ~~Any person holding a license as a community currency exchange or a foreign exchange company on March 18, 1968, is not required to pay an investigation fee nor a license fee for a single location for the remainder of the current licensing year.~~

SECTION 5803. 217.05 (5) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

217.05 **(5)** (c) *Investigation fee.* A nonrefundable fee of $300 to the ~~office~~ division for investigating the application. If the cost of the investigation exceeds $300, the applicant shall, upon demand of the ~~office~~ division, pay the excess cost. No investigation fee shall be required for renewal of a license.

SECTION 5804. 217.05 (5) (d) of the statutes is amended to read:

217.05 **(5)** (d) *License fee.* An annual license fee of ~~$50 for each location not exceeding 6. If the applicant has more than 6 locations, a license fee of $50 each for the first 6 locations plus $2 for each location in excess of 6 locations up to and including a total of 100 locations and $1 for each location in excess of 100 with a maximum annual fee of $1,000. For each single location license issued between~~

~~January 1 and June 30 of any year, the licensee shall pay the full annual license fee for the year ending December 31; for each license issued between July 1 and December 31 of any year, the licensee shall pay one–half of the annual license fee except for multiple office locations, for which the full annual fee shall be charged. No license fee shall be payable with respect to the location of any agent who is exempted from this chapter by s. 217.04~~ $500 plus $5 for each location within this state at which a licensee sells or issues checks, with a maximum annual fee of $1,500.

SECTION 5805. 217.06 (intro.) of the statutes is amended to read:

217.06 Licenses, how granted; conditions. (intro.) Every license issued shall be in the form prescribed by the ~~office~~ division and shall be issued to the applicant if:

SECTION 5806. 217.06 (2) of the statutes is amended to read:

217.06 **(2)** The financial responsibility, financial condition, business experience, character and general fitness of the applicant are such, in the opinion of the ~~office~~ division, as to command the confidence of the public and to warrant belief that the business will be conducted honestly and efficiently. The ~~office~~ division may investigate and consider the qualifications, character and general fitness of officers and directors or others associated with the applicant in determining whether this qualification has been met.

SECTION 5807. 217.06 (3) (a) of the statutes is amended to read:

217.06 **(3)** (a) A surety bond issued by a bonding company or insurance company authorized to do business in this state has been filed in the minimum principal sum of $10,000 for the first location and an additional sum of $5,000 for each additional location unless the ~~office~~ division determines that a bond in such amount is insufficient in which event it may require a bond in a larger sum, but in

no event shall the bond exceed $300,000. The bond shall be in a form satisfactory to the ~~office~~ division and shall run to the state for the benefit of any claimants against the applicant or the applicant's agents to secure the faithful performance of the obligations of the applicant and the applicant's agents with respect to the receipt, handling, transmission and payment of money in connection with the sale of checks and to reimburse the ~~office~~ division for any examination or liquidation expense. The aggregate liability of the surety in no event shall exceed the principal sum of the bond. The surety shall have the right to cancel such bond upon giving not less than 60 days' written notice to the ~~office~~ division, but such cancellation shall not release the surety from any liability that may arise with respect to obligations of the licensee outstanding on or prior to the effective day that such bond is canceled. Such claimants against the applicant or the applicant's agents may themselves bring suit directly on the bond, or the attorney general may bring suit thereon in behalf of such claimants, either in one action or successive actions.

SECTION 5808. 217.06 (3) (b) of the statutes is amended to read:

217.06 **(3)** (b) In lieu of such corporate surety bond, or of any portion of the principal thereof as required by this section, the applicant may deposit with such banks or trust companies in this state as the applicant designates and the ~~office~~ division approves, interest–bearing obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States, or of this state, or of a city, county, town, village, school district or instrumentality of this state, or guaranteed by this state, to an aggregate amount, based upon principal amount or market value, whichever is lower, of not less than the amount of the required corporate surety bond or portion thereof. The securities shall be held to secure the same obligations as would the surety bond but the depositor shall be entitled to

receive all interest thereon, shall have the right with the approval of the ~~office~~ division to substitute other securities for those deposited, and shall be required to do so on written order of the ~~office~~ division. The licensee shall pay all expenses of maintaining the deposit of obligations deposited in lieu of a corporate surety bond.

SECTION 5809. 217.07 of the statutes is amended to read:

217.07 Order denying application. If the ~~office~~ division is not satisfied as to all matters specified in s. 217.06, it shall enter a special order denying the application for a license and shall return the license fee to the applicant and retain the investigation fee. The ~~office~~ division shall make findings of fact as part of and in support of its orders denying any application for a license.

SECTION 5810. 217.08 (2) of the statutes is amended to read:

217.08 **(2)** ANNUAL LICENSE FEE; ADDITIONS AND DELETIONS OF LOCATIONS. Each licensee shall file with the ~~office~~ division on or before December 1 of each year a statement listing the locations of the offices of the licensee and the names and locations of the agents authorized by the licensee. Every licensee shall also on or before December 1 of each year file a financial statement of its assets and liabilities as of a date not earlier than the preceding August 31 or, if the licensee is audited annually by an independent public accountant at the end of each fiscal year, the licensee may submit financial statements certified by said accountant for the licensee's latest fiscal year. Such statement shall be accompanied by the annual licensee fee for the calendar year beginning the following January 1 in an amount determined under s. 217.05. The amount of the surety bond or deposit of securities required by s. 217.06 shall be adjusted to reflect the number of such locations. Licensees which do not pay the maximum license fee under s. 217.05 and which do not maintain a bond or deposit of securities in the maximum sum of $300,000 as

provided in s. 217.06 shall also file a supplemental statement setting forth any changes in the list of offices and agents with the ~~office~~ division on or before April 1, July 1 and October 1 of each year, and the principal sum of the corporate surety bond or deposit of securities required by s. 217.06 shall be adjusted to reflect any increase or decrease in the number of such locations. Any additional license fees which may become due under s. 217.05 shall be paid to the ~~office~~ division.

SECTION 5811. 217.08 (3) of the statutes is amended to read:

217.08 **(3)** REMOVAL CONSENT. Whenever a licensee changes its single or principal office location to another location it shall give written notice thereof to the ~~office~~ division, which shall amend the license accordingly without charge.

SECTION 5812. 217.09 (1) (intro.) of the statutes is amended to read:

217.09 **(1)** (intro.) The ~~office~~ division shall, after complaint, notice and hearing, following the procedure in s. 217.19 so far as applicable, revoke any license in the following cases:

SECTION 5813. 217.09 (1) (c) of the statutes is amended to read:

217.09 **(1)** (c) If any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the ~~office~~ division to refuse to issue such license.

SECTION 5814. 217.09 (2) of the statutes is amended to read:

217.09 **(2)** If the ~~office~~ division finds cause for revocation of a license, it shall issue a special order revoking the license, which includes its findings of fact upon which such order is based.

SECTION 5815. 217.09 (3) of the statutes is amended to read:

217.09 **(3)** The ~~office~~ division may, for reasonable cause and after a hearing on 5 days' notice, suspend any license for a period not exceeding 30 days, pending

further investigation, and in so doing shall issue a special order including its findings of fact upon which such order is based.

SECTION 5816. 217.09 (4) of the statutes is amended to read:

217.09 **(4)** The ~~office~~ division shall revoke or suspend only the authorization to operate at the location with respect to which grounds for revocation or suspension apply, but if the ~~office~~ division finds that such grounds for revocation or suspension apply to more than one location operated by such licensee, then the ~~office~~ division shall revoke or suspend all of the authorizations of the licensee to which such grounds apply.

SECTION 5817. 217.09 (5) of the statutes is amended to read:

217.09 **(5)** Any licensee may surrender any license by giving written notice to the ~~office~~ division that the licensee surrenders such license and returns the license therewith.

SECTION 5818. 217.09 (6) of the statutes is amended to read:

217.09 **(6)** The ~~office~~ division may on its own motion issue a new license when a license has been revoked.

SECTION 5819. 217.10 (intro.) of the statutes is amended to read:

217.10 (title) **Powers of ~~office~~ division.** (intro.) The ~~office~~ division may:

SECTION 5820. 217.10 (2) of the statutes is amended to read:

217.10 **(2)** Investigate, at any time, the business and examine the books, accounts, records and files used therein of every licensee or agent thereof. The cost of each such examination shall be paid by every licensee so examined within 30 days after demand therefor by the ~~office~~ division, and the state may maintain an action for recovery of such costs in any court of competent jurisdiction;

SECTION 5820m. 217.11 (5) of the statutes is amended to read:

217.11 **(5)** If a licensee ceases to do business in this state, the licensee shall deposit the licensee's records and proceeds of checks and remittances relating to checks sold in this state with the ~~state treasurer~~ secretary of administration. On claim and submission of proof of ownership satisfactory to the ~~treasurer~~ secretary of administration, the ~~treasurer~~ secretary of administration shall pay such amount of the funds deposited as are owing to a person. Such funds as are not paid out within 20 years from date of deposit shall escheat to and become the property of the state, and shall be paid by the ~~treasurer~~ secretary of administration and be dealt with in the same manner as other escheated property.

SECTION 5821. 217.12 (4) of the statutes is amended to read:

217.12 **(4)** NAME, FORBIDDEN USE. No company shall use a name which indicates that it is a branch, unit or agency of the state or federal government ~~or of any department or branch thereof~~.

SECTION 5822. 217.15 of the statutes is amended to read:

217.15 Delinquent seller of checks. The ~~commissioner of banking~~ division may take possession of any insolvent seller of checks under the circumstances and utilizing the procedure prescribed in s. 218.04 (9m), so far as applicable.

SECTION 5823. 217.17 (1) of the statutes is amended to read:

217.17 **(1)** The ~~office~~ division may, in relation to any matter within the ~~office's~~ division's powers, issue subpoenas and take testimony.

SECTION 5824. 217.17 (2) of the statutes is amended to read:

217.17 **(2)** Witnesses shall be entitled to the same fees as are allowed to witnesses in courts of record. Such fees shall be audited and paid by the state in the same manner as other expenses of the ~~office~~ division are audited and paid. No witness subpoenaed at the instance of any party other than the ~~office~~ division shall

be entitled to payment of fees by the state, unless the ~~office~~ division certifies that the testimony of such witness was material to the hearing or proceeding.

SECTION 5825. 217.18 (1) of the statutes is amended to read:

217.18 **(1)** The ~~office~~ division may, by general or special order require licensees to file with the ~~office~~ division at such time and in such manner as it may direct, sworn or unsworn reports, or sworn or unsworn answers in writing to specific questions as to any matter upon which the ~~office~~ division may demand information under this chapter.

SECTION 5826. 217.18 (2) of the statutes is amended to read:

217.18 **(2)** The ~~office~~ division or any official, employe or agent authorized by it may, for purposes within the ~~office's~~ division's powers, have access during business hours to the offices and places of business, books, accounts, papers, records, files, safes and vaults of persons engaged in business as a seller of checks, whether licensees or not.

SECTION 5827. 217.18 (3) of the statutes is amended to read:

217.18 **(3)** No person shall refuse, neglect or fail to render any reports or answer required under this section at such time and in such manner as the ~~office~~ division may prescribe. No person shall wilfully make any false entry or statement in any report or answer, nor shall wilfully fail to make full and true entries and statements in any report or answer required under authority of this chapter.

SECTION 5828. 217.19 (title) of the statutes is amended to read:

217.19 (title) **~~Office~~ Division orders; rules of procedure.**

SECTION 5829. 217.19 (1) of the statutes is amended to read:

217.19 **(1)** The ~~office~~ division, prior to the issuance of any general order under this chapter, shall hold a public hearing.

SECTION 5830. 217.19 (2) of the statutes is amended to read:

217.19 **(2)** The ~~office~~ division, prior to the issuance of any special order, shall serve a complaint, prepared in the name of the ~~office~~ division, upon the person against whom the complaint is made and shall accompany such complaint by notice of a public hearing to be held in the matter not sooner than 10 days after such service. The person against whom the complaint is made shall be entitled to be heard in person, or by agent or attorney, and shall have the benefit of subpoena process to compel the attendance of witnesses.

SECTION 5831. 217.19 (4) of the statutes is amended to read:

217.19 **(4)** The ~~office~~ division shall serve a copy of any special order upon the person against whom the order is issued and such an order shall be effective upon such service, unless otherwise indicated in the order.

SECTION 5832. 217.19 (5) of the statutes is amended to read:

217.19 **(5)** A complaint, notice of hearing, subpoena, special order or any other process issued by the ~~office~~ division may be served in the same manner that process in a civil action is served.

SECTION 5833. 217.19 (6) of the statutes is amended to read:

217.19 **(6)** The ~~office~~ division shall make its own rules of practice and procedure for the conduct of hearings and other proceedings before it, not inconsistent with any provision of this chapter or with any other provision of law governing such practice or procedure.

SECTION 5834. 217.20 of the statutes is amended to read:

217.20 Court review. Orders of the ~~office~~ division under this chapter shall be subject to review in the manner provided in ch. 227.

SECTION 5835. 217.21 (1) of the statutes is amended to read:

217.21 **(1)** The licensee shall keep and use in the licensee's business such books, accounts and records as the ~~office~~ division, by general or special order, may find to be necessary and require to enable it to determine whether such licensee is complying with this chapter and with the lawful orders issued hereunder.

SECTION 5836. 217.21 (2) of the statutes is amended to read:

217.21 **(2)** Each licensee shall annually, on or before March 15, file a report with the ~~office~~ division giving such reasonable and relevant information as the ~~office~~ division may, by general or special order, require concerning the business and operations conducted by such licensee within the state. Such report shall be made under oath and shall be in the form prescribed by the ~~office~~ division and shall be subject to public inspection in the discretion of the ~~office~~ division. The ~~office~~ division shall make and publish annually an analysis and recapitulation of such reports.

SECTION 5837. 218.01 (1) (c) of the statutes is repealed.

SECTION 5838. 218.01 (1) (d) of the statutes is repealed.

SECTION 5839. 218.01 (1) (jm) of the statutes is amended to read:

218.01 **(1)** (jm) "License period" means the period during which a particular type of license described in sub. (2) (d) is effective, as established by the department of transportation or ~~commissioner~~ division of banking under sub. (2) (cm) 2. or 4.

SECTION 5840. 218.01 (1) (k) of the statutes is amended to read:

218.01 **(1)** (k) "Licensor" means the body, either the ~~commissioner~~ division of banking or the department of transportation or both, issuing a license hereunder.

SECTION 5841. 218.01 (1a) of the statutes is amended to read:

218.01 **(1a)** (title) AUTHORITY OF ~~DEPARTMENT AND COMMISSIONER~~ LICENSORS. The department of transportation shall issue the licenses provided for in sub. (2) (d) 1. to 6. and have supervision over the licensees thereunder in respect to all the

provisions of this section, except only as to such matters as relate to the sale of motor vehicles on retail instalment contracts and the financing and servicing of such contracts, over which matter the ~~commissioner~~ division of banking shall have jurisdiction and control, and the ~~commissioner~~ division of banking shall issue the licenses to sales finance companies. Either licensor hereunder shall, upon request, furnish the other licensor with any information it may have in respect to any licensee or applicant for license or any transaction in which such licensee or applicant may be a party or be interested. No license shall be issued under sub. (2) (d) 1. and 8. until both licensors have approved the application. The suspension or revocation of either of such licenses shall automatically likewise suspend or revoke the other license; and such suspension or revocation shall be certified by the licensor ordering it to the other licensor.

SECTION 5842. 218.01 (2) (b) of the statutes is amended to read:

218.01 **(2)** (b) Application for license shall be made to the licensor, at such time, in such form and with such information as the licensor shall require and shall be accompanied by the required ~~fee.~~ fees. An applicant for a sales finance company license, other than a a motor vehicle dealer, shall pay to the commissioner a nonrefundable $300 investigation fee in addition to the license fee under par. (dr). If the cost of an investigation exceeds $300, the applicant shall, upon demand of the commissioner, pay the amount by which the cost of the investigation exceeds the nonrefundable fee. A licensee is not required to pay an investigation fee for the renewal of a license. The licensor may require the applicant to provide information relating to any pertinent matter that is commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business, except that information relating to the applicant's solvency and financial standing

may not be required except as provided in par. (h) 1. The information provided may be considered by the licensor in determining the fitness of the applicant to engage in business as set forth in this section.

SECTION 5843. 218.01 (2) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

218.01 **(2)** (b) Application for license shall be made to the licensor, at such time, in such form and with such information as the licensor shall require and shall be accompanied by the required fees. An applicant for a sales finance company license, other than a a motor vehicle dealer, shall pay to the ~~commissioner~~ division of banking a nonrefundable $300 investigation fee in addition to the license fee under par. (dr). If the cost of an investigation exceeds $300, the applicant shall, upon demand of the ~~commissioner~~ division of banking, pay the amount by which the cost of the investigation exceeds the nonrefundable fee. A licensee is not required to pay an investigation fee for the renewal of a license. The licensor may require the applicant to provide information relating to any pertinent matter that is commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business, except that information relating to the applicant's solvency and financial standing may not be required except as provided in par. (h) 1. The information provided may be considered by the licensor in determining the fitness of the applicant to engage in business as set forth in this section.

SECTION 5844. 218.01 (2) (bb) of the statutes is amended to read:

218.01 **(2)** (bb) A motor vehicle dealer or an applicant for a motor vehicle dealer license shall provide and maintain in force a bond or irrevocable letter of credit of not less than $25,000 or, if the dealer or applicant sells or proposes to sell motorcycles and not other types of motor vehicles, a bond or irrevocable letter of credit of not less

than $5,000. The bond or letter of credit shall be executed in the name of the department of transportation for the benefit of any person who sustains a loss because of an act of a motor vehicle dealer that constitutes grounds for the suspension or revocation of a license under this section.

SECTION 5845. 218.01 (2) (bc) of the statutes is amended to read:

218.01 **(2)** (bc) Except as provided in this subsection every dealer and distributor of new motor vehicles shall, at the time of application for a license, file with the department of transportation a certified copy of the applicant's written agreement and a certificate of appointment as dealer or distributor, respectively. The certificate of appointment shall be signed by an authorized agent of the manufacturer of domestic vehicles on direct manufacturer–dealer agreements; or, where the manufacturer is wholesaling through an appointed distributorship, by an authorized agent of the distributor on indirect distributor–dealer agreements. The certificate shall be signed by an authorized agent of the importer on direct importer–dealer agreements of foreign–made vehicles; or by an authorized agent of the distributor on indirect distributor–dealer agreements. The distributor's certificate of appointment shall be signed by an authorized agent of the manufacturer; or by an agent of the manufacturer or importer of foreign manufactured vehicles.

SECTION 5846. 218.01 (2) (bd) 1. of the statutes is amended to read:

218.01 **(2)** (bd) 1. A written agreement need not be filed for each dealer or distributor if the manufacturer on direct dealerships or distributor on indirect dealerships or importer on direct dealerships utilizes the identical basic agreement for all its dealers or distributors in Wisconsin and certifies in the certificate of appointment that such blanket agreement is on file and such written agreement with

such dealer or distributor, respectively, is identical with the filed blanket agreement, and has filed with the department of transportation one such agreement together with a list of authorized dealers or distributors. Such manufacturer, distributor or importer shall notify the department of transportation immediately of the appointment of any additional dealers or distributors, of any revisions of or additions to the basic agreement on file, or of any individual dealer or distributor supplements to such agreement. Except as provided in subd. 1g., the manufacturer, distributor or importer shall notify the dealer or distributor and forward a copy of such notice to the department of transportation of the discontinuation or cancellation of the agreement of any of its dealers or distributors at least 60 days before the effective date thereof together with the specific grounds for discontinuation or cancellation of the agreement, if discontinued or canceled. Agreements and certificates of appointment are deemed to be continuing unless the manufacturer, distributor or importer has notified the department of transportation of the discontinuation or cancellation of the agreement of any of its dealers or distributors, and annual renewal of certifications filed as provided in this subsection is not necessary.

SECTION 5847. 218.01 (2) (bd) 1g. of the statutes is amended to read:

218.01 **(2)** (bd) 1g. The manufacturer, distributor or importer shall send a notice of discontinuation or cancellation by certified mail, and forward a copy of the notice to the department of transportation, not less than 20 days before the effective date of discontinuation or cancellation of the agreement, if the dealer or distributor fails to conduct its customary sales and service operations during its customary business hours for 7 consecutive business days unless the failure is caused by an act of God, by work stoppage or delays due to strikes or labor disputes or other reason

beyond the dealer's or distributor's control or by an order of the department of transportation or the office of the commissioner of transportation.

SECTION 5848. 218.01 (2) (bd) 2. of the statutes is amended to read:

218.01 **(2)** (bd) 2. Any dealer or distributor discontinued or canceled may, on or before the date on which the discontinuation or cancellation becomes effective, file with the department of transportation and division of hearings and appeals and serve upon the respondent a complaint for a determination of unfair discontinuation or cancellation under sub. (3) (a) 17. Allowing opportunity for an answer, the division of hearings and appeals shall thereafter schedule a hearing on and decide the matter. Agreements and certificates of appointment shall continue in effect until final determination of the issues raised in such complaint. If the complainant prevails he or she shall have a cause of action against the defendant for reasonable expenses and attorney fees incurred by him or her in such matter.

SECTION 5849. 218.01 (2) (bf) of the statutes is amended to read:

218.01 **(2)** (bf) Within 60 days after the department of transportation issues a declaratory ruling under s. 227.41 that an agreement is inconsistent with par. (bm), a manufacturer, distributor or importer shall remove or revise any provision of the agreement declared to be inconsistent with par. (bm).

SECTION 5850. 218.01 (2) (bm) 1. a. of the statutes is amended to read:

218.01 **(2)** (bm) 1. a. Waive a remedy or defense available to a distributor or dealer or other provision protecting the interests of a distributor or dealer under this section or under rules promulgated by the department of transportation under this section.

SECTION 5851. 218.01 (2) (bm) 2. b. of the statutes is amended to read:

218.01 **(2)** (bm) 2. b. No finding of an arbitrator is binding upon any person who is not a party to the agreement. A finding of an arbitrator does not bind the department of transportation with respect to enforcement of this section.

SECTION 5852. 218.01 (2) (cm) 2. of the statutes is amended to read:

218.01 **(2)** (cm) 2. The department of transportation shall promulgate rules establishing the license period for each type of license described in par. (d) 1. to 6.

SECTION 5853. 218.01 (2) (cm) 3. of the statutes is amended to read:

218.01 **(2)** (cm) 3. The department of transportation may promulgate rules establishing expiration dates for the various types of licenses described in par. (d) 1. to 6.

SECTION 5854. 218.01 (2) (cm) 4. of the statutes is amended to read:

218.01 **(2)** (cm) 4. The ~~commissioner~~ division of banking shall promulgate rules establishing the license period for the license described in par. (d) 8.

SECTION 5855. 218.01 (2) (cm) 5. of the statutes is amended to read:

218.01 **(2)** (cm) 5. The ~~commissioner~~ division of banking may promulgate rules establishing expiration dates for licenses issued under par. (d) 8.

SECTION 5856. 218.01 (2) (d) 1. of the statutes is amended to read:

218.01 **(2)** (d) 1. For motor vehicle dealers, to the department of transportation, $20 for each office or branch thereof, plus $1 for a supplemental license for each used motor vehicle lot within the same municipality, but not immediately adjacent to the office or to a branch.

SECTION 5857. 218.01 (2) (d) 8. a. of the statutes is amended to read:

218.01 **(2)** (d) 8. a. Except as provided in subd. 8. b., for motor vehicle dealers, to the ~~commissioner~~ division of banking, $10.

SECTION 5858. 218.01 (2) (d) 8. b. of the statutes is amended to read:

218.01 **(2)** (d) 8. b. For motor vehicle dealers that operate as a sales finance company or that carry or retain time sales contracts for more than 30 days, to the ~~commissioner~~ division of banking, the same as for sales finance companies under par. (dr), except for gross volume of $100,000 or less, $50.

SECTION 5859. 218.01 (2) (dm) 1. of the statutes is amended to read:

218.01 **(2)** (dm) 1. If the department of transportation or ~~commissioner~~ division of banking establishes a license period that is not evenly divisible into years, the department of transportation or ~~commissioner~~ division of banking shall prorate the remainder when determining the license fee under par. (d).

SECTION 5860. 218.01 (2) (dm) 2. of the statutes is amended to read:

218.01 **(2)** (dm) 2. If the department of transportation or ~~commissioner~~ division of banking grants a license described under par. (d) during the license period, the fee for the license shall equal the applicable dollar amount under par. (d) 1. to 8. multiplied by the number of calendar years, including parts of calendar years, during which the license remains in effect. A fee determined under this subdivision may not exceed the license fee for an entire license period under par. (d).

SECTION 5861. 218.01 (2) (dr) of the statutes is amended to read:

218.01 **(2)** (dr) The fee for licenses for sales finance companies, except as provided in par. (d) 8., for each calendar year, or part of a calendar year, is based on the gross volume of purchases of retail sales contracts of motor vehicles sold in this state for the 12 months immediately preceding October 31 of the year in which the application ~~or~~ for license is made, as follows: On a gross volume of ~~$25,000 or less, $25; on a gross volume of over $25,000 and not over~~ $100,000 or less, $50; and on each $100,000 or part thereof over $100,000 ~~and up to $500,000~~, an additional $15~~; and on each $100,000 over $500,000, an additional $10~~. No extra charge shall be made

for branch licenses for sales finance companies. Gross volume shall be based on the unpaid balance of the retail contracts.

SECTION 5862. 218.01 (2) (h) 2. of the statutes is amended to read:

218.01 **(2)** (h) 2. Provided the licensor has reasonable cause to doubt the financial responsibility of the applicant or licensee or the compliance by the applicant or licensee with this section, the licensor may require the applicant or licensee to furnish and maintain a bond in the form, amount and with the sureties it approves, but not less than $5,000, nor more than $100,000, conditioned upon the applicant or licensee complying with the statutes applicable to the licensee and as indemnity for any loss sustained by any person by reason of any acts of the licensee constituting grounds for suspension or revocation of the license under this section. The bonds shall be executed in the name of the department of transportation for the benefit of any aggrieved parties; provided that the aggregate liability of the surety to all such parties shall, in no event, exceed the amount of the bond. The bonding requirements in this subdivision shall not apply to manufacturers, factory branches, and their agents and is in addition to the bond or letter of credit required of a motor vehicle dealer under par. (bb).

SECTION 5863. 218.01 (2) (i) of the statutes is amended to read:

218.01 **(2)** (i) Application for dealers' licenses shall be submitted to the department of transportation in duplicate and shall contain such information as the licensors require. Application for sales finance company licenses shall contain such information as the ~~commissioner~~ division of banking requires. No motor vehicle dealer or sales finance company, unless so licensed, shall be permitted to register or receive or use registration plates under ss. 341.47 to 341.57. The department of transportation shall transmit the duplicate copy of each application for a dealer's

license to the ~~commissioner~~ division of banking with the fee required under par. (d) 8. The ~~commissioner~~ division of banking may not refund the fee required under par. (d) 8. The ~~commissioner~~ division of banking shall approve a sales finance company license for a dealer if no prior sales finance company license has been suspended or revoked, and if the applicant meets the requirements of this section relating to sales finance companies.

SECTION 5864. 218.01 (2) (k) (intro.) of the statutes is amended to read:

218.01 **(2)** (k) (intro.) After the receipt of an application in due form, properly verified and certified, and upon the payment of the $5 examination fee, the secretary, deputy secretary or any salaried employe of the department of transportation designated by the secretary shall, within a reasonable time and in a place reasonably accessible to the applicant for a license, subject each first–time applicant for license and, if the secretary deems necessary, any applicant for renewal of license to a personal written examination as to competency to act as a motor vehicle salesperson. The secretary shall issue to an applicant a resident or nonresident motor vehicle salesperson's license if the application and examination show that the applicant meets all of the following requirements:

SECTION 5865. 218.01 (2a) (a) of the statutes is amended to read:

218.01 **(2a)** (a) Before changing the location of a place of business or opening a new place of business in a municipality in which authorized to do business, a licensed dealer, distributor, or manufacturer shall apply to the department of transportation for an amended license. The department of transportation shall issue such license without charge.

SECTION 5866. 218.01 (2a) (b) of the statutes is amended to read:

218.01 **(2a)** (b) Whenever a licensed dealer, distributor, manufacturer or transporter opens a new place of business, the licensee shall promptly report such fact, including the address thereof, to the department of transportation.

SECTION 5867. 218.01 (2a) (c) of the statutes is amended to read:

218.01 **(2a)** (c) Whenever a licensed dealer, distributor or manufacturer discontinues or disposes of his or her business, such person shall promptly report such fact to the department of transportation and return the license and registration plates issued. Whenever a licensed dealer, distributor or manufacturer discontinues business due to license suspension or revocation, such person shall surrender the licenses and registration plates to the department of transportation for such suspension or revocation period.

SECTION 5868. 218.01 (2w) (b) of the statutes is amended to read:

218.01 **(2w)** (b) A manufacturer, importer or distributor shall, for the protection of the buying public, specify the delivery and preparation obligations of its dealers before delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its dealers shall be filed with the department of transportation by every licensed motor vehicle manufacturer, importer or distributor and shall constitute the dealer's only responsibility for product liability as between the dealer and the manufacturer, importer or distributor. Any mechanical, body or parts defects arising from any express or implied warranties of the manufacturer, importer or distributor shall constitute the manufacturer's, importer's or distributor's product or warranty liability. The manufacturer, importer or distributor shall reasonably compensate any authorized dealer who performs work to rectify the manufacturer's, importer's or distributor's product or warranty defects or delivery and preparation obligations or who performs any other work

required, requested or approved by the manufacturer, importer or distributor or for which the manufacturer, importer or distributor has agreed to pay, including compensation for labor at a labor rate equal to the effective labor rate charged all customers and for parts at an amount not less than the amount the dealer charges its other retail service customers for parts used in performing similar work by the dealer.

SECTION 5869. 218.01 (3) (a) 17. of the statutes is amended to read:

218.01 **(3)** (a) 17. Subject to sub. (3n), being a manufacturer, importer or distributor who has unfairly, without due regard to the equities or without just provocation, directly or indirectly canceled or failed to renew the franchise of any motor vehicle dealer; or being a manufacturer or importer, who has unfairly, without due regard to the equities or without just provocation, directly or indirectly canceled or failed to renew the franchise of any distributor. If there is a change in a manufacturer, importer or distributor, a motor vehicle dealer's franchise granted by the former manufacturer, importer or distributor shall continue in full force and operation under the new manufacturer, importer or distributor unless a mutual agreement of cancellation is filed with the department of transportation between the new manufacturer, importer or distributor and the dealer. In this subdivision, "due regard to the equities" means treatment in enforcing an agreement that is fair and equitable to a motor vehicle dealer or distributor and that is not discriminatory compared to similarly situated dealers or distributors; and "just provocation" means a material breach by a motor vehicle dealer or distributor, due to matters within the dealer's or distributor's control, of a reasonable and necessary provision of an agreement and the breach is not cured within a reasonable time after written notice of the breach has been received from the manufacturer, importer or distributor.

SECTION 5870. 218.01 (3) (a) 36. a. of the statutes is amended to read:

218.01 **(3)** (a) 36. a. Fails to notify the department of transportation of any revision or addition to an agreement as required under sub. (2) (bd) 1.

SECTION 5871. 218.01 (3) (a) 36. b. of the statutes is amended to read:

218.01 **(3)** (a) 36. b. Fails to revise or remove portions of an agreement that the department of transportation declares to contain provisions which are inconsistent with sub. (2) (bm).

SECTION 5872. 218.01 (3) (bf) 1. of the statutes is amended to read:

218.01 **(3)** (bf) 1. The department of transportation shall not license as a dealer an applicant for the sale of motor vehicles at retail unless such applicant owns or leases a vehicle display lot and a permanent building wherein there are facilities to display automobiles and motorcycles and facilities to repair functional and nonfunctional parts of motor vehicles and where replacement parts, repair tools and equipment to service motor vehicles are kept, and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business. A residence, tent or temporary stand is not a sufficiently permanent place of business within the meaning of this paragraph.

SECTION 5873. 218.01 (3) (c) 3. of the statutes is amended to read:

218.01 **(3)** (c) 3. Matters involving suspensions or revocations brought before the department of transportation shall be heard and decided upon by the division of hearings and appeals. If the department of transportation requests the division of hearings and appeals to hear a matter brought before the department of transportation under subd. 2., the division of hearings and appeals shall hear and decide the matter within 30 days after the date of the ~~department's~~ department of transportation's request.

SECTION 5874. 218.01 (3) (f) 1. of the statutes is amended to read:

218.01 **(3)** (f) 1. A manufacturer, importer or distributor who seeks to enter into a franchise agreement establishing or relocating a motor vehicle dealership, parts outlet or service outlet within the relevant market area of an existing enfranchised dealer of the line make of motor vehicle shall first notify in writing the department of transportation and each such existing enfranchised dealer of its intention to establish or relocate a dealership or outlet. Within 30 days of receiving the notice or within 30 days after the end of any appeal procedure provided by the manufacturer, importer or distributor, whichever is later, any existing enfranchised dealer of the same line make to whom the manufacturer, importer or distributor is required to give notice under this subdivision may file with the department of transportation and the division of hearings and appeals a complaint protesting the proposed establishment or relocation of the dealership or outlet within the relevant market area of the existing enfranchised dealer. If a complaint is filed, the department of transportation shall inform the manufacturer, importer or distributor that a timely complaint has been filed, that a hearing is required, and that the proposed franchise agreement may not be entered into until the division of hearings and appeals has held a hearing, nor thereafter, if the division of hearings and appeals determines that there is good cause for not permitting the proposed establishment or relocation of the dealership or outlet. In the event of multiple complaints, hearings shall be consolidated to expedite the disposition of the issue.

SECTION 5875. 218.01 (3) (fm) 1. of the statutes is amended to read:

218.01 **(3)** (fm) 1. A manufacturer or distributor may not modify a motor vehicle dealer agreement during the term of the agreement or upon its renewal if the modification substantially and adversely affects the motor vehicle dealer's rights,

obligations, investment or return on investment without giving 60 days written notice of the proposed modification to the motor vehicle dealer unless the modification is required by law, court order or the licensor. Within the 60–day notice period the motor vehicle dealer may file with the department of transportation and the division of hearings and appeals and serve upon the respondent a complaint for a determination of whether there is good cause for permitting the proposed modification. The division of hearings and appeals shall promptly schedule a hearing and decide the matter. Multiple complaints pertaining to the same proposed modification shall be consolidated for hearing. The proposed modification may not take effect pending the determination of the matter.

SECTION 5876. 218.01 (3) (g) of the statutes is amended to read:

218.01 **(3)** (g) Any person in interest aggrieved by a decision of the division of hearings and appeals may have a review thereof as provided in ch. 227 or aggrieved by an order of the ~~commissioner~~ division of banking may have a review thereof as provided in s. 220.037.

SECTION 5877. 218.01 (3) (h) of the statutes is amended to read:

218.01 **(3)** (h) In addition to the licensor's authority to deny, suspend or revoke a license under this section, the ~~commissioner~~ division of banking, after public hearing, may issue a special order enjoining any licensee from engaging in any act or practice which is determined by the ~~commissioner~~ division of banking to be in violation of any provision of par. (a), and the division of hearings and appeals may be petitioned to issue such a special order after notice and hearing thereon.

SECTION 5878. 218.01 (3a) (title) of the statutes is amended to read:

218.01 **(3a)** (title) ~~WHEN DEPARTMENT TO REVOKE~~ REVOCATION OF LICENSE OF DEALER, DISTRIBUTOR, MANUFACTURER, OR TRANSPORTER.

SECTION 5879. 218.01 (3a) (a) of the statutes is amended to read:

218.01 **(3a)** (a) If a dealer, distributor or manufacturer is convicted under s. 341.55 (1) a second or subsequent time within the same registration year, the department of transportation shall revoke the license of such dealer, distributor or manufacturer for a period not to exceed one year. For the purposes of this paragraph, the conviction of the employe of a dealer, distributor or manufacturer shall be counted as a conviction of the employer.

SECTION 5880. 218.01 (3a) (b) of the statutes is amended to read:

218.01 **(3a)** (b) If a transporter is convicted under s. 341.55 (3) a 2nd or subsequent time within the same license period, the department of transportation shall revoke the license of such transporter for a period not to exceed one year.

SECTION 5881. 218.01 (3a) (c) of the statutes is amended to read:

218.01 **(3a)** (c) A dealer, distributor, manufacturer or transporter whose license has been revoked shall forthwith surrender its registration plates to a traffic officer or peace officer designated by the department of transportation. A dealer, distributor, manufacturer or transporter who fails to return the plates as required by this subsection may be fined not more than $200 or imprisoned not more than 6 months or both.

SECTION 5882. 218.01 (3c) (c) of the statutes is amended to read:

218.01 **(3c)** (c) If a manufacturer, factory branch or distributor believes it has good cause for refusing to honor the succession to the ownership and operation of a dealership by a family member of a deceased or incapacitated dealer under the existing franchise agreement, such manufacturer, factory branch or distributor may, within 30 days of receipt of notice of the designated family member's intent to succeed the dealer in the ownership and operation of the dealership, serve upon such

designated family member and the department of transportation notice of its refusal to honor the succession and of its intent to discontinue the existing franchise agreement with the dealership no sooner than 60 days from the date such notice is served. Such notice shall state the specific grounds for the refusal to honor the succession and the discontinuance of the franchise agreement. If no notice of such refusal and discontinuance is timely served upon the family member and department of transportation, or if the division of hearings and appeals rules in favor of the complainant in a hearing held under par. (d), the franchise agreement shall continue in effect subject to termination only in the manner prescribed in this subchapter.

SECTION 5883. 218.01 (3c) (d) of the statutes is amended to read:

218.01 **(3c)** (d) Any designated family member who receives a notice of the manufacturer's, factory branch's or distributor's refusal to honor his or her succession to the ownership and operation of the dealership may, within the 60–day notice period, serve on the respondent and file in triplicate with the division of hearings and appeals a verified complaint for a hearing and determination by the division of hearings and appeals on whether good cause exists for such refusal and discontinuance. The division of hearings and appeals shall forward a copy of the complaint to the department of transportation. The manufacturer, factory branch or distributor shall have the burden of establishing good cause for such refusal by showing that the succession would be detrimental to the public interest or to the representation of the manufacturer, factory branch or distributor. The franchise agreement shall continue in effect until the final determination of the issues raised in such complaint. If the complainant prevails he or she shall have a cause of action against the defendant for reasonable expenses and attorney fees incurred in such

matter. If the manufacturer, factory branch or distributor prevails, the division of hearings and appeals shall include in its order approving the termination of the franchise agreement such conditions as are reasonable and adequate to afford the complainant an opportunity to receive fair and reasonable compensation for the value of the dealership.

SECTION 5884. 218.01 (3x) (b) 1. of the statutes is amended to read:

218.01 **(3x)** (b) 1. If a motor vehicle dealer's agreement with an affected grantor requires the grantor's prior approval of an action proposed to be undertaken by the dealer under this subsection, a dealer may not voluntarily change its ownership or executive management, transfer its dealership assets to another person, add another franchise at the same location as its existing franchise or relocate a franchise without giving prior written notice of the proposed action to the affected grantor and to the department <u>of transportation</u>. Within 20 days after receiving the notice, the affected grantor may serve the dealer with a written list of the information not already known or in the possession of the grantor that is reasonably necessary in order for the grantor to determine whether the proposed action should be approved. The grantor shall, in good faith, confirm in writing to the dealer the date on which it has received from the dealer or from other sources all the information specified on the list.

SECTION 5885. 218.01 (3x) (b) 2. of the statutes is amended to read:

218.01 **(3x)** (b) 2. An affected grantor who does not approve of the proposed action shall, within 30 days after receiving the dealer's written notice of the proposed action or within 30 days after receiving all the information specified in a written list served on the dealer under subd. 1., whichever is later, file with the department <u>of transportation</u> and serve upon the dealer a written statement of the reasons for its disapproval. The reasons given for the disapproval or any explanation of those

reasons by the manufacturer, distributor or importer shall not subject the manufacturer, distributor or importer to any civil liability unless the reasons given or explanations made are malicious and published with the sole intent to cause harm to the dealer or a transferee of the dealer. Failure to file and serve a statement within the applicable period shall, notwithstanding the terms of any agreement, constitute approval of the proposed action by the grantor. If an affected grantor files a written statement within the applicable period, the dealer may not voluntarily undertake the proposed action unless it receives an order permitting it to do so from the office of the commissioner of transportation under par. (c) 2.

SECTION 5886. 218.01 (3x) (b) 3. of the statutes is amended to read:

218.01 **(3x)** (b) 3. A dealer who is served with a written statement by an affected grantor under subd. 2 may file with the department of transportation and the office of the commissioner of transportation and serve upon the affected grantor a complaint for the determination of whether there is good cause for permitting the proposed action to be undertaken. The office of the commissioner of transportation shall promptly schedule a hearing and decide the matter. The proposed action may not be undertaken pending the determination of the matter.

SECTION 5887. 218.01 (5) (b) 1. of the statutes is amended to read:

218.01 **(5)** (b) 1. The ~~commissioner~~ division of banking, department of transportation and division of hearings and appeals shall have the power in hearings arising under this chapter to determine the place, in this state, where they shall be held; to subpoena witnesses and documents; to take and permit the taking of depositions of witnesses residing in or outside of this state and to otherwise permit the discovery and preservation of evidence before hearing, in the manner provided for in civil actions in courts of record; to pay such witnesses the fees and mileage for

their attendance as is provided for witnesses in civil actions in courts of record; and to administer oaths.

SECTION 5888. 218.01 (5) (b) 3. of the statutes is amended to read:

218.01 **(5)** (b) 3. A person providing information under this paragraph may request that the information be designated as a trade secret, as defined in s. 134.90 (1) (c), or as confidential business information. The ~~commissioner,~~ division of hearings and appeals or licensor shall approve the designation if the person providing the information demonstrates that the release of the information would adversely affect the person's competitive position. At least 15 days before any information designated as a trade secret or as confidential business information is disclosed to any other person, the ~~commissioner,~~ division of hearings and appeals or licensor shall notify the person providing the information. The person providing the information may seek a court order limiting or prohibiting the disclosure. In such cases, the court shall weigh the need for confidentiality of the information against the public interest in disclosure. Confidentiality is waived if the person providing the information consents in writing to disclosure.

SECTION 5889. 218.01 (6) (b) (intro.) of the statutes is amended to read:

218.01 **(6)** (b) (intro.) Prior to or concurrent with any instalment sale, the seller shall deliver to the buyer a written statement describing clearly the motor vehicle sold to the buyer, the cash sale price, the cash paid down by the buyer, the amount credited the buyer for any trade–in and a description of the trade–in, the cost to the retail buyer of any insurance, the amount financed which may include the cost of insurance, sales and use taxes, the amount of the finance charge, the amount of any other charge specifying its purpose, the total of payments due from the buyer, the terms of the payment of such total, the amount and date of each payment necessary

finally to pay the total and a summary of any insurance coverage to be effected. The ~~commissioner~~ division of banking may determine the form of the statement. If a written order is taken from a prospective purchaser in connection with any instalment sale, the written statement shall be given to the purchaser prior to or concurrent with the signing of the order by the purchaser. The finance charge in a retail instalment sale made prior to April 6, 1980, however computed, excluding the cost of insurance shall not exceed the amount computed on the basis of the following annual percentage rates:

SECTION 5890. 218.01 (6) (em) of the statutes is amended to read:

218.01 **(6)** (em) In event the dealer shall finance the instalment sale contract, the ~~commissioner~~ division of banking may permit the dealer to combine the information required by pars. (b) and (e) last above in one statement under such rules and regulations as the ~~commissioner~~ division of banking may from time to time prescribe.

SECTION 5891. 218.01 (7a) (a) of the statutes is amended to read:

218.01 **(7a)** (a) A motor vehicle may not be offered for sale by any motor vehicle dealer or motor vehicle salesperson unless the mileage on the motor vehicle is disclosed in writing by the transferor on the certificate of title or on a form authorized by the department of transportation to reassign the title to the dealer and the disclosure is subsequently shown to the retail purchaser by the dealer or salesperson prior to sale. The department of transportation may promulgate rules to exempt types of motor vehicles from this mileage disclosure requirement and shall promulgate rules for making the disclosure requirement on a form other than the certificate of title.

SECTION 5892. 218.01 (7a) (b) of the statutes is amended to read:

218.01 **(7a)** (b) It shall be unlawful for any motor vehicle dealer or motor vehicle salesperson to fail to provide, upon request of a prospective purchaser, the name and address of the most recent titled owner and of all subsequent nontitled owners, unless exempted from this requirement by rule of the department of transportation, of any motor vehicle offered for sale. If the most recent titled owner of the motor vehicle is the motor vehicle dealer, the dealer or salesperson shall also provide the name and address of the previous titled owner.

SECTION 5893. 218.01 (7b) of the statutes is amended to read:

218.01 **(7b)** PURCHASE OF MOTOR VEHICLE BY MINOR. No minor shall purchase any motor vehicle unless the minor, at the time of purchase, submits to the seller a statement verified before a person authorized to administer oaths and made and signed by either parent of the purchaser, if such parent has custody of the minor or, if neither parent has custody, then by the person having custody, setting forth that the purchaser has consent to purchase the vehicle. The signature on the statement shall not impute any liability for the purchase price of the motor vehicle to the consenting person. The statement shall not adversely affect any other arrangement for the assumption of liability for the purchase price which the consenting person may make. The signed statement shall accompany the application for a certificate of title and shall be filed by the department of transportation with the application. Failure to obtain the consent or to forward it with the application for a certificate of title shall not void the contract of sale of a motor vehicle in the hands of an innocent holder, without notice, for value and in the ordinary course of business. Any person who sells a motor vehicle to a minor with knowledge of such fact without procuring such a statement may be fined not more than $200 or imprisoned not more than 6 months or both.

SECTION 5894. 218.02 (1) (b) of the statutes is repealed.

SECTION 5895. 218.02 (1) (d) of the statutes is created to read:

218.02 **(1)** (d) "Division" means the division of banking.

SECTION 5896. 218.02 (2) (a) of the statutes is amended to read:

218.02 **(2)** (a) Each adjustment service company shall apply to the ~~commissioner of banking~~ division for a license to engage in such business. Application for a separate license for each office of a company to be operated under this section shall be made to the ~~commissioner~~ division in writing, under oath, in a form to be prescribed by the ~~commissioner~~ division. The ~~commissioner~~ division may issue more than one license to the same licensee.

SECTION 5897. 218.02 (2) (b) of the statutes is amended to read:

218.02 **(2)** (b) At the time of making application and before engaging in business, every applicant for an adjustment service company license shall pay a nonrefundable $200 fee ~~of $100~~ to the commissioner for investigating the application and ~~the sum of $100 as an~~ a $200 annual license fee. If the cost of an investigation exceeds ~~$100~~ $200, the applicant shall, upon demand of the commissioner, pay the excess cost. No investigation fee shall be required on the renewal of a license.

SECTION 5898. 218.02 (2) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

218.02 **(2)** (b) At the time of making application and before engaging in business, every applicant for an adjustment service company license shall pay a nonrefundable $200 fee to the ~~commissioner~~ division for investigating the application and a $200 annual license fee. If the cost of an investigation exceeds $200, the applicant shall, upon demand of the ~~commissioner~~ division, pay the excess cost. No investigation fee shall be required on the renewal of a license.

SECTION 5899. 218.02 (2) (c) of the statutes is amended to read:

218.02 **(2)** (c) The ~~commissioner~~ division may require any licensee either before or after the issuance of the license to file and maintain in force a bond in a form to be prescribed by and acceptable to the ~~commissioner~~ division, in such sum as the ~~commissioner~~ division may deem necessary to safeguard the interest of the borrowers and the public, not exceeding, however, the sum of $5,000.

SECTION 5900. 218.02 (3) (intro.) of the statutes is amended to read:

218.02 **(3)** CONDITIONS OF THE ISSUANCE OF LICENSES. (intro.) The ~~commissioner~~ division shall issue a license to the applicant to conduct such business at the office specified in the application in accordance with the provisions of this section, if the ~~commissioner~~ division shall find:

SECTION 5901. 218.02 (4) of the statutes is amended to read:

218.02 **(4)** ORDER DENYING APPLICATION. If the ~~commissioner~~ division is not satisfied as to all of the matters specified in sub. (3) the ~~commissioner~~ division shall enter a special order denying the application for a license and shall return the applicant's license fee. The ~~commissioner~~ division shall make findings of fact as part of and in support of the ~~commissioner's~~ division's order denying any application for a license.

SECTION 5902. 218.02 (5) (b) of the statutes is amended to read:

218.02 **(5)** (b) Whenever a licensee shall contemplate a change of the licensee's place of business to another location within the same city, village or town, the licensee shall give written notice thereof to the ~~commissioner, who~~ division, which shall attach to the license the ~~commissioner's~~ division's authorization of such removal, specifying the date thereof and the new location. Such authorization shall be authority for the operation of such business under the same license at the specified

new location. No change in the place of business of a licensee to a location outside of the original city, village or town shall be permitted under the same license.

SECTION 5903. 218.02 (5) (c) of the statutes is amended to read:

218.02 **(5)** (c) Every licensee shall, on or before the tenth day of each December, pay to the ~~commissioner~~ division the annual license fee for the next succeeding calendar year.

SECTION 5904. 218.02 (6) (intro.) of the statutes is amended to read:

218.02 **(6)** REVOCATION; SUSPENSION; REINSTATEMENT AND TERM OF LICENSES. (intro.) The ~~commissioner~~ division, after complaint, notice and hearings as provided in s. 217.19, shall revoke any license in the following cases:

SECTION 5905. 218.02 (6) (c) of the statutes is amended to read:

218.02 **(6)** (c) If any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have warranted the ~~commissioner~~ division in refusing to issue such license;

SECTION 5906. 218.02 (7) (intro.) of the statutes is amended to read:

218.02 **(7)** (title) POWERS OF ~~COMMISSIONER~~ DIVISION. (intro.) It shall be the duty of the ~~commissioner~~ division and the ~~commissioner~~ division shall have power, jurisdiction and authority to investigate the conditions and ascertain the facts with reference to such companies and upon the basis thereof:

SECTION 5907. 218.02 (7) (c) of the statutes is amended to read:

218.02 **(7)** (c) At any time and so often as the ~~commissioner~~ division may determine to investigate the business and examine the books, accounts, records and files used therein of every licensee. The cost of an examination shall be determined by the ~~commissioner~~ division and shall be paid to the ~~commissioner~~ division by every licensee so examined within 30 days after demand therefor by the ~~commissioner~~

division, and the state may maintain an action for the recovery of such costs in any court of competent jurisdiction;

SECTION 5908. 218.02 (9) (a) of the statutes is amended to read:

218.02 **(9)** (a) The ~~commissioner~~ division may make such rules and require such reports as the ~~commissioner~~ division deems necessary for the enforcement of this section. Sections 217.17, 217.18 and 217.21 (1) and (2) apply to and are available for the purposes of this section. Orders of the ~~commissioner~~ division under this section are subject to review by the consumer credit review board under s. 220.037.

SECTION 5909. 218.02 (9) (b) of the statutes is amended to read:

218.02 **(9)** (b) All fees and moneys received by the ~~commissioner~~ division under authority of this chapter shall be paid by the ~~commissioner~~ division into the state treasury within one week after the receipt thereof.

SECTION 5910. 218.02 (9) (c) of the statutes is amended to read:

218.02 **(9)** (c) The ~~commissioner~~ division shall investigate, ascertain and determine whether this chapter or the lawful orders issued hereunder are being violated and for such purposes the ~~commissioner~~ division shall have all of the powers conferred by ss. 217.17 and 217.18. The ~~commissioner~~ division shall report all violations to the district attorney of the proper county for prosecution.

SECTION 5911. 218.04 (1) (c) of the statutes is amended to read:

218.04 **(1)** (c) ~~"Commissioner"~~ "Division" means the ~~commissioner~~ division of banking.

SECTION 5912. 218.04 (3) (a) of the statutes is amended to read:

218.04 **(3)** (a) Application for licenses under the provisions of this section shall be made to the ~~commissioner~~ division in writing, under oath, on a form to be

prescribed by the ~~commissioner~~ division. All licenses shall expire on June thirtieth next following their date of issue.

SECTION 5913. 218.04 (3) (b) of the statutes is amended to read:

218.04 **(3)** (b) At the time of making application, every applicant for a collection agency license shall pay a nonrefundable fee of ~~$100~~ $1,000 to the commissioner for investigating the application, unless the applicant is already licensed under this section, and the sum of ~~$100~~ $200 as an annual license fee. If the cost of investigation exceeds ~~$100~~ $1,000, the applicant shall, upon demand of the commissioner, pay the excess cost. No investigation fee is required on the renewal of a license.

SECTION 5914. 218.04 (3) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

218.04 **(3)** (b) At the time of making application, every applicant for a collection agency license shall pay a nonrefundable fee of $1,000 to the ~~commissioner~~ division for investigating the application, unless the applicant is already licensed under this section, and the sum of $200 as an annual license fee. If the cost of investigation exceeds $1,000, the applicant shall, upon demand of the ~~commissioner~~ division, pay the excess cost. No investigation fee is required on the renewal of a license.

SECTION 5915. 218.04 (3) (c) of the statutes is amended to read:

218.04 **(3)** (c) The license fee for a collector or solicitor shall be ~~$2~~ $15. This license shall be carried as a means of identification whenever the collector is engaged in business. The license shall state the name of the employer and ~~in case of a change of employer the commissioner shall indorse such change on the license without charge~~ shall be surrendered to the commissioner upon termination of employment. A new license is required for a change of employment.

SECTION 5916. 218.04 (3) (c) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

218.04 **(3)** (c) The license fee for a collector or solicitor shall be $15. This license shall be carried as a means of identification whenever the collector is engaged in business. The license shall state the name of the employer and shall be surrendered to the ~~commissioner~~ division upon termination of employment. A new license is required for a change of employment.

SECTION 5917. 218.04 (3) (d) of the statutes is amended to read:

218.04 **(3)** (d) The ~~commissioner~~ division may require any licensee to file and maintain in force a bond, in a form to be prescribed by and acceptable to the ~~commissioner~~ division, and in such sum as the ~~commissioner~~ division may deem reasonably necessary to safeguard the interests of the public.

SECTION 5918. 218.04 (4) (a) of the statutes is amended to read:

218.04 **(4)** (a) Upon the filing of such application and the payment of such fee, the ~~commissioner~~ division shall make an investigation, and if the ~~commissioner~~ division finds that the character and general fitness and the financial responsibility of the applicant, and the members thereof if the applicant is a partnership, limited liability company or association, and the officers and directors thereof if the applicant is a corporation, warrant the belief that the business will be operated in compliance with this section the ~~commissioner~~ division shall thereupon issue a license to said applicant. Such license is not assignable and shall permit operation under it only at or from the location specified in the license. A nonresident of this state may, upon complying with all other provisions of this section, secure a collection agency license provided the nonresident maintains an active office in this state.

SECTION 5919. 218.04 (4) (b) of the statutes is amended to read:

218.04 **(4)** (b) No licensee shall conduct a collection agency business within any office, room or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except as may be authorized in writing by the ~~commissioner~~ division upon finding that the character of such other business is such that the granting of such authority would not facilitate evasion of this section or the lawful orders issued thereunder.

SECTION 5920. 218.04 (5) (a) (intro.) of the statutes is amended to read:

218.04 **(5)** (a) (intro.) The ~~commissioner~~ division may suspend or revoke any license issued under this section if the ~~commissioner~~ division finds that:

SECTION 5921. 218.04 (5) (a) 1. of the statutes is amended to read:

218.04 **(5)** (a) 1. The licensee has violated any of the provisions of this section or any lawful order of the ~~commissioner~~ division made thereunder;

SECTION 5922. 218.04 (5) (a) 2. of the statutes is amended to read:

218.04 **(5)** (a) 2. Any fact or condition exists which, if it had existed at the time of the original application for such license, would have warranted the ~~commissioner~~ division in refusing to issue such license;

SECTION 5923. 218.04 (5) (c) of the statutes is amended to read:

218.04 **(5)** (c) In the event of the death of a licensee, if the licensee is an individual, or of the partners, if the licensee is a partnership, the license of the agency shall terminate as of the date of death of said licensee, except the ~~commissioner~~ division may reinstate a license if the estate of the former licensee signifies to the ~~commissioner~~ division within 45 days its intention to continue the business of the agency.

SECTION 5924. 218.04 (6) (a) of the statutes is amended to read:

218.04 **(6)** (a) Whenever a collection agency shall contemplate a change of its place of business to another location within the same city or village, it shall give written notice thereof to the ~~commissioner, who~~ division, which shall attach to the license the ~~commissioner's~~ division's authorization of such removal, specifying the date thereof and the new location. Such authorization shall be authority for the operation of such business under the same license at the specified new location. All collection agency licenses shall be conspicuously posted in the office of the licensee.

SECTION 5925. 218.04 (6) (b) of the statutes is amended to read:

218.04 **(6)** (b) Every licensee applying for a renewal of a license shall, on or before the first day of June, pay in advance to the ~~commissioner~~ division the annual license fee.

SECTION 5926. 218.04 (6) (c) (intro.) of the statutes is amended to read:

218.04 **(6)** (c) (intro.) Before discontinuing operating as a collection agency under the provisions of this section, every licensee shall furnish the ~~commissioner~~ division with proof in a form to be determined by the ~~commissioner~~ division and approved by the advisory committee that:

SECTION 5927. 218.04 (7) (intro.) of the statutes is amended to read:

218.04 **(7)** (title) POWERS OF ~~COMMISSIONER~~ DIVISION; ADVISORY COMMITTEES. (intro.) It shall be the duty of the ~~commissioner~~ division and the ~~commissioner~~ division shall have power, jurisdiction and authority to investigate the conditions and ascertain the facts with reference to the collection of accounts and upon the basis thereof:

SECTION 5928. 218.04 (7) (b) of the statutes is amended to read:

218.04 **(7)** (b) For the purpose of discovering violations of this section the ~~commissioner~~ division may cause an investigation to be made of the business of the

licensee transacted under the provisions of this section, and shall cause an investigation to be made of convictions reported to the ~~commissioner~~ division by any district attorney for violation by a licensee of any of the provisions of this section. The place of business, books of accounts, papers, records, safes and vaults of said licensee shall be open to inspection and examination by the ~~commissioner or the commissioner's representative~~ division for the purpose of such investigation and the ~~commissioner~~ division shall have authority to examine under oath all persons whose testimony is required relative to said investigation. The cost of the first investigation or examination during any licensing year shall be paid by the licensee, but the cost of additional investigation or examination during such year shall be paid by the licensee only if such examination discloses violation of sub. (5) (a) 4. The ~~commissioner~~ division shall determine the cost of an investigation or examination. The licensee shall pay the cost of any hearing including witness fees, unless it be found by the ~~commissioner~~ division, board of review or court that licensee has not violated any provision of this section. All said costs shall be paid by the licensee within 30 days after demand therefor by the ~~commissioner~~ division. The state may maintain an action for the recovery of such costs and expenses in any court of competent jurisdiction.

SECTION 5929. 218.04 (7) (c) of the statutes is amended to read:

218.04 **(7)** (c) To appoint advisers from the individuals engaged in the collection business in the state and in any locality, which advisers shall be consulted by and shall assist the ~~commissioner~~ division in the execution of the ~~commissioner's~~ division's duties under the provisions of this section. ~~The commissioner may appoint such advisers as deputies.~~ Such persons~~, either as advisers or deputies,~~ shall receive no compensation for their services but may be reimbursed for their actual and

necessary traveling expenses. Such expenses shall be audited and paid and charged to the ~~commissioner~~ division for the administration of this chapter.

SECTION 5930. 218.04 (8) of the statutes is amended to read:

218.04 **(8)** HEARINGS AND ORDERS. The ~~commissioner~~ division shall have the same power to conduct hearings, take testimony and secure evidence as is provided in ss. 217.17, 217.18 and 217.19.

SECTION 5931. 218.04 (9) of the statutes is amended to read:

218.04 **(9)** ADMINISTRATIVE REVIEW. Any licensee or other person in interest being dissatisfied with any order of the ~~commissioner~~ division made under this section may have a review thereof as provided in s. 220.037.

SECTION 5932. 218.04 (9g) (b) of the statutes is amended to read:

218.04 **(9g)** (b) A licensee shall establish a trust account with a financial institution. The licensee shall notify the ~~commissioner~~ division of the name of the financial institution that maintains the trust account. The ~~commissioner~~ division may prohibit a licensee from establishing or maintaining a trust account in a financial institution if the ~~commissioner~~ division believes that the financial institution is operating in an unsafe or unsound manner.

SECTION 5933. 218.04 (9m) (title) of the statutes is amended to read:

218.04 **(9m)** (title) DELINQUENT COLLECTION AGENCIES; ~~COMMISSIONER~~ DIVISION MAY TAKE POSSESSION.

SECTION 5934. 218.04 (9m) (a) of the statutes is amended to read:

218.04 **(9m)** (a) If the ~~commissioner~~ division finds that a licensee is insolvent or that the licensee has collected accounts but has failed to remit money due to any claimant or forwarder within 30 days from the end of the month in which collection was made, and it is necessary to protect the interest of the public or when the license

of a collection agency has expired or has terminated for any reason whatsoever, the ~~commissioner~~ division may take possession of the assets and the books and records of the licensee for the purpose of liquidating its business, and for such other relief as the nature of the case and the interest of the claimants or forwarders may require. The liquidation of business shall be made by and under the supervision of the ~~commissioner~~ division either in the name of the ~~commissioner~~ division or in the name of the licensee and the ~~commissioner or the commissioner's successor~~ division shall be vested with title to all of the assets including the proceeds of the bond or bonds which have been filed with the ~~commissioner~~ division as provided for under sub. (3) (d), and the proceeds of any and all money paid direct to the claimant or forwarder by the debtor prior to the date said license has terminated. Money paid to the licensee or to the ~~commissioner~~ division after the termination of the license shall be disposed of by the ~~commissioner~~ division with the approval of the circuit court.

SECTION 5935. 218.04 (9m) (b) of the statutes is amended to read:

218.04 **(9m)** (b) In taking possession of the property and business of any such collection agency, the ~~commissioner~~ division shall forthwith give notice to any and all banks or other financial institutions holding or in possession of any bank balances or assets of such agency and thereafter such assets shall be held subject to the order of the ~~commissioner~~ division.

SECTION 5936. 218.04 (9m) (c) of the statutes is amended to read:

218.04 **(9m)** (c) In addition to the authority conferred by par. (b), the ~~commissioner~~ division may, with the approval of the circuit court for the county wherein the main office is located, for the purposes of collection or liquidation, sell, assign, convey and transfer or approve the sale, assignment, conveyance and transfer of the assets of such collection agency under such terms and conditions as

the ~~commissioner~~ division may deem for the best interests of the claimants of such collection agency.

SECTION 5937. 218.04 (9m) (e) of the statutes is amended to read:

218.04 **(9m)** (e) The ~~commissioner~~ division shall cause notice to be given by publication of a class 3 notice, under ch. 985, if no action has been commenced under par. (f), calling on all persons who may have claims against such licensee, to present the same to the ~~commissioner~~ division, and make legal proof thereof at a place and within a time, to be therein specified. The ~~commissioner~~ division may mail a similar notice to all persons whose names appear as claimants or forwarders upon the books and records of the licensee or as may appear in the records of the ~~commissioner~~ division on the sworn reports required to be furnished the ~~commissioner~~ division according to the provisions of sub. (10). Any claimant or forwarder whose portion of the collection or collections has not been properly remitted shall file a claim which shall be considered as a preferred claim for the amount actually due the claimant or forwarder after deducting any commission or fee that may be due and owing the licensee. If the ~~commissioner~~ division doubts the justice and validity of any claim, the ~~commissioner~~ division may reject the same and serve notice of such rejection upon the claimant either by mail or personally. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the ~~commissioner~~ division. An action upon a claim so rejected must be brought in the circuit court for the county wherein the licensee is located within 30 days after such service of such notice of rejection of claim has been filed. Claims presented after the expiration of the time fixed in the notice to the claimants or forwarders shall be entitled to receive only liquidating dividends declared after presentation, unless

otherwise ordered by the court. The court may fix a date after which all claims shall be barred.

SECTION 5938. 218.04 (9m) (f) of the statutes is amended to read:

218.04 **(9m)** (f) Whenever any agency, of whose assets and business the ~~commissioner~~ division has taken possession, as aforesaid, deems itself aggrieved thereby, it may, at any time within 10 days after such taking possession, apply to the circuit court for the county in which the main office of such agency is located to enjoin further proceedings; and such court, after citing the ~~commissioner~~ division to show cause why further proceedings should not be enjoined and hearing the allegations and proofs of the parties and determining the facts, may, upon the merits dismiss such application or enjoin the ~~commissioner~~ division from further proceedings, and direct the ~~commissioner~~ division to surrender such business and property to such agency.

SECTION 5939. 218.04 (9m) (g) of the statutes is amended to read:

218.04 **(9m)** (g) Whenever the ~~commissioner~~ division shall have paid to each and every claimant or forwarder of such collection agency whose claims as such claimant or forwarder have been duly proved and allowed the full amount of such claims and shall have made proper provisions for unclaimed and unpaid collections and shall have paid all the expenses of the liquidation, the ~~commissioner~~ division shall liquidate the remaining assets exclusive of the proceeds of the bond or bonds for the benefit of the general creditors; or if no claims have been filed by or in behalf of the general creditors, the ~~commissioner~~ division shall turn over the remaining assets to the circuit court for further disposition.

SECTION 5940. 218.04 (9m) (h) of the statutes is amended to read:

218.04 **(9m)** (h) All accounts and valuable papers given to the agency by the claimant or forwarder in possession of the ~~commissioner~~ division, pertaining to accounts placed with the agency for collection shall be returned to the claimant or forwarded by the ~~commissioner~~ division within 30 days after verification of the claim has been made.

SECTION 5941. 218.04 (10) (a) of the statutes is amended to read:

218.04 **(10)** (a) Each licensee shall annually, on or before the fifteenth day of March, file a report with the ~~commissioner~~ division giving such reasonable and relevant information as the ~~commissioner~~ division may, by general or special order, require concerning the business and operations conducted by such licensee within the state. Such report shall be made under oath and shall be in the form prescribed by the ~~commissioner~~ division.

SECTION 5942. 218.04 (10) (b) of the statutes is amended to read:

218.04 **(10)** (b) The ~~commissioner~~ division shall require the licensee to keep such books and records in the licensee's place of business as will enable the ~~commissioner~~ division to determine whether the provisions of this section are being complied with. Every such licensee shall preserve the records of final entry used in such business for a period of at least 6 years after final remittance is made on any account placed with the licensee for collection or after any account has been returned to the claimant on which one or more payments have been paid.

SECTION 5943. 218.04 (13) of the statutes is amended to read:

218.04 **(13)** ENFORCEMENT. The ~~commissioner~~ division shall have the duty, power, jurisdiction and authority to investigate, ascertain and determine whether this section or the lawful orders issued hereunder are being violated and for such purposes the ~~commissioner~~ division shall have all the powers conferred by subs. (4)

and (5). The ~~commissioner~~ division shall report all violations to the district attorney of the proper county for prosecution.

SECTION 5944. 218.05 (1) (a) of the statutes is repealed.

SECTION 5945. 218.05 (1) (d) of the statutes is created to read:

218.05 **(1)** (d) "Division" means the division of banking.

SECTION 5946. 218.05 (2) of the statutes is amended to read:

218.05 **(2)** LICENSES REQUIRED. After July 1, 1945, no person, firm, association, partnership or corporation shall engage in the business of a community currency exchange without first securing a license to do so from the ~~commissioner~~ division as required by this section.

SECTION 5947. 218.05 (3) (a) (intro.) of the statutes is amended to read:

218.05 **(3)** (a) (intro.) Application for such license shall be in writing, under oath, on a form to be prescribed by the ~~commissioner~~ division. Each application shall contain the following information:

SECTION 5948. 218.05 (3) (a) 3. of the statutes is amended to read:

218.05 **(3)** (a) 3. Such other information as the ~~commissioner~~ division may require.

SECTION 5949. 218.05 (3) (b) of the statutes is amended to read:

218.05 **(3)** (b) ~~Such~~ An application shall be accompanied by a nonrefundable fee of ~~$100~~ $300 for the cost of investigating the applicant. ~~When the application has been approved by the commissioner and the applicant so advised~~ If the cost of an investigation exceeds $300, the applicant shall, upon demand of the commissioner, pay the excess cost. At the time of the application, the applicant shall pay an additional ~~$100~~ $300 as an annual license fee for a period ~~terminating~~ ending on the last day of the current calendar year.

SECTION 5950. 218.05 (3) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

218.05 **(3)** (b) An application shall be accompanied by a nonrefundable fee of $300 for the cost of investigating the applicant. If the cost of an investigation exceeds $300, the applicant shall, upon demand of the ~~commissioner~~ division, pay the excess cost. At the time of the application, the applicant shall pay an additional $300 as an annual license fee for a period ending on the last day of the current calendar year.

SECTION 5951. 218.05 (3) (c) of the statutes is amended to read:

218.05 **(3)** (c) Before any license is issued to a community currency exchange the applicant shall file annually with and have approved by the ~~commissioner~~ division a surety bond in the principal sum of $5,000, issued by an insurer authorized to do business in this state. The bond shall run to the state of Wisconsin and shall be for the benefit of any creditors of the community currency exchange for any liability incurred for any sum due to any payee of any check, draft or money order left with the community currency exchange for collection, and also for any penalties that may be imposed under this section. If the ~~commissioner~~ division finds at any time the bond is insecure or exhausted or otherwise doubtful, an additional bond in like amount to be approved by the ~~commissioner~~ division shall be filed by the licensee within 30 days after written demand by the ~~commissioner~~ division.

SECTION 5952. 218.05 (4) of the statutes is amended to read:

218.05 **(4)** LICENSES; ISSUANCE; DENIAL. If the ~~commissioner~~ division shall find after investigation that the applicant (a) is trustworthy and reputable, (b) has business experience qualifying the applicant to competently conduct, operate, own, or become associated with a community currency exchange, and (c) has a good business reputation and is worthy of a license, the ~~commissioner~~ division shall issue

to the applicant qualifying hereunder, a license to operate a community currency exchange at the location specified in the application, which license shall remain in full force and effect until it is surrendered by the licensee or revoked by the ~~commissioner~~ division. If the ~~commissioner~~ division shall not so find, the ~~commissioner~~ division shall not issue such license and shall notify the applicant of such denial, retaining the investigation fee to cover the cost of investigating the applicant. The ~~commissioner~~ division shall approve or deny every application within 30 days from the filing thereof. No application shall be denied unless the applicant has had notice of a hearing on said application and an opportunity to be heard thereon. If the application is denied, the ~~commissioner~~ division shall, within 20 days thereafter, prepare and keep on file ~~in the commissioner's office~~ with the division a written order of denial which shall contain the ~~commissioner's~~ division's findings with respect thereto and the reasons supporting the denial, and shall mail a copy thereof to the applicant at the address set forth in the application, within 5 days after the filing of such order.

SECTION 5953. 218.05 (6) of the statutes is amended to read:

218.05 **(6)** INSURANCE. Every applicant for a license under this section shall, after the application for a license has been approved, submit a policy or policies of insurance to be approved by the ~~commissioner~~ division, issued by an insurer authorized to do business in this state, which insures the applicant against loss by burglary, larceny, robbery, forgery or embezzlement in a principal sum determined by the ~~commissioner~~ division. Any such policy, with respect to forgery, may carry a condition that the community currency exchange assumes the first $50 of each claim thereunder.

SECTION 5954. 218.05 (8) of the statutes is amended to read:

218.05 **(8)** OTHER BUSINESS FORBIDDEN. A community currency exchange shall not be conducted as a ~~department~~ unit of another business. It must be an entity, financed and conducted as a separate business unit. This shall not prevent a community currency exchange from leasing a part of the premises of another business for the conduct of this business on the same premises; provided, that no community currency exchange shall be conducted on the same premises with a business whose chief source of revenue is derived from the sale of alcohol beverages for consumption on the premises. This subsection shall not apply when such other business is subject to any statute which provides for supervision and examination by the ~~commissioner~~ division.

SECTION 5955. 218.05 (10) (b) of the statutes is amended to read:

218.05 **(10)** (b) No more than one place of business shall be maintained under the same license, but the ~~commissioner~~ division may issue more than one license to the same licensee upon the compliance with the provisions of this section governing an original issuance of a license, for each new license.

SECTION 5956. 218.05 (10) (c) of the statutes is amended to read:

218.05 **(10)** (c) Whenever a licensee shall wish to change the licensee's place of business to any location other than that originally set forth in the license, the licensee shall give written notice thereof to the ~~commissioner~~ division and if the change is approved the ~~commissioner~~ division shall attach to the license, in writing, a rider stating the new address or location of the community currency exchange.

SECTION 5957. 218.05 (11) of the statutes is amended to read:

218.05 **(11)** RENEWAL. Every licensee shall, on or before December 20, pay to the commissioner the sum of ~~$50~~ $300 as an annual license fee for the next succeeding calendar year and ~~shall~~, at the same time, shall file with the

commissioner the annual bond and insurance policy or policies in the same amount and of the same character as required by subs. (3) (c) and (6).

SECTION 5958. 218.05 (11) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

218.05 **(11)** RENEWAL. Every licensee shall, on or before December 20, pay to the ~~commissioner~~ division the sum of $300 as an annual license fee for the next succeeding calendar year and, at the same time, shall file with the ~~commissioner~~ division the annual bond and insurance policy or policies in the same amount and of the same character as required by subs. (3) (c) and (6).

SECTION 5959. 218.05 (12) (a) (intro.) of the statutes is amended to read:

218.05 **(12)** (a) (intro.) The ~~commissioner~~ division may, upon 10 days' notice to the licensee by mail directed to the licensee at the address set forth in the license, stating the contemplated action and in general the grounds therefor, and upon reasonable opportunity to be heard prior to such action, revoke any license issued hereunder if the ~~commissioner~~ division shall find that:

SECTION 5960. 218.05 (12) (a) 1. of the statutes is amended to read:

218.05 **(12)** (a) 1. The licensee has failed to pay the annual license fee or to maintain in effect the required bond or insurance policy or policies or to comply with any order, decision or finding of the ~~commissioner~~ division made pursuant to this section.

SECTION 5961. 218.05 (12) (a) 2. of the statutes is amended to read:

218.05 **(12)** (a) 2. The licensee has violated any provision of this section or any regulation or direction made by the ~~commissioner~~ division under this section.

SECTION 5962. 218.05 (12) (a) 3. of the statutes is amended to read:

218.05 **(12)** (a) 3. Any fact or condition exists which, if it had existed at the time of the original application for such license, would have warranted the ~~commissioner~~ division in refusing the issuance of the license.

SECTION 5963. 218.05 (12) (b) of the statutes is amended to read:

218.05 **(12)** (b) The ~~commissioner~~ division may revoke only the particular license with respect to which grounds for revocation may occur or exist, or if the ~~commissioner~~ division shall find that such grounds for revocation are of general application to all offices or to more than one office operated by such licensee, the ~~commissioner~~ division may revoke all of the licenses issued to such licensee or such number of licenses to which such grounds apply.

SECTION 5964. 218.05 (12) (c) of the statutes is amended to read:

218.05 **(12)** (c) A licensee may surrender any license by delivering to the ~~commissioner~~ division written notice that the licensee surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender, or affect the licensee's bond, or entitle such licensee to a return of any part of the annual license fee.

SECTION 5965. 218.05 (12) (d) of the statutes is amended to read:

218.05 **(12)** (d) Every license issued hereunder shall remain in force until the same has been surrendered or revoked in accordance with this section, but the ~~commissioner~~ division may on the ~~commissioner's~~ division's own motion issue new licenses to a licensee whose license or licenses shall have been revoked if no fact or condition then exists which clearly would have warranted the ~~commissioner~~ division in refusing originally the issuance of such license under this section.

SECTION 5966. 218.05 (12) (e) of the statutes is amended to read:

218.05 **(12)** (e) No license shall be revoked until the licensee has had notice of a hearing thereon and an opportunity to be heard. When any license is so revoked, the ~~commissioner~~ division shall within 20 days thereafter, prepare and keep on file ~~in the commissioner's office~~ with the division, a written order or decision of revocation which shall contain the ~~commissioner's~~ division's findings with respect thereto and the reasons supporting the revocation and shall send by mail a copy thereof to the licensee at the address set forth in the license within 5 days after the filing ~~in the commissioner's office~~ with the division of such order, finding or decision.

SECTION 5967. 218.05 (13) of the statutes is amended to read:

218.05 **(13)** REVIEW OF ORDERS. Any person aggrieved by any order of the ~~commissioner~~ division made under this section may have a review thereof by the consumer credit review board under s. 220.037.

SECTION 5968. 218.05 (14) (a) of the statutes is amended to read:

218.05 **(14)** (a) A licensee shall annually, on or before February 15, file a report with the ~~commissioner~~ division that shall be used only for the official purposes of the ~~commissioner~~ division giving relevant information that the ~~commissioner~~ division may reasonably require concerning, and for the purpose of examining, the business and operations during the preceding calendar year of each licensed place of business conducted by the licensee within this state. The report shall be made under oath and shall be in the form prescribed by the ~~commissioner~~ division.

SECTION 5969. 218.05 (14) (b) 1. of the statutes is amended to read:

218.05 **(14)** (b) 1. A licensee shall keep books, accounts and records to enable the ~~commissioner~~ division to determine if the licensee is complying with this section and with rules promulgated by and orders issued by the ~~commissioner~~ division.

SECTION 5970. 218.05 (14) (b) 2. of the statutes is amended to read:

218.05 **(14)** (b) 2. A licensee shall keep within this state the books, accounts and records required by this paragraph at the licensee's place of business or a place readily accessible to the ~~commissioner or examiners~~ division.

SECTION 5971. 218.05 (14) (c) 1. of the statutes is amended to read:

218.05 **(14)** (c) 1. The ~~commissioner~~ division may investigate the business and examine the books, accounts and records of a licensee at any time. For that purpose, the ~~commissioner~~ division shall have free access to the offices and places of business and to the books, accounts and records of a licensee. The ~~commissioner~~ division may examine any person under oath or affirmation whose testimony the ~~commissioner~~ division requires relative to the licensee. ~~The commissioner or a designated representative~~ An employe of the division may administer an oath or affirmation to a person called as a witness. ~~The commissioner or the commissioner's representative~~ An employe of the division may conduct the examination.

SECTION 5972. 218.05 (14) (c) 2. of the statutes is amended to read:

218.05 **(14)** (c) 2. The ~~commissioner~~ division shall determine the cost of an examination. A licensee shall pay the cost of an examination within 30 days after the ~~commissioner~~ division demands payment.

SECTION 5973. 218.14 (1) (a) of the statutes is amended to read:

218.14 **(1)** (a) That the primary housing unit meets those standards prescribed by law or administrative rule of the department of administration or of the department of ~~industry, labor and human relations~~ development, which are in effect at the time of its manufacture.

SECTION 5976. 219.09 of the statutes is amended to read:

219.09 (title) **~~Local exposition~~ Certain district and authority bonds as legal investments and security. (1)** A bank, trust company, savings bank or

institution, savings and loan association, credit union or investment company or a personal representative, guardian, trustee or other fiduciary may legally invest any moneys or funds belonging to or within that person's control in bonds issued by ~~a~~ any of the following:

(a) A local exposition district under subch. II of ch. 229.

(2) This section shall not be construed as relieving any person of any duty of exercising any required level of care in selecting securities.

SECTION 5977. 219.09 (1) (b) of the statutes is created to read:

219.09 **(1)** (b) The University of Wisconsin Hospitals and Clinics Authority.

SECTION 5978. 220.01 (1m) of the statutes is created to read:

220.01 **(1m)** "Division" means the division of banking.

SECTION 5979. 220.02 (title) of the statutes is amended to read:

220.02 (title) **~~Commissioner of banking~~ Division; duties.**

SECTION 5980. 220.02 (1) of the statutes is repealed.

SECTION 5981. 220.02 (2) (intro.) of the statutes is amended to read:

220.02 **(2)** (intro.) The ~~commissioner of banking~~ division shall enforce all laws relating to banks and banking in this state, and shall enforce and cause to be enforced every law relating to the supervision and control thereof, including those relating to:

SECTION 5982. 220.02 (3) of the statutes is amended to read:

220.02 **(3)** It is the intent of sub. (2) to give the ~~commissioner of banking~~ division jurisdiction to enforce and carry out all laws relating to banks or banking in this state, including those relating to state banks, trust company banks, and also all laws relating to small loan companies or other loan companies or agencies, finance companies, motor vehicle dealers, adjustment service companies, community currency exchanges and collection agencies and those relating to sellers of checks

under ch. 217, whether doing business as corporations, individuals or otherwise, but to exclude laws relating to credit unions~~, savings banks and savings and loan associations~~.

SECTION 5983. 220.02 (5) of the statutes is amended to read:

220.02 **(5)** Except as otherwise provided in s. 220.037, any interested person or any bank or banking corporation aggrieved by an act, order or determination of the ~~commissioner~~ division may, within 10 days from the date thereof, apply to the banking review board to review the same. All such applications for review shall be considered and disposed of as speedily as possible. The banking review board may require the ~~commissioner~~ division to submit any of the ~~commissioner's official~~ division's actions subject to such review to said board for its approval.

SECTION 5984. 220.02 (6) of the statutes is repealed.

SECTION 5985. 220.035 (1) (a) of the statutes is amended to read:

220.035 **(1)** (a) The banking review board shall advise the ~~commissioner of banking~~ division and others in respect to improvement in the condition and service of banks and banking business in this state and shall review the acts and decisions of the ~~commissioner of banking~~ division with respect to banks, except for such acts and decisions subject to review under s. 220.037, and shall perform such other review functions in relation to banking as are provided by law. The banking review board may require the ~~commissioner of banking~~ division to submit any of the ~~commissioner's official~~ division's actions to it for its approval. The board may make rules of procedure as provided in ch. 227.

SECTION 5986. 220.035 (1) (b) of the statutes is amended to read:

220.035 **(1)** (b) Any interested person aggrieved by any act, order or determination of the ~~commissioner of banking~~ division may apply for review thereof

by filing a petition with the secretary of the board within 10 days after the act, order or determination to be reviewed, which petition shall state the nature of the petitioner's interest, facts showing that petitioner is aggrieved and directly affected by the act, order or determination to be reviewed and the ground or grounds upon which petitioner claims that the act, order or determination should be modified or reversed. The issues raised by the petition for review shall be considered by the board upon giving at least 10 days' written notice of the time and place when said matter will be heard to the ~~commissioner~~ division and the person applying for review or that person's attorney and upon any other person who participated in the proceedings before the ~~commissioner~~ division or that other person's attorney. Notice of hearing may be given by registered mail, return receipt requested, and the return receipt signed by the addressee or the addressee's agent shall be presumptive evidence that such notice was received by the addressee on the day stated on the receipt. Any other interested party shall have the right to appear in any proceeding before the board.

SECTION 5987. 220.035 (1) (c) of the statutes is amended to read:

220.035 **(1)** (c) The board shall base its determination upon the record made by the ~~commissioner~~ division and may also receive additional evidence to supplement such record if it finds it necessary. The board shall affirm, modify or reverse the act, order or determination under review. The burden of overcoming the act, order or determination of the ~~commissioner~~ division under review shall be on the person seeking the review. Any findings of fact made by the ~~commissioner~~ division shall be sustained if supported by substantial evidence in the record made by the ~~commissioner~~ division or in such record supplemented by evidence taken by the board. The board shall have the powers granted by s. 885.01 (4). Any person causing

a witness to be subpoenaed shall advance and pay the fees and mileage of such witness which shall be the same as in circuit court. The fees and mileage of witnesses who are called at the instance of the ~~commissioner~~ division shall be paid by the state in the same manner that other expenses are audited and paid upon presentation of properly verified vouchers approved by at least one member of the board and charged to the appropriation of the ~~office of the commissioner of banking~~ division.

SECTION 5988. 220.035 (1) (d) of the statutes is amended to read:

220.035 **(1)** (d) Each member of the board and all employes of the board shall, with respect to the disclosure of information concerning banks, be subject to the same requirements and penalties as the ~~commissioner of banking~~ employes of the division.

SECTION 5989. 220.035 (4) of the statutes is amended to read:

220.035 **(4)** The board shall have an office in the quarters of the ~~commissioner of banking~~ division. The board's secretary shall keep a record of the meetings of the board and of all hearings, decisions, orders and determinations of the board. The board may make reasonable rules not inconsistent with law as to the time of meetings, time of hearings, notice of hearings and manner of conducting same and of deciding the matters presented. The board may direct that hearings and testimony be taken by any member of the board or by an examiner designated by the board.

SECTION 5990. 220.037 (1) of the statutes is amended to read:

220.037 **(1)** ~~The commissioner shall delegate a~~ A department employe ~~to~~ shall keep and preserve the records of the consumer credit review board. The division administrator may call a special meeting of the consumer credit review board.

SECTION 5991. 220.037 (2) of the statutes is amended to read:

220.037 **(2)** The consumer credit review board shall counsel, advise with and review the acts and decisions of the ~~commissioner of banking~~ division under chs. 138, 217 and 218. In performing such review functions, the board shall have all the powers granted to the banking review board under s. 220.035 (1) and its final orders and determinations shall be subject to judicial review under ch. 227. The board may establish rules of procedure in accordance with ch. 227.

SECTION 5992. 220.04 (title) of the statutes is amended to read:

220.04 (title) **Powers of ~~commissioner~~ division.**

SECTION 5993. 220.04 (1) (a) of the statutes is amended to read:

220.04 **(1)** (a) The ~~commissioner of banking or any deputy or examiner~~ division shall examine at least once in each year the cash, bills, collaterals, securities, assets, books of account, condition and affairs of each bank and trust company bank doing business in this state, except national banks. For that purpose the ~~commissioner~~ division may examine on oath any of the officers, agents, directors, clerks, stockholders, customers or depositors thereof, touching the affairs and business of such institution. In making such examinations of banks, the ~~commissioner~~ division shall determine the fair valuation of all assets in accordance with the schedules, rules and regulations prescribed by the banking review board.

SECTION 5994. 220.04 (1) (b) of the statutes is amended to read:

220.04 **(1)** (b) In lieu of any examination required to be made by the ~~commissioner~~ division, the ~~commissioner~~ division may accept any examination that may have been made of any bank or trust company bank within a reasonable period by the federal deposit insurance corporation or a federal reserve bank, provided a copy of the examination is furnished the ~~commissioner~~ division.

SECTION 5995. 220.04 (2) of the statutes is amended to read:

220.04 **(2)** The ~~commissioner~~ division shall examine, or cause to be examined, any bank when requested by the board of directors of such bank. The ~~commissioner~~ division shall also ascertain whether such bank transacts its business at the place designated in the articles of incorporation, and whether its business is conducted in the manner prescribed by law.

SECTION 5996. 220.04 (3) of the statutes is amended to read:

220.04 **(3)** The ~~commissioner or deputy commissioner~~ division may, in the performance of ~~his or her~~ official duties, issue subpoenas and administer oaths. In case of any refusal to obey a subpoena issued by the ~~commissioner or deputy commissioner~~ division, the refusal shall be reported at once to the circuit court of the circuit in which the bank is located. The court shall enforce obedience to the subpoena in the manner provided by law for enforcing obedience to subpoenas of the court.

SECTION 5997. 220.04 (4) of the statutes is amended to read:

220.04 **(4)** Whenever the ~~commissioner~~ division is of the opinion that the loaning, investing or other banking policies or practices of any officer or director of any bank have been prejudicial to the best interests of such bank or its depositors, or that such policies or practices, if put into operation or continued, will endanger the safety or solvency of said bank or impair the interests of its depositors, the ~~commissioner~~ division may, with the approval of the banking review board, request the removal of such officer or director. Such request shall be served on the bank and on such officer or director in the manner provided by law for serving a summons in a court of record or shall be transmitted to said bank and officer or director by registered mail with return receipt requested. If such request for removal is not complied with within a reasonable time fixed by the ~~commissioner~~ division, the

~~commissioner~~ division may by order, with like approval of the banking review board, remove such officer or director, but no order of removal shall be entered until after an opportunity for hearing before the banking review board is given to such officer or director upon not less than 10 days' notice. An order of removal shall take effect as of the date issued. A copy of such order shall be served upon the bank and upon such officer or director in the manner provided by law for service of a summons in a court of record or by mailing such copy to the bank or officer or director at the bank's or officer's or director's last–known post–office address. Any removal under this subsection shall be effective in all respects the same as if made by the board of directors or stockholders of said bank. Any officer or director removed from office under the provisions of this subsection shall not be reelected as an officer or director of any bank without the approval of the ~~commissioner~~ division and the banking review board. An order of removal under this subsection shall be deemed a final order or determination of the banking review board within the meaning and contemplation of s. 220.035 (3).

SECTION 5998. 220.04 (5) of the statutes is amended to read:

220.04 **(5)** The ~~commissioner~~ division, in connection with the liquidation of any bank or banking corporation or when called upon to approve any plan of reorganization and stabilization thereof or when the ~~commissioner~~ division is satisfied the interests of the depositors and creditors in assets held under any trust arrangement so require in connection with such reorganization and stabilization, may cause the bank or banking corporation or trust to be audited. The expense of the audit shall, upon the certificate of the ~~commissioner~~ division, be refunded forthwith to the ~~office of the commissioner of banking~~ division by the bank, banking

corporation or the trustees out of the assets of the bank, banking corporation or trust. Such charges shall be a preferred claim against the assets.

SECTION 5999. 220.04 (6) (a) of the statutes is amended to read:

220.04 **(6)** (a) The ~~commissioner~~ division, with the approval of the banking review board, may establish uniform savings rules which shall be adopted by every bank and trust company bank. Such rules may provide the conditions under which banks or trust company banks may accept time deposits and the methods of figuring interest. Such rules may also provide the term of notice of withdrawal and the amounts which may be withdrawn by depositors, which conditions the bank may put in force in times of financial stress by action of its board of directors. The maximum rate of interest on deposits paid by banks whose deposits are not insured by the federal deposit insurance corporation, whether certificates of deposit or book savings deposits, shall be the same as the rate set by the federal deposit insurance corporation for banks whose deposits are insured by it.

SECTION 6000. 220.04 (6) (d) of the statutes is amended to read:

220.04 **(6)** (d) The ~~commissioner of banking~~ division, with the approval of the banking review board, may establish rules regulating the kind and amount of foreign bonds or bonds and securities offered for sale by the international bank for reconstruction and development, the inter–American development bank, the international finance corporation, the African development bank and the Asian development bank which state banks and trust company banks may purchase, except that such rules shall not apply to bonds and securities of the Canadian government and Canadian provinces, which are payable in American funds.

SECTION 6001. 220.04 (7) (b) (intro.) of the statutes is amended to read:

220.04 **(7)** (b) (intro.) The ~~commissioner of banking~~ division may, with the approval of the banking review board, establish uniform rules regulating organizations engaging in fiduciary operations. Such rules may:

SECTION 6002. 220.04 (7) (b) 1. of the statutes is amended to read:

220.04 **(7)** (b) 1. Authorize the ~~office of the commissioner of banking~~ division or any other state agency having jurisdiction over the organization to require the organization to submit periodic reports, in such form and containing such information as the ~~commissioner of banking~~ division may prescribe, regarding the organization's fiduciary operations.

SECTION 6003. 220.04 (8) of the statutes is amended to read:

220.04 **(8)** Unless the ~~commissioner~~ division is expressly restricted by statute from acting under this subsection with respect to a specific power, right or privilege, the ~~commissioner of banking~~ division by rule may, with the approval of the banking review board, authorize state banks to exercise any power under the notice, disclosure or procedural requirements governing national banks or to make any loan or investment or exercise any right, power or privilege permitted national banks under federal law, regulation or interpretation. Notice, disclosure and procedures prescribed by statute which may be modified by a rule adopted under this subsection include, but are not limited to, those provided under s. 138.056. A rule adopted under this subsection may not affect s. 138.041 or chs. 421 to 428 or restrict powers specifically granted state banks under this chapter or ch. 221 or 224.

SECTION 6004. 220.04 (9) (a) 2. of the statutes is amended to read:

220.04 **(9)** (a) 2. "Regulated entity" means a bank, trust company bank and any other entity which is described in s. 220.02 (2) or 221.56 as under the supervision and control of the ~~commissioner of banking~~ division.

SECTION 6005. 220.04 (9) (b) (intro.) of the statutes is amended to read:

220.04 **(9)** (b) *Notice of hearing.* (intro.) The ~~commissioner~~ division may serve a notice of a hearing which complies with s. 227.44 (1) and (2) on an official or regulated entity if, as a result of an examination or report made to the ~~commissioner~~ division, the ~~commissioner~~ division determines any of the following:

SECTION 6006. 220.04 (9) (b) 1. of the statutes is amended to read:

220.04 **(9)** (b) 1. The official or regulated entity is violating or is about to violate the banking laws of this state or any rule or order issued by the ~~commissioner~~ division.

SECTION 6007. 220.04 (9) (b) 3. of the statutes is amended to read:

220.04 **(9)** (b) 3. An official is violating or is about to violate a written condition which the ~~commissioner~~ division imposed in connection with granting an application or request by the regulated entity, or a written agreement entered into with the ~~commissioner~~ division.

SECTION 6008. 220.04 (9) (d) of the statutes is amended to read:

220.04 **(9)** (d) *Cease and desist order.* If the recipient of a notice of hearing fails to appear or if upon the record made at the hearing the ~~commissioner~~ division finds that a violation or unsafe or unsound practice has been established, the ~~commissioner~~ division may issue and serve on the official or regulated entity an order to cease and desist from the violation or practice. The order may require the official or regulated entity to correct the conditions resulting from the violation or practice. An order issued under this paragraph is effective upon service on the official or regulated entity named in the order and may be appealed under s. 220.035.

SECTION 6009. 220.04 (9) (e) 1. of the statutes is amended to read:

220.04 **(9)** (e) 1. If the ~~commissioner~~ division finds that a violation or practice described in par. (b) is likely to cause insolvency or substantial dissipation of assets or earnings of the regulated entity or seriously prejudice the interests of its depositors, the ~~commissioner~~ division may issue a temporary order requiring the official or regulated entity named in the notice of hearing to cease and desist from the violation or practice and to take affirmative action to prevent insolvency, dissipation of assets or earnings or prejudice to depositors pending completion of the proceedings. The temporary order is effective upon service on the official or regulated entity named in the notice of hearing and remains effective and enforceable pending completion of the administrative proceedings unless suspended, set aside or limited by a court as provided in subd. 2.

SECTION 6010. 220.04 (9) (f) 1. of the statutes is amended to read:

220.04 **(9)** (f) 1. As part of an order issued under par. (d), the ~~commissioner~~ division may impose a forfeiture of up to $10,000 for each violation or practice under par. (b).

SECTION 6011. 220.04 (9) (g) (intro.) of the statutes is amended to read:

220.04 **(9)** (g) *Enforcement.* (intro.) The ~~commissioner~~ division may institute proceedings to recover a forfeiture under par. (f) or to enjoin the violation of an order issued under par. (d) and, after notice and opportunity for a hearing as provided in sub. (4), may order the removal of an official who commits a violation or engages in a practice under par. (b) or who violates an order issued under par. (d), if the ~~commissioner~~ division finds that the practice or violation involves personal dishonesty resulting in financial gain to the official or demonstrates a wilful or continuing disregard for the safety or soundness of the regulated entity, and the ~~commissioner~~ division finds any of the following:

SECTION 6012. 220.04 (10) of the statutes is amended to read:

220.04 **(10)** If it appears to the ~~commissioner of banking~~ division that a person has engaged or is about to engage in an act or practice constituting a violation of the laws of this state relating to banks and banking, including this chapter, chs. 217, 218 and 221 to 224 and s. 138.09, or a rule promulgated or order issued under those laws, the ~~commissioner~~ division may bring an action in the name of the state in the circuit court of the appropriate county to enjoin the acts or practices and to enforce compliance with the laws, rules or orders, or the ~~commissioner~~ division may refer the matter to the district attorney of the appropriate county or, if the alleged violation may be enforced by the attorney general under s. 220.12, 221.18, 221.205, 221.28 or 224.06 (7) or is statewide in nature, to the attorney general. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order, appoint a receiver for the defendant or the defendant's assets or order rescission of any acts determined to be unlawful. The court may not require the ~~commissioner~~ division to post a bond.

SECTION 6013. 220.05 (title) of the statutes is amended to read:

220.05 (title) **~~Examination fees; assessment by commissioner~~ and assessments.**

SECTION 6014. 220.05 (1) of the statutes is amended to read:

220.05 **(1)** The ~~commissioner of banking~~ division shall assess each state bank and trust company bank for the cost of each examination made, which cost shall be determined by the ~~commissioner~~ division and shall include the salaries and expenses of all examiners and other employes of the ~~commissioner~~ division actively engaged in such an examination, the salaries and expenses of ~~the commissioner, review examiner or~~ any other person whose services are required in connection with such

examination and any reports thereof, and any other expenses which may be directly apportioned. Any charge so made shall be paid within 30 days from the time the bank receives notice of the assessment.

SECTION 6015. 220.05 (2) of the statutes is amended to read:

220.05 **(2)** On or before July 15 of each year, each state bank and trust company bank shall pay to the ~~commissioner~~ division an annual assessment for the maintenance of the functions of the ~~office of the commissioner of banking~~ division in an amount to be determined by the banking review board, but which shall not exceed 8 cents per $1,000 of resources, or part thereof, for the first $5,000,000 and shall not exceed 6 cents per $1,000, or part thereof, for all resources over $5,000,000.

SECTION 6016. 220.05 (5) of the statutes is amended to read:

220.05 **(5)** Whenever in the judgment of the ~~commissioner~~ division, the condition or conduct of any bank renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs, the ~~commissioner~~ division shall have the authority to make any and all necessary extra examinations and audits or partial audits and to devote any necessary attention to the conduct of its affairs; and such bank shall pay for each additional examination, and for each audit or partial audit, the actual cost thereof. Where an audit or partial audit is ordered, the actual reasonable cost of auditors shall be charged. Before directing any examination in excess of 2 or any audit or partial audit, the ~~commissioner~~ division shall examine the audits and examinations of any clearing house association as to the bank in question which may be furnished to it and shall avoid duplication of examinations, audits or partial audits wherever reasonably possible. In case of audits or partial audits for which a charge may be made under the provisions of this section, the ~~commissioner~~ division shall promptly send a copy to the bank and the

bank shall pay the reasonable cost thereof. When the ~~commissioner~~ division delivers to a bank a copy of any examination, audit or partial audit, the ~~commissioner~~ division may by letter accompanying same require the bank to have the receipt of same acknowledged in the record of the next meeting of directors of the bank and may require that there be sent to the ~~commissioner~~ division a certified copy of action by the directors showing that all the directors of the bank have read said copy and are familiar with its contents and have signed a statement to such effect on the copy received by the bank and may require that a duplicate of such signed statement signed by all directors to be sent to the ~~commissioner~~ division to be attached to and filed with the original of such examination, audit or partial audit on file ~~in~~ with the ~~office~~ division. Failure of the bank or its board of directors or any of them to comply with any such order or direction of the ~~commissioner~~ division within a reasonable time fixed by it shall be sufficient ground for the taking of possession of said bank by the ~~commissioner~~ division and liquidating said bank under s. 220.08.

SECTION 6017. 220.05 (6) of the statutes is amended to read:

220.05 **(6)** Any bank or trust company holding any property in trust or in any fiduciary capacity or as custodian or bailee shall pay in addition to said fees and assessments provided for in sub. (2) the actual reasonable cost of any and all examinations (whether or not they are in excess of 2 in any one year) conducted by the ~~office of the commissioner of banking~~ division of the books, records and business of said bank or trust company insofar as they relate to said property held in trust or other fiduciary capacity or as custodian or bailee, said cost to include a fair charge for time of assistants and office overhead and to be determined by the ~~commissioner~~ division within a reasonable time after each said examination has been completed. A statement of such charge shall be promptly sent to said bank or trust company.

Each such bank or trust company shall pay such charge within 10 days after receipt of such statement. Said cost shall include the cost of furnishing copy to the bank or trust company.

SECTION 6018. 220.06 (1) of the statutes is amended to read:

220.06 **(1)** In this section, "licensee" means a person licensed by the ~~commissioner of banking~~ division under ch. 138, 217 or 218.

SECTION 6019. 220.06 (1m) of the statutes is amended to read:

220.06 **(1m)** No ~~commissioner of banking, deputy, assistant deputy or examiner~~ division employe may examine a bank or licensee in which ~~such~~ that person is interested as a stockholder, officer or employe. No ~~commissioner, deputy, assistant deputy or examiner~~ division employe may examine a bank or licensee located in the same village, city or county with any bank or licensee in which ~~such~~ that person is so interested. ~~The commissioner of banking, deputy, assistant deputies and every employe~~ Employes in the ~~office of the commissioner~~ division, and each member and employe of the banking review board, shall keep secret all facts and information obtained in the course of examinations or from reports not under s. 221.15 (1) filed by a bank or licensee with the ~~office of the commissioner of banking~~ division, except so far as the public duty of the ~~officer~~ person requires reporting upon or taking special action regarding the affairs of any bank or licensee, and except when called as a witness in any criminal proceeding or trial in a court of justice. The ~~commissioner~~ division may furnish to the federal deposit insurance corporation or to any regulatory authority for state or federal financial institutions, insurance or securities a copy of any examination made of any such bank or licensee or of any report made by such bank or licensee and may give access to and disclose to the corporation or to any regulatory authority for state or federal financial institutions,

insurance or securities any information possessed by the ~~commissioner~~ division with reference to the conditions or affairs of any such insured bank or licensee if the regulatory authority agrees to treat all information received with the same degree of confidentiality as applies to reports of examination that are in the custody of the ~~commissioner~~ division.

SECTION 6020. 220.06 (2) of the statutes is amended to read:

220.06 **(2)** If any ~~commissioner, deputy, assistant deputy, examiner or other~~ employe in ~~such office~~ the division or any member of the banking review board or any employe thereof discloses the name of any debtor of any bank or licensee, or anything relative to the private account or transactions of such bank or licensee, or any fact obtained in the course of any examination of any bank or licensee, except as herein provided, ~~he or she~~ that person shall be subject, upon conviction, to forfeiture of office, or position and to the payment of a fine of not less than $100 nor more than $1,000, or imprisonment in the Wisconsin state prisons not less than 6 months nor more than 2 years, or both.

SECTION 6021. 220.06 (3) (a) of the statutes is amended to read:

220.06 **(3)** (a) Examination reports possessed by a bank or licensee are confidential, remain the property of the ~~office of the commissioner of banking~~ division and are returnable immediately on request of the ~~office~~ division.

SECTION 6022. 220.065 of the statutes is amended to read:

220.065 (title) **Immunity ~~of commissioner.~~** ~~The commissioner of banking~~ Employes of the division shall not be subject to any civil liability or penalty, nor to any criminal prosecution, for any error in judgment or discretion made in good faith and upon reasonable grounds in any action taken or omitted by the ~~commissioner~~

division in the ~~commissioner's~~ division's official capacity under the provisions of chs. 220 to 224.

SECTION 6023. 220.07 (1) of the statutes is amended to read:

220.07 **(1)** (title) CAPITAL IMPAIRED; ~~DUTY OF COMMISSIONER;~~ DEFICIENCY. Whenever the ~~commissioner of banking~~ division determines that the capital of any bank is impaired or reduced below the amount required by law or the articles of incorporation, or below the amount certified to the ~~commissioner~~ division as paid in, the ~~commissioner~~ division may require such bank ~~under his or her hand and seal of office~~ to make good such impairment or deficiency within 60 days after the date of such requisition. In any case, where the capital of a bank becomes impaired or reduced below the amount required by law or the articles of incorporation, the board of directors of such bank may make a proportional assessment upon all of the stock of the bank to make good such deficiency, and may provide that the amount of such deficiency shall be due and payable at a time to be fixed by such board of directors, which time shall be not less than 10 days after notice of the assessment. Notice to stockholders residing in another state shall be given by registered mail and a return receipt demanded. If any stockholder fails or neglects to pay the amount of the assessment against his or her stock for 10 days after the assessment becomes due and payable, the directors of the bank may offer the stock for sale, and sell the stock at public sale upon 10 days' notice to be given by posting copies of the notice of sale in 5 public places in the town, village or city where the bank is located. Upon the sale, the purchaser shall forthwith pay the amount of the assessment against the stock. The amount received from the sale of the stock, less the cost and expenses of the sale, shall be paid to the original owner of the stock.

SECTION 6024. 220.07 (2) of the statutes is amended to read:

220.07 **(2)** (title) REVIEW OF ~~COMMISSIONER'S~~ ORDER. In any case where the ~~commissioner~~ division has made an order requiring capital to be made good, the bank may within 10 days after the making of said order secure a review of same by the banking review board by filing ~~in the office of the commissioner~~ with the division a statement requesting such review and stating the grounds of objection to the order of the ~~commissioner~~ division. Said board shall promptly conduct a hearing thereon after affording reasonable notice to the bank and shall affirm, modify or set aside the order of the ~~commissioner~~ division. No such review or hearing shall extend the time for compliance with the order of the ~~commissioner~~ division unless the banking review board shall so direct.

SECTION 6025. 220.075 (1) of the statutes is amended to read:

220.075 **(1)** If the ~~commissioner~~ division finds that the average of deposits for a fiscal year, as computed under sub. (2), in a bank exceed an amount equal to 15 times the unimpaired capital and the undistributed surplus of the bank, the ~~commissioner~~ division shall order the bank to increase its capital or surplus or both. The order shall provide that within one year the total unimpaired capital and undistributed surplus shall exceed one–fifteenth of the average deposits as reported in accordance with this section. For purposes of making calculations under this subsection, a bank shall subtract from undistributed surplus that amount of all items classified by the ~~commissioner~~ division as doubtful or loss which exceeds the bank's undivided profits and loan loss reserves.

SECTION 6026. 220.075 (3) of the statutes is amended to read:

220.075 **(3)** On or before April 15 annually, each bank shall file with the ~~commissioner~~ division a report, in the form required by the ~~commissioner~~ division, which discloses the unimpaired capital, the undistributed surplus and the average

of actual deposits, average of cash and cash equipment items and average of deposits for the fiscal year ending at the close of business on March 31 of the same year.

SECTION 6027. 220.075 (4) of the statutes is amended to read:

220.075 **(4)** Any bank failing to file a report as required by this section shall be subject, at the discretion of the ~~commissioner~~ division, to a forfeiture of $100 for each day after the due date of the report until the report is filed. A bank's failure to comply with an order issued by the ~~commissioner~~ division under this section is cause for forfeiture of the bank's charter or for the removal of its officers or directors.

SECTION 6028. 220.08 (title) of the statutes is amended to read:

220.08 (title) **Delinquent banks; ~~commissioner~~ division may take possession.**

SECTION 6029. 220.08 (1) of the statutes is amended to read:

220.08 **(1)** Whenever it shall appear to the ~~commissioner of banking~~ division that any bank or banking corporation to which this chapter is applicable has violated its charter or any law of the state, or is conducting its business in an unsafe or unauthorized manner, or if the capital of any such bank or banking corporation is impaired, or if any such bank or banking corporation shall refuse to submit its books, papers, and concerns to the inspection of any examiner, or if any officer thereof shall refuse to be examined upon oath touching the concerns of any such bank or banking corporation, or if any such bank or banking corporation shall suspend payment of its obligations, or if from any examination or report provided for by this chapter the ~~commissioner~~ division shall have reason to conclude that such bank or banking corporation is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue business, or if any such bank or banking corporation shall neglect or refuse to observe an order of

the ~~commissioner~~ division, specified in s. 220.07, or if the ~~commissioner~~ division shall find that the management of the bank or the manner in which the work of any of its officers or employes is done, if continued, is such as to endanger the safety or solvency of the bank and the ~~commissioner~~ division shall have made written recommendations for change in management or officers and employes and such recommendation shall not have been complied with after the expiration of a reasonable time therefor fixed by the ~~commissioner~~ division, the ~~commissioner~~ division may take possession of the property and business of such bank or banking corporation, and retain such possession until such bank or banking corporation shall resume business, or its affairs be finally liquidated as herein provided. Whenever facts have come to the attention of the ~~commissioner~~ division which cause the ~~commissioner~~ division to believe that it may be necessary or advisable to take possession of a bank, or if the ~~commissioner~~ division has reasonable cause to believe that any of the grounds for taking possession of a bank, specified in this section, exist, the ~~commissioner~~ division shall bring the matter to the attention of the banking review board, reporting to them in writing the situation and the ~~commissioner's~~ division's recommendation as to action to be taken. The banking review board shall promptly consider the matter and promptly decide whether or not the ~~commissioner~~ division should take possession of the bank. If the review board decides that the ~~commissioner~~ division should take possession, the ~~commissioner~~ division shall forthwith take possession as hereinbefore provided. If at any time the ~~commissioner~~ division is confronted with an emergency situation where in the ~~commissioner's~~ division's opinion it is imperative in order to protect the public or for other reasons that possession of the bank be at once taken, the ~~commissioner~~ division may do so forthwith without referring the matter to the banking review board.

SECTION 6030. 220.08 (2) of the statutes is amended to read:

220.08 **(2)** On taking possession of the property and business of any such bank or banking corporation, the ~~commissioner~~ division shall forthwith give notice of such fact to any and all banks or banking corporations holding or in possession of any assets of such bank or banking corporation. No bank or banking corporation knowing of such taking possession by the ~~commissioner~~ division, or notified as aforesaid, shall have a lien or charge for any payment, or advance, thereafter made, or liability thereafter incurred, against any of the assets of the bank or banking corporation of whose property and business the ~~commissioner~~ division shall have taken possession as aforesaid, except that all drafts issued and delivered against existing balances on deposit in any drawee banks or banking corporations shall be paid on presentation, if they correspond by number and amount to a list to be certified to them by the ~~commissioner, the commissioner's deputies or representatives~~ division, and if there be insufficient funds in deposit such drafts shall be preferred claims. Such bank or banking corporation may, with the consent of the ~~commissioner~~ division, resume business upon such conditions as may be approved by the ~~commissioner~~ division.

SECTION 6031. 220.08 (2a) of the statutes is amended to read:

220.08 **(2a)** The ~~commissioner~~ division on taking possession of a bank for liquidation shall, with the approval of the circuit court, withdraw from the general fund of such bank an amount of money deemed adequate by the ~~commissioner~~ division and the circuit court for the payment of current monthly expenses and set up a working fund. Such working fund shall be deposited by the ~~commissioner~~ division in one or more state banks in an account known as "bank liquidation account" together with like funds from other banks in liquidation. Once each month the expenses so paid from the working fund shall be approved by the circuit court.

Upon such approval, the working fund of each liquidating bank shall be reimbursed from the general fund of said liquidating bank so that the balance of each working account in said bank liquidation account shall always be the amount approved by the circuit court. When a liquidating bank is ready to pay the final dividend and final expenses, the working fund assigned to the bank liquidation account shall be reassigned back to the general account of such bank.

SECTION 6032. 220.08 (3) of the statutes is amended to read:

220.08 **(3)** Upon taking possession of the property and business of such bank or banking corporation, the ~~commissioner~~ division is authorized to collect moneys due to such bank or banking corporation, and do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof, as hereinafter provided. The ~~commissioner~~ division shall collect all debts due and claims belonging to it, and, upon the order of the circuit court, may sell or compound all bad or doubtful debts, and on like order may sell all the real and personal property of such bank or banking corporation on such terms as the court shall direct.

SECTION 6033. 220.08 (3a) of the statutes is amended to read:

220.08 **(3a)** That in addition to the authority conferred by sub. (3), the ~~commissioner~~ division with the approval of the banking review board may, for purposes of collection or liquidation, sell, assign, convey and transfer or approve the sale, assignment, conveyance and transfer of the assets of a closed bank or bank operating under a stabilization and readjustment agreement to any other bank or trust company under such terms and conditions as the ~~commissioner~~ division may deem for the best interests of the depositors and unsecured creditors of such bank.

SECTION 6034. 220.08 (3b) of the statutes is amended to read:

220.08 **(3b)** The acts of any special deputy ~~commissioner~~ under sub. (4) shall be binding on the ~~commissioner of banking~~ division to the same extent and with like effect as if such acts were done by said ~~commissioner~~ division.

SECTION 6035. 220.08 (4) of the statutes is amended to read:

220.08 **(4)** The ~~commissioner~~ division may~~, under his or her hand and official seal,~~ appoint one or more special ~~deputy commissioners~~ deputies, as agent or agents, to assist the ~~commissioner~~ division in the duty of reorganization, consolidation, liquidation and distribution, the certificate of appointment to be filed ~~in the office of the commissioner~~ with the division and a certified copy in the office of the clerk of the circuit court for the county in which such bank or banking corporation is located. Such special ~~deputy commissioners~~ deputies may execute, acknowledge and deliver any and all deeds, assignments, releases or other instruments necessary and proper to effect any sale and transfer or encumbrance of real estate or personal property after the same has been approved by the ~~commissioner~~ division, and an order obtained from the circuit court of the county in which the bank concerned is located. The ~~commissioner~~ division may from time to time authorize a special deputy ~~commissioner~~ to perform such duties connected with such reorganization, consolidation, liquidation and distribution as the ~~commissioner~~ division deems proper. The ~~commissioner~~ division may employ such counsel and procure such expert assistance and advice as may be necessary in the reorganization, consolidation, liquidation and distribution of the assets of such banks or banking corporations. The ~~commissioner~~ division may retain such of the officers or employes of such banks or banking corporations as ~~he or she deems~~ necessary.

SECTION 6036. 220.08 (5) of the statutes is amended to read:

220.08 **(5)** The ~~commissioner~~ division shall give notice, in such newspapers as the ~~commissioner~~ division may direct, by publication of a class 3 notice, under ch. 985, calling on all persons who may have claims against such bank or banking corporation, to present the same to the ~~commissioner~~ division, within 3 months after the date of first insertion. Such notice shall also fix a place and time (not less than 3 months after the date of first insertion) to make legal proof thereof. The ~~commissioner~~ division shall mail a similar notice to all persons whose names appear as creditors upon the books of the bank or banking corporation. Any creditor of such bank or banking corporation holding security of any nature, shall file a claim as a general creditor only for the amount by which the debt exceeds the value of such security. The value of said security and the amount to be allowed on the claim so filed shall, upon application of such creditor or the ~~commissioner~~ division and upon at least 20 days' notice to the opposing party, be determined by the circuit court of the county wherein such bank or banking corporation is located. If the ~~commissioner~~ division doubts the justice and validity of any claim, the ~~commissioner~~ division may reject the same, and serve notice of such rejection upon the claimant either by mail or personally. An affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed with the ~~commissioner~~ division. An action upon a claim so rejected must be brought within 6 months after such service. Claims presented after the expiration of the time fixed in the notice to creditors shall be entitled to receive only liquidating dividends declared after presentation, unless otherwise ordered by the court.

SECTION 6037. 220.08 (6) of the statutes is amended to read:

220.08 **(6)** Upon taking possession of the property and assets of such bank or banking corporation, the ~~commissioner~~ division shall make an inventory of the

assets of such bank or banking corporation, in duplicate, one to be filed ~~in the office of the commissioner~~ with the division, and one in the office of the clerk of circuit court for the county in which such bank or banking corporation is located; upon the expiration of the time fixed for the presentation of claims, the ~~commissioner~~ division shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by it, one to be filed ~~in the office of the commissioner~~ with the division, and one in the office of the clerk of circuit court for the county in which such bank or banking corporation is located. Such inventory and list of claims shall be open at all reasonable times to inspection.

SECTION 6038. 220.08 (7) of the statutes is amended to read:

220.08 **(7)** The compensation of the special ~~deputy commissioners~~ deputies, counsel, and other employes and assistants, and all expenses of supervision and liquidation, shall be fixed by the ~~commissioner~~ division subject to the approval of the circuit court for the county in which such bank or banking corporation is located, on notice of such bank or banking corporation, and shall upon the certificate of the ~~commissioner~~ division be paid out of the funds of such bank or banking corporation in the hands of the ~~commissioner~~ division. Expenses of supervision and liquidation shall include the cost of services rendered by the ~~office of the commissioner of banking~~ division to the bank or banking corporation being liquidated and the ~~commissioner~~ division shall the first of each month determine such cost in the manner hereinafter provided, which cost shall be charged to each bank in liquidation and the same shall be paid to the ~~office of the commissioner of banking~~ division as other expenses of liquidation are paid. The amount of the aforesaid supervision cost to be paid by each bank in liquidation shall be determined by taking that portion of the total supervision cost of all banks in liquidation for the preceding month, which

the total book value of the unliquidated book assets of each said bank bears to the total book value of all the unliquidated book assets of every bank in liquidation. In making computations for each month the total supervision cost and all book values of unliquidated assets shall be determined as of the last business day of the preceding month. The moneys collected by the ~~commissioner~~ division shall be from time to time deposited in one or more state banks, and, in case of the suspension or insolvency of the depository, such deposits shall be preferred before all other deposits.

SECTION 6039. 220.08 (8) of the statutes is amended to read:

220.08 **(8)** At any time after the expiration of the date fixed for the presentation of claims, the ~~commissioner~~ division may out of the funds remaining in the ~~commissioner's hands~~ division's possession after the payment of expenses declare one or more dividends, and after the expiration of one year from the first publication of notice to creditors, the ~~commissioner~~ division may declare a final dividend, such dividends to be paid to such persons, and in such amounts, and upon such notice, as may be directed by the circuit court for the county in which such bank or banking corporation is located. Objections to any claim not rejected by the ~~commissioner~~ division may be made by any party interested by filing a copy of such objections with the ~~commissioner, who~~ division, which shall present the same to the circuit court at the time of the next application to declare a dividend. The court may if deemed advisable provide for the setting aside of a sum sufficient to pay all or any part of the dividends due on any unproved or unclaimed deposits.

SECTION 6040. 220.08 (9) of the statutes is amended to read:

220.08 **(9)** Whenever any such bank or banking corporation, of whose property and business the ~~commissioner~~ division has taken possession, as aforesaid, deems itself aggrieved thereby, it may, at any time within 10 days after such taking

possession, apply to the circuit court for the county in which such bank or banking corporation is located to enjoin further proceedings; and said court, after citing the ~~commissioner~~ division to show cause why further proceedings should not be enjoined and hearing the allegations and proofs of the parties and determining the facts may, upon the merits dismiss such application or enjoin the ~~commissioner~~ division from further proceedings, and direct the ~~commissioner~~ division to surrender such business and property to such bank or banking corporation. Said bank or banking corporation may, if it desires so to do, within 10 days after taking possession apply to the banking review board to review the action of the ~~commissioner~~ division in taking possession. The banking review board shall act speedily on such application. Within 10 days after notice of the decision of the banking review board, said bank or banking corporation may apply to said circuit court of the county in which such bank or banking corporation is located to enjoin further proceedings. The proceedings on such application shall be on notice to the ~~commissioner~~ division and shall be the same as where the application to the court is made as above provided without application to the review board.

SECTION 6041. 220.08 (10) of the statutes is amended to read:

220.08 **(10)** Whenever the ~~commissioner~~ division has paid to every depositor and creditor of such bank or banking corporation (not including stockholders), whose claims as such creditor or depositor have been duly proved and allowed, the full amount of such claims, and has made proper provision for unclaimed and unpaid deposits or dividends, and has paid all the expenses of the liquidation, the ~~commissioner~~ division shall call a meeting of the stockholders of such bank or banking corporation by giving notice thereof by certified mail and by publication of a class 2 notice, under ch. 985, in the county where such bank or banking corporation

is located. At such meeting the stockholders shall determine whether the ~~commissioner~~ division shall be continued as liquidator and shall wind up the affairs of such bank or banking corporation, or whether an agent or agents shall be elected for that purpose, and in so determining the said stockholders shall vote by ballot, in person or by proxy, each share of stock entitling the holder to one vote, and the majority of the stock shall be necessary to a determination.

SECTION 6042. 220.08 (11) of the statutes is amended to read:

220.08 **(11)** In case it is determined to continue the liquidation under the ~~commissioner~~ division, the ~~commissioner~~ division shall complete the liquidation of the affairs of such bank or banking corporation, and after paying the expenses thereof, shall distribute the proceeds among the stockholders in proportion to the several holdings of stock in such manner and upon such notice as may be directed by the circuit court. In case it is determined to appoint an agent or agents to liquidate, the stockholders shall thereupon select such agent or agents by ballot, a majority of the stock present and voting, in person or by proxy, being necessary to a choice. Such agent or agents shall execute and file with the ~~commissioner~~ division a bond to the people of the state in such amount, with such sureties and in such form as shall be approved by the ~~commissioner~~ division, conditioned for the faithful performance of all the duties of the agent's or the agents' trust, and thereupon the ~~commissioner~~ division shall transfer and deliver to such agent or agents all the undivided or uncollected or other assets of such bank or banking corporation then remaining in the ~~commissioner's hands~~ division's possession; and upon such transfer and delivery, the ~~said commissioner~~ division shall be discharged from any and all further liability to such bank or banking corporation and its or their creditors.

SECTION 6043. 220.08 (12) of the statutes is amended to read:

220.08 **(12)** Such agent or agents shall convert the assets coming into the agent's or agents' possession into cash, and shall account for and make distribution of the property of said bank or banking corporation, as is herein provided in the case of distribution by the ~~commissioner~~ division, except that the expenses thereof shall be subject to the direction and control of the circuit court. In case of the death, removal, or refusal to act of any such agent or agents, the stockholders, on the same notice, to be given by the ~~commissioner~~ division upon proof of such death, removal, or refusal to act being filed with it, and by the same vote hereinbefore provided, may elect a successor, who shall have the same powers and be subject to the same liabilities and duties as the agent originally elected.

SECTION 6044. 220.08 (13) of the statutes is amended to read:

220.08 **(13)** The ~~commissioner~~ division shall deposit dividends and unclaimed deposits which have been provided for and which remain unpaid in the hands of the ~~commissioner~~ division for 6 months after the order for final distribution in one or more state banks, to the credit of the ~~commissioner~~ division, in trust for the several depositors with and creditors of the liquidated bank or banking corporations from which they were received. The ~~commissioner's~~ division's annual report under s. 220.14 shall include the names of banks or banking corporations so taken possession of and liquidated and the sums of unclaimed and unpaid deposits or dividends with respect to each of them respectively.

SECTION 6045. 220.08 (14) of the statutes is amended to read:

220.08 **(14)** The ~~commissioner~~ division may pay the moneys held by ~~him or her~~ the division to the persons entitled to them, upon being furnished satisfactory evidence of their right to the same. In cases of doubt or conflicting claims, the ~~commissioner~~ division may require an order of the circuit court authorizing and

directing the payment thereof. The ~~commissioner~~ division may apply the interest earned towards defraying the expenses in the payment and distribution of such unclaimed deposits or dividends to the depositors and creditors entitled to receive them, and if necessary may draw on the fund to defray such expenses. After one year from the time of the order for final distribution, the ~~commissioner~~ division shall report and deliver all unclaimed funds to the state treasurer as provided in ch. 177. All claims subsequently arising shall be presented to the ~~commissioner~~ division. If the ~~commissioner~~ division determines that any claim should be allowed, ~~he or she~~ the division shall certify to the department of administration the name and address of the person entitled to payment and the amount thereof and shall attach the claim to the certificate. The ~~department~~ secretary of administration shall certify the claim to the state treasurer for payment.

SECTION 6046. 220.08 (15) of the statutes is amended to read:

220.08 **(15)** Whenever the ~~commissioner~~ division, with a view of restoring the solvency of any bank of which the ~~commissioner~~ division has taken charge pursuant to law, shall approve a reorganization plan entered into between the depositors and unsecured creditors of such bank and the bank or reorganizers thereof, which represent 80 per cent of the amount of deposits and unsecured claims of such banks, then and in such case all other depositors and unsecured creditors shall be held to be subject to such agreement to the same extent and with the same effect as if they had joined in the execution thereof, and their claims shall be treated in all respects as if they had joined in the execution of such articles or reorganization plan in the event of restoration of such bank to solvency, and the reopening of the same for business. The investment board and the governing board of any county, city, village, town, drainage district, power district, school district, sewer district, or other

governmental subdivision, or any commission, committee, board or officer thereof, having any funds on deposit at the time of the closing of the bank are authorized to join in any reorganization plan, if, in the judgment of such investment board or other governing board, the reorganization plan is in the best interests of all persons concerned. All deposits made in any state bank subsequent to June 3, 1927 shall be subject to the conditions hereof.

SECTION 6047. 220.08 (16) of the statutes is amended to read:

220.08 **(16)** Whenever the ~~commissioner~~ division is informed, within 10 days after the ~~commissioner~~ division has taken charge of a bank pursuant to law, that a plan for the reorganization of such bank is being considered, the ~~commissioner~~ division may refrain from complying with any or all of the provisions of this section for such time as the ~~commissioner~~ division deems advisable, but for not more than 40 days after the ~~commissioner~~ division has taken charge of said bank. The approval by the ~~commissioner~~ division and the acceptance by the depositors and unsecured creditors of a reorganization plan within the time specified as provided in sub. (15), shall operate to relieve the ~~commissioner~~ division of the duties and liabilities provided by this section in the case of liquidation of banks.

SECTION 6048. 220.08 (17) of the statutes is amended to read:

220.08 **(17)** Whenever it shall appear to the ~~commissioner~~ division that the books and records of any liquidated bank or banking corporation or segregated trust are no longer required by the ~~commissioner, he or she~~ division, the division may make application to the circuit court having jurisdiction of such liquidated bank or banking corporation or segregated trust for an order determining what books and records are to be kept and what destroyed, stating in such application ~~his or her~~ the division's recommendations thereon. Said circuit court shall thereupon enter an order

determining what books and records shall be kept and what shall be destroyed. The books and records ordered preserved shall be delivered to the clerk of such court to be kept by him or her until further order of the court. Following the expiration of the retention period provided in SCR chapter 72, the circuit court shall submit to the historical society copies of the ~~commissioner's~~ division's application and the court order determining what books and records have been kept. On subsequent application of the historical society the court may order delivery to the society of such books and records as the society deems of permanent historical significance and the destruction of the balance, whether or not any such records have been photographed or microphotographed.

SECTION 6049. 220.08 (18) of the statutes is amended to read:

220.08 **(18)** Whenever any bank or banking corporation has been completely liquidated, the ~~commissioner~~ division shall and is hereby authorized to cancel the charter of such bank or banking corporation.

SECTION 6050. 220.08 (19) (intro.) of the statutes is amended to read:

220.08 **(19)** (intro.) Segregated trusts heretofore or hereafter created in connection with the stabilization and readjustment or reorganization of a bank shall be administered and liquidated under the supervision of the ~~commissioner~~ division and the circuit court of the county in which the bank is located.

SECTION 6051. 220.08 (19) (b) of the statutes is amended to read:

220.08 **(19)** (b) The administration and liquidation of such trust shall be subject to the supervision of the ~~commissioner~~ division and as far as practicable shall be subject to the approval of the circuit court of the county wherein such bank is located in the same manner and to the same extent as is the administration of banks in liquidation under the provisions of this section.

SECTION 6052. 220.08 (19) (c) of the statutes is amended to read:

220.08 **(19)** (c) The ~~commissioner~~ division shall make such examinations of the books, records and assets of such trust as the ~~commissioner~~ division deems necessary and shall submit copies of such examinations to the trustees and to the circuit court. The cost of such examinations and the cost of the supervision rendered by the ~~commissioner~~ division, which cost shall be determined by ~~said commissioner~~ the division, shall be a charge against the trust and shall be paid as an expense of administration.

SECTION 6053. 220.08 (19) (d) of the statutes is amended to read:

220.08 **(19)** (d) The trustees of such trust shall be known collectively as "the trustees of the segregated trust of (name of bank)" and in that name may sue and be sued and perform the duties imposed on them by law and the provisions of the agreement or court order creating such trust. A certificate issued by the ~~commissioner~~ division shall be sufficient proof of the creation of such trust, of the appointment and qualification of the persons named therein to act as trustees and of the powers of the trustees.

SECTION 6054. 220.08 (20) of the statutes is amended to read:

220.08 **(20)** In the event the ~~commissioner~~ division, as statutory receiver of closed state banks or in connection with the ~~commissioner's~~ division's supervision of segregated trusts, shall have possession of any funds or property by reason of any recovery on an official bond or otherwise, and said funds shall not belong to or be attributable to any specific bank or banks in liquidation or to any specific segregated trust or trusts and it shall appear that all or a number of banks in liquidation or all or a number of the segregated trusts supervised by the ~~commissioner~~ division or the depositors or other creditors of such banks or trusts, may have an interest in such

funds or property, the ~~commissioner~~ division may petition the circuit court for Dane county for an order directing the disposition of such funds or property. The court, upon presentation of such a petition, shall direct the ~~commissioner~~ division to give such notice of hearing thereon, by publication of a class 3 notice, under ch. 985, or otherwise, as appears reasonable under the circumstances. The expenses of the ~~commissioner~~ division in any such proceeding shall be paid out of such funds or property. If it shall appear to the court that the persons to whom such funds or property may ultimately belong cannot be found or ascertained or that the expense of such ascertainment would in the judgment of the court be excessive or unreasonable under all the circumstances, the court shall enter an order directing the ~~commissioner~~ division to transmit such funds or property to the state treasurer to become the property of the state. Any person claiming an interest in any such funds or property so ordered to be transmitted to the state treasury may within 5 years after the entry of such order bring suit against the state for recovery thereof without interest.

SECTION 6055. 220.08 (20a) of the statutes is amended to read:

220.08 **(20a)** After liquidation of the assets of a delinquent bank, any remaining assets, including all unknown and undiscovered assets in the custody of the ~~commissioner~~ division, shall, after approval of the circuit court having jurisdiction thereof, be retained by the ~~commissioner who~~ division which is authorized and empowered to hold such assets, claims and demands with the full right and power to compound, compromise, settle and assign the same with full authority to execute and deliver any legal instruments incidental thereto without further court approval. Any moneys or proceeds received therefrom shall be paid into the general fund of the state of Wisconsin after the ~~commissioner~~ division has first

deducted therefrom the costs of the ~~commissioner's~~ division's services and other expenses incidental thereto.

SECTION 6056. 220.081 (1) of the statutes is amended to read:

220.081 **(1)** The ~~commissioner of banking~~ division may, in the event of the closing of any bank which is a member of the federal deposit insurance corporation or the deposits in which are to any extent insured by said corporation, tender to said corporation the appointment as statutory receiver of such bank and if the corporation accepts said appointment, the corporation shall have and possess all the powers and privileges given by the laws of this state to the ~~commissioner of banking~~ division as statutory receiver of a closed bank and be subject to all the duties of the ~~commissioner~~ division as such statutory receiver, except insofar as such powers, privileges, or duties are in conflict with the provisions of subsection 1 of section 8 of said banking act of 1933, or any other applicable federal laws.

SECTION 6057. 220.081 (4) of the statutes is amended to read:

220.081 **(4)** The ~~commissioner~~ division or the federal deposit insurance corporation being in possession of any delinquent bank may, as receiver of such bank and upon the order of the circuit court for the county in which such bank is located, borrow money from the federal deposit insurance corporation and secure the payment of such loan by the mortgage pledge, transfer in trust or hypothecation of any or all of the property and assets of such delinquent bank and upon like order may sell to said federal deposit insurance corporation any or all of the property and assets of such delinquent bank.

SECTION 6058. 220.086 of the statutes is amended to read:

220.086 Receiver of delinquent bank may borrow from federal government agency; court order. The ~~commissioner of banking~~ division, having

taken possession of any delinquent bank, may, as receiver of such bank, and upon the order of the circuit court for the county in which such bank is located, borrow money from any agency of the federal government, upon such terms and conditions as may be satisfactory to such federal agency, and issue evidences of indebtedness therefor, and secure the payment of such loan by the mortgage, pledge, transfer in trust, or hypothecation of any or all of the property and assets of such delinquent bank.

SECTION 6059. 220.09 of the statutes is amended to read:

220.09 Indemnity fund, national bank. Every national bank which has been granted a special permit by the federal reserve board to act in a fiduciary capacity under the provisions of subsection (k) of section 11, of the federal reserve act shall deposit with the ~~state treasurer~~ secretary of administration security, approved by the ~~commissioner of banking~~ division, in the manner which is required of trust company banks organized under s. 223.02. Such securities shall be of the same nature as the security designated by the provisions of such section for the deposit by trust companies organized under the laws of this state. Such national bank, so long as it shall continue solvent and comply with the laws of this state applicable thereto, may be permitted by the ~~commissioner~~ division to collect the interest on the security so deposited and from time to time withdraw the said securities or any part thereof provided that securities or cash of the amount and value required by this section shall at all times be maintained on deposit.

SECTION 6060. 220.10 of the statutes is amended to read:

220.10 (title) **Books and accounts; ~~commissioner's~~ division's control.** Whenever it appears to the ~~commissioner~~ division that any bank does not keep books and accounts in such manner as to enable the ~~commissioner~~ division to readily ascertain the true condition of such bank, the ~~commissioner~~ division may require the

officers of such bank to open and keep such books or accounts as the ~~commissioner~~ division prescribes for the purpose of keeping accurate and convenient records of the transactions and accounts of such bank. Any bank that refuses or neglects to open and keep such books or accounts as the ~~commissioner~~ division prescribes shall be subject to a penalty of $10 for each day it neglects and fails to open and keep such prescribed books and accounts.

SECTION 6061. 220.12 of the statutes is amended to read:

220.12 Attorney general, duty of. All proceedings by any bank to enjoin the ~~commissioner of banking~~ division in the discharge of the ~~commissioner's~~ division's duties shall be had in the county where said bank is located, or in the supreme court of this state. All suits and proceedings arising out of the provisions of the banking laws, in which the state, or any of its officers or agents shall be parties, shall be conducted under the direction and supervision of the attorney general.

SECTION 6062. 220.13 of the statutes is amended to read:

220.13 Copies as evidence. Copies of all records and papers held in the ~~office of the commissioner of banking,~~ division and certified by the ~~commissioner and authenticated by the commissioner's seal of office,~~ division shall be evidence in all cases equally and of like effect as the original.

SECTION 6063. 220.14 (intro.) of the statutes is amended to read:

220.14 (title) **~~Commissioner's~~ Division's report.** (intro.) The ~~commissioner~~ division shall publish an annual report and submit the report to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2). The report shall:

SECTION 6064. 220.14 (1) of the statutes is amended to read:

220.14 **(1)** Exhibit the condition of the various banks of the state as of the day of the last report made to the ~~commissioner~~ division by such banks.

SECTION 6065. 220.14 (7) of the statutes is amended to read:

220.14 **(7)** Give such other information as the ~~commissioner~~ division deems necessary.

SECTION 6066. 220.28 of the statutes is amended to read:

220.28 Destruction of obsolete records by state banks. Any state bank may destroy or dispose of such of its records as may have become obsolete after first obtaining the written consent of the ~~commissioner of banking~~ division.

SECTION 6067. 220.285 (1) of the statutes is amended to read:

220.285 **(1)** Any state bank, trust company bank, licensee under s. 138.09, 138.12, 218.01, 218.02, 218.04 or 218.05 or ch. 217 or credit union may cause any or all records kept by such bank, licensee or credit union to be recorded, copied or reproduced by any photostatic, photographic or miniature photographic process or by optical imaging if the process employed correctly, accurately and permanently copies, reproduces or forms a medium for copying, reproducing or recording the original record on a film or other durable material. A bank, licensee or credit union may thereafter dispose of the original record after first obtaining the written consent of the ~~commissioner of banking~~ division. This section, excepting that part of it which requires written consent of the ~~commissioner of banking~~ division, is applicable to national banking associations insofar as it does not contravene federal law.

SECTION 6068. 221.01 (1) of the statutes is amended to read:

221.01 **(1)** APPLICATION. Any number of adult persons, citizens of Wisconsin, not less than 7 nor more than 20, desiring to associate for the purpose of organizing a banking corporation under this chapter, shall make application to the

~~commissioner of banking~~ division in such manner as may be prescribed on a form furnished by the ~~commissioner~~ division.

SECTION 6069. 221.01 (2) (e) of the statutes is amended to read:

221.01 **(2)** (e) Such other information as the ~~commissioner~~ division may require.

SECTION 6070. 221.01 (3) of the statutes is amended to read:

221.01 **(3)** NOTICE. Upon receipt by the ~~commissioner~~ division of such application properly executed, the ~~commissioner~~ division shall, within 5 days, forward to the applicants a copy of an official notice of application for authority to organize a bank, containing such information as shall make known to the public the facts specifically required by statute to be given in the application, and assigning a date and place for hearing on the application. The notice shall be published as a class 3 notice, under ch. 985, by the applicants, at their own expense, in the city, village or town where the bank is to be located. Proof of publication shall be filed with the ~~commissioner~~ division in such form as the ~~commissioner~~ division requires. The ~~commissioner~~ division may waive the requirement of publication herein contained where the bank to be organized is to replace, absorb or consolidate one or more existing banks.

SECTION 6071. 221.01 (4) of the statutes is amended to read:

221.01 **(4)** FEE. The applicants shall pay to the ~~commissioner of banking~~ division a fee of $2,500 together with the actual costs incurred by the ~~commissioner~~ division in making an investigation of the application, which sum shall be paid into the state treasury.

SECTION 6072. 221.01 (5) of the statutes is amended to read:

221.01 **(5)** INVESTIGATION. The ~~commissioner~~ division shall thereupon ascertain at the hearing and from the best sources of information at the ~~commissioner's~~ division's command, and by such investigation as the ~~commissioner~~ division may deem necessary, whether the character, responsibility and general fitness of the persons named in such application are such as to command confidence and to warrant the belief that the business of the proposed corporation will be honestly and efficiently conducted in accordance with the intent and purpose of this chapter; and whether public convenience and advantage will be promoted by allowing such bank to organize; and the ~~commissioner~~ division also shall investigate the character and experience of the proposed officers, the adequacy of existing banking facilities, and the need of further banking capital; the outlook for the growth and development of the city, town or village in which such bank is to be located, and the surrounding territory from which patronage would be drawn; the methods and banking practices of the existing bank or banks; the interest rate which they charge to borrowers; the character of the service which they render the community, and the prospects for the success of the proposed bank if efficiently managed. Such investigation shall be completed within 90 days from the filing ~~in the office of the commissioner~~ with the division of proof of publication and the making of the deposit herein required, but in the event a majority of the applicants and the ~~commissioner~~ division mutually agree to it, the time may be extended an additional period of 60 days.

SECTION 6073. 221.01 (6) of the statutes is amended to read:

221.01 **(6)** DECISION. After completing such investigation the ~~commissioner~~ division shall make a written report to the banking review board stating the results of the investigation and the ~~commissioner's~~ division's recommendation. The board shall consider the matter, conducting any necessary hearing, and promptly make its

decision approving or disapproving the organization of the proposed bank. Such decision shall be final except pursuant to s. 220.035 (1) and (3). If approval is given, the ~~commissioner~~ division shall indorse on each of the original applications the word "Approved" ~~over the commissioner's official signature~~. If disapproved, the ~~commissioner~~ division shall indorse the word "Disapproved" ~~over the commissioner's official signature~~. One of the duplicate originals shall be filed ~~in the commissioner's office~~ with the division and one returned by mail to the applicants.

SECTION 6074. 221.01 (10) of the statutes is amended to read:

221.01 **(10)** CERTIFICATE OF AUTHORITY. In the event of approval of the application for authority to organize a banking corporation, the ~~commissioner~~ division shall issue to the applicants, who shall thereafter be known as the corporators, a certificate of authority conferring upon them such powers as are incidentally or necessarily preliminary to the organization of a banking corporation. These powers shall include the effecting of a temporary organization, consisting of a chairperson, a secretary, and a treasurer; the execution and filing of articles of incorporation; the making of rules for the procedure of the corporators and the conduct of the first meeting of the stockholders; the opening of subscription books for stock; the securing of an option on real estate to be used as a banking house; the fixing of an amount at which the stock shall be sold; the collection of subscriptions to the stock; the selection of a depository for such funds as may be collected; the appointment of and acting by any agent or agents, and the compilation of a set of bylaws for submission to the stockholders.

SECTION 6075. 221.01 (11) of the statutes is amended to read:

221.01 **(11)** TEMPORARY ORGANIZATION. The chairperson of the corporators shall preside at all meetings and shall exercise such other duties as ordinarily pertain to

the position. The secretary shall attend to the correspondence of the corporators, shall record fully all proceedings of meetings of the corporators, shall file and preserve all documents and papers of the organization, and shall attend to the filing of the necessary papers with the ~~commissioner~~ division. The treasurer shall receive all moneys paid in on subscriptions to stock or for other purposes, keep a true account thereof, shall deposit such funds in the designated depository, and shall pay such valid orders as may be drawn on the treasurer. The corporators shall require a bond in a suitable amount from the treasurer, and other officers and agents who may handle the funds of the proposed bank. Claims against the organization shall be audited by the corporators, and record of action thereon noted in the minutes. If ordered paid, an order shall be drawn upon the treasurer and signed by the chairperson and secretary. The corporators shall until the completion of the organization exercise such other powers as are conferred upon the corporators by the statutes relating to other corporations, so far as such powers are not in conflict with the limitations of this chapter and are applicable.

SECTION 6076. 221.01 (12) (b) of the statutes is amended to read:

221.01 **(12)** (b) After February 1, 1967, any state bank which does not have fully paid–in capital stock in the amount prescribed in par. (a) shall be ordered by the ~~commissioner~~ division to increase its capital stock to such amount. The ~~commissioner~~ division may, in addition to the ~~commissioner's~~ division's other powers to act against delinquent banks, require any bank failing to comply with such order to pay a forfeiture to the ~~commissioner~~ division of $10 for each day of noncompliance. If any bank fails or refuses to pay such forfeiture, the ~~commissioner~~ division may maintain an action for the recovery thereof. This paragraph shall not apply to any

state bank in which the capital surplus and undivided profits equal or exceed 10% of its deposits.

SECTION 6077. 221.01 (12) (c) of the statutes is amended to read:

221.01 **(12)** (c) Any state bank, with the approval of the ~~commissioner~~ division and by vote of stockholders owning two–thirds of the stock of the bank entitled to vote, may authorize an increase in the common stock of the bank in the category of authorized but unissued stock. Such authorized but unissued stock may be issued to employes of the bank pursuant to a stock option or stock purchase plan adopted in accordance with par. (d), or in exchange for convertible preferred stock and convertible capital debentures in accordance with the terms and provisions of such securities. Authorized but unissued stock may also be issued for such other purposes and considerations as may be approved by the board of directors of the bank and by the ~~commissioner~~ division.

SECTION 6078. 221.01 (12) (d) 1. of the statutes is amended to read:

221.01 **(12)** (d) 1. Any state bank may grant options to purchase, sell or enter into agreements to sell shares of its capital stock to its employes, for a consideration of not less than 100% of the fair market value of the shares on the date the option is granted or, if pursuant to a stock purchase plan, 85% of the fair market value on the date the purchase price is fixed, pursuant to the terms of an employe restricted stock option plan or an employe stock purchase plan which has been adopted by the board of directors of the bank and approved by the holders of at least two–thirds of the outstanding shares of the bank entitled to vote and by the ~~commissioner~~ division. Stock options issued hereunder shall not extend beyond a period of 10 years from date of issuance and shall otherwise qualify as restricted stock options.

SECTION 6079. 221.01 (12) (d) 2. of the statutes is amended to read:

221.01 **(12)** (d) 2. Employe stock options and stock purchase agreements may provide that options may be exercisable or that shares may be purchased on any business day. A notarized notice specifying the number of shares issued pursuant to option and stock purchase plans and the amount paid in therefor shall be executed by the president, vice president or cashier of the bank and filed with the ~~commissioner~~ division not later than the 10th day of the month following issuance and no stock shall be deemed validly issued until the ~~commissioner~~ division has issued a certificate specifying the amount of stock so purchased, the purchase price thereof having been duly paid into the capital of the bank, and the ~~commissioner's~~ division's approval thereof.

SECTION 6080. 221.01 (13) of the statutes is amended to read:

221.01 **(13)** TRUST COMPANY BANK; REORGANIZATION. Any trust company bank may, by amendment to its articles of incorporation, duly adopted by its stockholders and approved by the ~~commissioner~~ division, in the manner prescribed for by s. 221.25, convert its corporate organization into that of a state bank with all the powers of a state banking corporation under the statutes under such name as shall be declared by such amendment and approved by the ~~commissioner~~ division, which name may include the word "trust". Such converted corporation shall continue to have all the powers previously held by it as a trust company bank and shall be a continuation for all purposes whatsoever of the trust company bank so converted into a state bank, including holding and performing any and all trusts and fiduciary relations of whatsoever nature of which said trust company bank was fiduciary at the time of such conversion, and also including its appointment in any fiduciary capacity by any court or otherwise, and the holding, accepting and performing of any and all trusts and fiduciary relations whatsoever as to or for which said trust

company bank may have been appointed, nominated or designated by any will or conveyance or otherwise, whether or not such trust or fiduciary relation shall have come into being and taken effect at such conversion. Whenever and if any such converted corporation shall have been fully discharged of and from any and all trusts committed to it, it may, by amendment to its articles of incorporation, duly adopted by its stockholders and approved by the ~~commissioner~~ division, surrender its powers to act in a fiduciary capacity and eliminate from its corporate name and style the word "trust;" and may thereupon withdraw from the ~~state treasurer~~ secretary of administration all securities by it deposited with the ~~state treasurer~~ secretary of administration pursuant to s. 223.02.

SECTION 6081. 221.03 (1) of the statutes is amended to read:

221.03 **(1)** The articles of incorporation shall be filed with the ~~commissioner of banking~~ division within a reasonable time as determined by the ~~commissioner of banking~~ division from the date of the certificate of authority to organize has been approved, and if not filed within that period all rights of the corporators shall cease and the certificate of authority to organize is void.

SECTION 6082. 221.03 (2) (a) 2. of the statutes is amended to read:

221.03 **(2)** (a) 2. The name of such bank, which name shall be subject to the approval of the ~~commissioner~~ division, shall not be in any material respect similar to the name of any bank existing or which may have heretofore existed in the same county or in any adjoining county within the radius of 50 miles, and which name may not contain the word "savings".

SECTION 6083. 221.03 (3) of the statutes is amended to read:

221.03 **(3)** The ~~commissioner~~ division shall, within the ~~commissioner's~~ division's discretion, approve or disapprove such articles of incorporation. If

approved, the ~~commissioner~~ division shall indorse on each of the 3 triplicate originals the word "approved". One of such originals the ~~commissioner~~ division shall file ~~in the commissioner's office~~, and to the 2 remaining originals the ~~commissioner~~ division shall attach a certificate showing the date of filing, the approval and date of approval, and return the same to the corporators. One of such originals shall be filed with the records of the bank, and the other shall be recorded in the office of the register of deeds of the county in which such banking corporation is located. No bank shall until its articles be left for record with the register of deeds have legal existence, nor be authorized to exercise any other powers than those incidentally or necessarily preliminary to its organization.

SECTION 6084. 221.03 (4) of the statutes is amended to read:

221.03 **(4)** A fee of $100 shall be paid to the ~~commissioner~~ division when the articles of incorporation are filed, and the ~~commissioner~~ division shall pay such fee into the state treasury.

SECTION 6085. 221.03 (5) of the statutes is amended to read:

221.03 **(5)** A certificate signed by the register of deeds, showing the articles have been recorded in the office of the register of deeds, shall be returned to the ~~commissioner~~ division.

SECTION 6086. 221.03 (6) of the statutes is amended to read:

221.03 **(6)** Within 90 days from the filing of the articles of incorporation, the corporators shall file with the ~~commissioner~~ division, in duplicate, the proposed bylaws and a complete list of the stockholders of the proposed bank, showing the number of shares held by each, the post–office address, and the approximate worth of each. On approval by the ~~commissioner~~ division, the bylaws shall be submitted for consideration by the shareholders.

SECTION 6087. 221.04 (1) (intro.) of the statutes is amended to read:

221.04 **(1)** GENERAL. (intro.) Upon the execution and filing of the articles of incorporation with the ~~commissioner of banking~~ division and the approval by the ~~commissioner~~ division, and upon the recording of the articles with the register of deeds of the county in which the bank is to be located, the bank shall become a body corporate, and in addition to the powers conferred by the general corporations law, subject to the restrictions and limitations contained in this section, having the following powers:

SECTION 6088. 221.04 (1) (jm) 1. of the statutes is amended to read:

221.04 **(1)** (jm) 1. To establish and maintain a branch bank with the approval of the ~~commissioner~~ division.

SECTION 6089. 221.04 (1) (jm) 3. of the statutes is amended to read:

221.04 **(1)** (jm) 3. A bank may transfer a branch bank to any other bank located in this state with the approval of the ~~commissioner~~ division.

SECTION 6090. 221.04 (1) (jm) 4. of the statutes is amended to read:

221.04 **(1)** (jm) 4. A bank may establish a branch bank in another state with the approval of the ~~commissioner~~ division and the appropriate regulator of the other state.

SECTION 6091. 221.04 (1) (jm) 5. of the statutes is amended to read:

221.04 **(1)** (jm) 5. The establishment of a branch bank under subd. 1. or the conversion of a bank to a branch bank under subd. 2. shall be approved if the financial and managerial resources and future prospects of the bank establishing a branch bank or the surviving bank of a merger or consolidation are satisfactory to the ~~commissioner~~ division.

SECTION 6092. 221.04 (1) (jm) 6. of the statutes is amended to read:

221.04 **(1)** (jm) 6. A bank shall apply for the establishment or transfer of a branch bank under this paragraph to the ~~commissioner~~ division on a form furnished by the ~~commissioner~~ division. The application shall be accompanied by a fee of $1,000.

SECTION 6093. 221.04 (1) (jm) 8. of the statutes is amended to read:

221.04 **(1)** (jm) 8. At least 30 days before closing a branch bank, a bank shall notify the ~~commissioner~~ division in writing and post a notice of the closing in the lobby of the bank and the lobby of the branch bank to be closed.

SECTION 6094. 221.04 (1) (jm) 9. of the statutes is amended to read:

221.04 **(1)** (jm) 9. Every branch bank, branch office or bank station existing on August 1, 1989, shall be considered a branch bank approved by the ~~commissioner~~ division under this paragraph.

SECTION 6095. 221.04 (1) (k) 1. of the statutes is amended to read:

221.04 **(1)** (k) 1. Directly or indirectly, to acquire, place and operate, or participate in the acquisition, placement and operation of, at locations other than its main or branch offices, customer bank communications terminals, in accordance with rules established by the ~~commissioner~~ division. The rules of the ~~commissioner~~ division shall provide that any such customer bank communications terminal shall be available for use, on a nondiscriminatory basis, by any state or national bank which has its principal place of business in this state, by any other bank obtaining the consent of a state or national bank which has its principal place of business in this state and is using the terminal and by all customers designated by a bank using the terminal. This paragraph does not authorize a bank which has its principal place of business outside this state to conduct banking business in this state. The customer bank communications terminals also shall be available for use, on a

nondiscriminatory basis, by any credit union, savings and loan association or savings bank, whose home office is located in this state, if the credit union, savings and loan association or savings bank requests to share its use, subject to rules jointly established by the ~~commissioner~~ division of banking, the ~~commissioner~~ office of credit unions and the ~~commissioner~~ division of savings and loan. The rules of the ~~commissioner~~ division and the joint rules shall each prohibit any advertising with regard to a shared terminal which suggests or implies exclusive ownership or control of the shared terminal by any financial institution or group of financial institutions operating or participating in the operation of the terminal. The ~~commissioner~~ division by order may authorize the installation and operation of a customer bank communications terminal in a mobile facility, after notice and hearing upon the proposed service stops of the mobile facility.

SECTION 6096. 221.04 (1) (k) 3. of the statutes is amended to read:

221.04 **(1)** (k) 3. If any person primarily engaged in the retail sale of goods or services owns or operates a customer bank communications terminal on such person's premises and allows access to such terminal by any financial institution, group of financial institutions, or their customers for any purpose or function nothing in this paragraph or in rules established by the ~~commissioner~~ division shall, or shall be construed or interpreted to, require such person to accept any connection to or use of the customer bank communications terminal on its premises for any other purpose or function or to accept any connection to the terminal on its premises by any other financial institution.

SECTION 6097. 221.04 (1) (k) 4. of the statutes is amended to read:

221.04 **(1)** (k) 4. If a person primarily engaged in the retail sale of goods or services owns or operates a customer bank communications terminal on such

person's premises and allows access to the terminal by any financial institution, group of financial institutions or their customers for any purpose or function, no laws governing such institutions or rules established by the ~~commissioner~~ division shall apply to such person other than those laws or rules directly related to the particular function performed by the terminal on such person's premises for a financial institution.

SECTION 6098. 221.04 (1) (n) 1. (intro.) of the statutes is amended to read:

221.04 **(1)** (n) 1. (intro.) Upon amendment of the articles of incorporation under s. 221.12 and obtaining, prior to the date which is 2 years after May 7, 1982, approval of the ~~commissioner~~ division and the banking review board, to relocate the principal office of the bank to another place in the municipality in which the principal office is located on the date of the amendment, and to continue to operate the former principal office, or an office located within 1,500 feet of the boundary of the parcel of real estate occupied by the former principal office measured on a straight line connecting the 2 nearest points on the respective parcels of real estate, as a branch, notwithstanding par. (f), if all the services provided by the principal office are also provided by the branch, the branch is operated for at least 5 years after the date of relocation and the ~~commissioner~~ division and the banking review board find that:

SECTION 6099. 221.04 (1) (n) 3m. (intro.) of the statutes is amended to read:

221.04 **(1)** (n) 3m. (intro.) A branch office approved under this paragraph may not cease operations unless it has operated for at least 5 years and the ~~commissioner~~ division and the banking review board have approved cessation. The ~~commissioner~~ division may approve cessation only after holding a public hearing in the area served by the branch or principal office and considering all of the following:

SECTION 6100. 221.04 (1) (n) 4. of the statutes is amended to read:

221.04 **(1)** (n) 4. Any finding by the comptroller of currency which permits a national bank to operate a branch at a location which the ~~commissioner~~ division finds does not meet the requirements of subds. 1. to 3. renders this paragraph void.

SECTION 6101. 221.04 (1) (p) of the statutes is amended to read:

221.04 **(1)** (p) To contract with one or more banks to provide banking and financially related products or services on its behalf to its customers or to establish a joint branch bank of the contracting banks. The contracting banks shall inform the ~~commissioner~~ division in writing of any contract entered into under this paragraph. The establishment of a joint branch bank is subject to the provisions for the establishment of a branch bank in par. (jm).

SECTION 6102. 221.04 (1) (pm) of the statutes is amended to read:

221.04 **(1)** (pm) To contract with a savings and loan association that is owned by a bank holding company which also owns the contracting bank, to provide banking and financially related products or services on its behalf to its customers. The savings and loan association shall be subject to regulation and examination by the ~~commissioner~~ division with regard to services performed under the contract to the same extent as if the services were being performed by the bank itself on its own premises.

SECTION 6103. 221.04 (3e) (a) of the statutes is amended to read:

221.04 **(3e)** (a) Subject to review by the ~~commissioner of banking~~ division under par. (b), a bank may, with the approval of its board of directors, purchase and hold capital stock of the federal home loan bank for the purpose of becoming a member of the federal home loan bank as provided in the federal home loan bank act, 12 USC 1421 to 1449. A bank that becomes a member may exercise borrowing privileges or use any other service offered to a member by the federal home loan bank if the

privileges or service is not in conflict with the laws of this state. Without becoming a member, a bank may exercise deposit privileges and use other services offered to nonmembers by the federal home loan bank.

SECTION 6104. 221.04 (3e) (b) of the statutes is amended to read:

221.04 **(3e)** (b) A bank that intends to become a member of the federal home loan bank shall give the ~~commissioner of banking~~ division written notice of its intention to apply for membership. The ~~commissioner~~ division may prohibit a bank from becoming a member if the bank's capital and undistributed surplus is less than the amount required for that bank or if the ~~commissioner~~ division finds that the bank is in an unsafe or unsound condition. The ~~commissioner~~ division shall have 30 days after the date on which the notice is received to issue a prohibition under this paragraph. The ~~commissioner~~ division may extend the time for issuing a prohibition up to 30 additional days if the ~~commissioner~~ division notifies the bank before the initial 30–day period expires that the ~~commissioner~~ division is extending the time limit.

SECTION 6105. 221.04 (4) (a) of the statutes is amended to read:

221.04 **(4)** (a) Any bank may, with the approval of the ~~commissioner of banking~~ division, invest an amount not exceeding in the aggregate 15% of its paid–in capital stock and surplus in one or more corporations principally engaged in international or foreign banking, or banking in dependencies or insular possessions of the United States organized pursuant to ss. 611–631 of Title 12 of the United States Code, and any bank may also invest with the approval of the ~~commissioner of banking~~ division an amount not exceeding in the aggregate 10% of its paid–in capital stock and surplus in the stock of one or more corporations principally engaged in international or foreign financial operations other than banking as well as such financial

operations in dependencies or insular possessions of the United States organized pursuant to said ss. 611–631 of Title 12 of the United States Code.

SECTION 6106. 221.04 (4) (b) of the statutes is amended to read:

221.04 **(4)** (b) Any bank having loans secured by real estate mortgage may with the approval of the ~~commissioner of banking~~ division sell all or any portion of them to the federal national mortgage association, or any successor thereof, and in connection therewith make payments of any capital contributions, required pursuant to law, in the nature of subscriptions for stock of the federal national mortgage association or any successor thereof, receive stock evidencing such capital contributions and hold or dispose of such stock.

SECTION 6107. 221.04 (4h) of the statutes is amended to read:

221.04 **(4h)** STOCK IN BANK–OWNED BANKS. Any bank holding company, subject to the limitations in s. 221.58 (7), or any bank may, with the approval of the ~~commissioner~~ division, acquire and hold stock in an aggregate amount not exceeding 10% of its capital and surplus, in one or more banks chartered under s. 221.57 or in one or more bank holding companies wholly owning a bank chartered under s. 221.57.

SECTION 6108. 221.04 (4m) of the statutes is amended to read:

221.04 **(4m)** STOCK IN AGRICULTURAL CREDIT CORPORATION. Any bank may invest, with the approval of the ~~commissioner of banking~~ division, in an agricultural credit corporation. Unless a bank owns at least 80% of the stock of the agricultural credit corporation, the amount which it invests in the corporation shall not exceed 20% of the bank's paid–in capital stock and surplus.

SECTION 6109. 221.04 (5) of the statutes is amended to read:

221.04 **(5)** (title) INFORMATION TO ~~COMMISSIONER~~ DIVISION; STOCK HOLDINGS. Every such bank investing in the capital stock of banks or corporations as provided herein shall be required to furnish information concerning the condition of such banks or corporations to the ~~commissioner~~ division upon demand. If at any time the ~~commissioner~~ division shall ascertain or believe that any regulations prescribed by the ~~commissioner~~ division with reference to such business are not being complied with, ~~said commissioner~~ the division is hereby authorized and empowered to institute an investigation of the matter in order to satisfy the ~~commissioner~~ division as to the actual nature of the transactions referred to. Should such investigation result in establishing the failure of the corporation in question, or of the bank or banks which may be stockholders therein, to comply with the regulations laid down by the ~~said commissioner~~ division, such bank or banks may be required to dispose of stock holdings in said corporation upon reasonable notice.

SECTION 6110. 221.04 (6) of the statutes is amended to read:

221.04 **(6)** TRUST POWERS. When thereto authorized by the ~~commissioner~~ division, and if and after it shall have in good faith complied with all requirements of law and fulfilled all the conditions precedent to the exercise of such powers imposed by law upon trust company banks, any state bank may act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of ~~lunatics~~ persons who are mentally ill or developmentally disabled, and in any other fiduciary capacity in which trust company banks are permitted to act. Any state bank so authorized by the ~~commissioner~~ division shall comply with s. 223.02 before exercising such authority and shall be thereupon entitled to the same exemption as to making and filing any oath or giving any bond or security as is conferred on trust company banks by s.

223.03 (8). With its application for permission to exercise fiduciary powers under this subsection, a state bank shall submit to the ~~commissioner~~ division a fee of $1,000. In passing upon application for permission to exercise such fiduciary powers, the ~~commissioner~~ division may take into consideration the amount of capital and surplus of the applying bank, whether or not such capital and surplus is sufficient under the circumstances, the needs of the community to be served, and any other facts and circumstances that ~~seem to him~~ may be material, and may grant or refuse the application accordingly; provided, that no special authorization shall be issued to any such bank having a capital less than the capital from time to time required by law of a national bank exercising fiduciary power in the same place. If satisfied that such bank has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to the exercise of such powers imposed by law, the ~~commissioner~~ division may, within 6 months after the date on which the application of such bank was filed, issue ~~under his or her hand and official seal~~, in triplicate, a special authorization certificate to such bank. Such certificate shall state that the bank named therein has complied with the provisions of law applicable to banks exercising fiduciary powers, and is authorized to exercise the same. One of the triplicate special authorization certificates shall be transmitted by the ~~commissioner~~ division to the bank thereby authorized to exercise fiduciary powers; another shall be filed ~~and recorded in the office of the commissioner~~ with the division, and the 3rd shall be recorded at the expense of such bank in the office of the register of deeds of the county in which such bank is located. In the conduct of its business under or in connection with such authorization to exercise fiduciary powers every bank so authorized shall comply with and be governed by all the provisions of law from time to time applicable to individuals acting in a similar capacity.

SECTION 6111. 221.04 (6m) of the statutes is amended to read:

221.04 **(6m)** TRUST SERVICE OFFICES. Any state bank exercising trust powers may, with the approval of the ~~commissioner of banking~~ division, establish and maintain a trust service office at any office in this state of any other state or national bank. Any state bank may, with the approval of the ~~commissioner~~ division, permit any other state or national bank exercising trust powers or any trust company bank organized under ch. 223 to establish and maintain a trust service office at any of its banking offices. The establishment and operation of such trust service offices shall be subject to s. 223.07. This subsection does not authorize branch banking.

SECTION 6112. 221.04 (7) of the statutes is amended to read:

221.04 **(7)** SALE OF U.S. BONDS. Any state bank or trust company bank may, by resolution of its board of directors authorizing such action, act whenever designated by the secretary of the treasury of the United States or by any other instrumentality of the United States, as agent for said secretary of the treasury or other instrumentality of the United States in the sale of bonds or other obligations of the United States or in such other matters as said secretary of the treasury or other instrumentality of the United States may designate. Any of said institutions may enter into such contracts, incur such obligations or make such investment or pledge of its assets and generally do and perform all such acts and things whatsoever as may be necessary or appropriate in order to exercise the powers hereby granted. Provided, however, that any state bank or trust company bank may exercise such powers only upon express approval previously granted by the ~~commissioner of banking~~ division, and in such manner and to such extent as the ~~commissioner~~ division may approve, and with such limitations upon the exercise of those powers as the ~~commissioner~~ division may impose.

SECTION 6113. 221.041 (5) of the statutes is amended to read:

221.041 **(5)** Any bank may cause to be performed, by contract or otherwise, any bank services for itself, whether on or off its premises, provided assurances satisfactory to the ~~commissioner of banking~~ division are furnished to the ~~commissioner~~ division by both the bank and the party performing the services that the performance thereof will be subject to regulation and examination by the ~~commissioner~~ division to the same extent as if such services were being performed by the bank itself on its own premises.

SECTION 6114. 221.045 (1) of the statutes is amended to read:

221.045 **(1)** Whenever the term "capital" as distinguished from the term "capital stock" is used in any law of this state relating to banking, it shall mean and include the capital stock and preferred stock of a bank and the outstanding capital notes and debentures legally issued and sold by such bank exclusive of Class "B" capital notes and debentures as classified by the ~~commissioner of banking~~ division. The "capital" of any such bank may be deemed to be unimpaired when the amount of such capital notes and debentures as represented by cash or sound assets or the amount of such preferred stock, or both such notes and debentures and such preferred stock, equals or exceeds the impairment of the "capital stock" as found by the ~~commissioner~~ division.

SECTION 6115. 221.046 (1) of the statutes is amended to read:

221.046 **(1)** Any state bank or trust company bank may by the action of its board of directors issue and sell its capital notes or debentures of one or more classes in the amount, in the form, with the maturity and conferring the rights and privileges upon the holders of them as the board determines, except that no issuance or sale may be made unless approved by the ~~commissioner of banking~~ division.

SECTION 6116. 221.046 (2) of the statutes is amended to read:

221.046 **(2)** Before any such capital notes or debentures are retired or paid by the bank, any existing deficiency of its capital, disregarding the notes and debentures to be retired, must be paid in cash or in assets acceptable to the ~~commissioner of banking~~ division, so that the sound capital assets shall at least equal the capital stock of the bank.

SECTION 6117. 221.047 (title) of the statutes is amended to read:

221.047 (title) **Banks may issue preferred stock; approval ~~of commissioner~~; restrictions.**

SECTION 6118. 221.047 (1) of the statutes is amended to read:

221.047 **(1)** Except as provided in sub. (2), any bank organized under the laws of this state may by provision in its original articles, or by amendment thereto, adopted by a two–thirds vote of the stock having voting power, upon not less than 10 days' notice given by registered mail pursuant to action taken by the board of directors, and subject to the approval of the ~~commissioner~~ division, issue preferred stock of one or more classes, in such amount and with such par value as may be approved by ~~said commissioner~~ the division; provide subject to the approval of the ~~commissioner~~ division, for payment of dividends on such preferred stock at a specified rate before dividends are paid upon the capital stock; for the cumulation of such dividends; for a preference of such preferred stock over the capital stock in the distribution of the corporate assets; for the conversion of such preferred stock into capital stock; for the redemption of such preferred stock and for denying or restricting the voting power of such preferred stock.

SECTION 6119. 221.047 (4) of the statutes is amended to read:

221.047 **(4)** No change in relation to such preferred stock shall be made except by amendment to the articles adopted by a vote of two–thirds of the preferred stock and two–thirds of the capital stock, and subject to the approval of the ~~commissioner~~ division.

SECTION 6120. 221.05 of the statutes is amended to read:

221.05 Prohibition to transact business. No bank shall transact any business, except such as is incidental or necessarily preliminary to its organization until it has been regularly authorized by the ~~commissioner of banking~~ division to commence the business of banking.

SECTION 6121. 221.06 (intro.) of the statutes is amended to read:

221.06 Authority to commence business. (intro.) Whenever, within a reasonable time as determined by the ~~commissioner of banking~~ division from the date of the filing of the articles of incorporation, a bank organizing under this chapter has complied with all provisions of the law, and has adopted bylaws approved by the ~~commissioner of banking~~ division, and has provided itself with suitable banking quarters, and has supplied the necessary books, forms, stationery, furniture and equipment for the proper and orderly transaction of the business of banking, it shall give notice in writing to the ~~commissioner~~ division that it is so prepared, and the ~~commissioner~~ division shall make or cause to be made an examination.

SECTION 6122. 221.06 (1) of the statutes is amended to read:

221.06 **(1)** If such examination satisfies the ~~commissioner~~ division that such bank has complied with all provisions of the law, that the stock subscriptions have been fully paid in lawful money, and it appears that such bank is lawfully entitled to commence business, the ~~commissioner~~ division shall forthwith give such bank a certificate of authority ~~under the commissioner's hand and official seal~~ that such

bank is authorized to commence business. The certificate of authority to commence business shall constitute the charter of the bank and shall be given a charter number by the ~~commissioner~~ division.

SECTION 6123. 221.06 (2) of the statutes is amended to read:

221.06 **(2)** If the ~~commissioner~~ division has reason to believe that the stockholders have formed the corporation for any other than the legitimate business contemplated by this chapter, or that any of the facts stated in the declaration are untrue, or that other reasons exist, which would make the opening of the bank injurious to the public interest, the ~~commissioner~~ division may, with the advice and consent of the attorney general, withhold the certificate herein mentioned.

SECTION 6124. 221.07 of the statutes is amended to read:

221.07 Publication of certificate. The bank shall cause the certificate issued hereunder to be published as a class 1 notice, under ch. 985, in the city, village or town where the bank is located. Such notice shall be published within 15 days of the issuing of the certificate. Proof of publication shall be filed with the ~~commissioner of banking~~ division. In the event of any bank failing to comply with the provisions of this section the ~~commissioner~~ division shall cause the notice to be published and the bank shall be liable for the expense thereof, and in addition thereto such bank shall be subject to a penalty of $100, which amount shall be collected by the ~~commissioner~~ division, and when recovered shall be paid into the state treasury.

SECTION 6125. 221.08 (3) of the statutes is amended to read:

221.08 **(3)** In the first instance, the directors shall be elected at the meeting held before the bank is authorized to commence business by the ~~commissioner of banking~~ division, and afterwards at the annual meeting of the stockholders which shall be held at a time established in the bylaws. Beginning with the annual meeting

held in 1990, the bank shall include with each notice of an annual meeting delivered to shareholders copies for the 2 preceding fiscal years of the bank's balance sheets, statements of profit and loss and reconcilements of the bank's loan loss reserve. If for any reason an election is not had at that meeting, it may be held at a subsequent meeting called for that purpose, of which due notice shall be given as provided in the bylaws.

SECTION 6126. 221.08 (9) of the statutes is amended to read:

221.08 **(9)** The board of directors shall meet at least once each month. At the monthly meeting they shall generally investigate the affairs of the bank and determine whether the assets are of the value at which they are carried on the books of the bank. The directors shall name a loan committee of 3 or more of its members, a majority of whom shall be other than active executives, except in 1st or 2nd class cities, or except when a majority of the directors are actively engaged in the bank's management. The committee shall meet at least once each month and shall determine policies as to renewals and applications for new loans. Any director who is found to be lax in attendance may be removed by the ~~commissioner~~ division and the vacancy shall be filled within a reasonable time as the ~~commissioner~~ division may direct.

SECTION 6127. 221.09 (1) (intro.) of the statutes is amended to read:

221.09 **(1)** (intro.) After receipt by the board of directors of a bank of each report of examination of the bank by the ~~office of the commissioner~~ division, the board or an examining committee appointed under sub. (2), unless the ~~commissioner~~ division requires response by the board as provided in s. 220.05 (5), shall do all of the following:

SECTION 6128. 221.09 (5) of the statutes is amended to read:

221.09 **(5)** The board of directors shall transmit the report prepared under sub. (1) (b) and the acknowledgments prepared under sub. (3) to the ~~office of the commissioner~~ division within 45 days after receipt by the board of each report of examination under sub. (1) (intro.).

SECTION 6129. 221.12 of the statutes is amended to read:

221.12 Articles may be amended. A bank may amend its articles of incorporation in any manner not inconsistent with law, at any time, by a vote of its stockholders representing two–thirds of the capital stock taken at a meeting called for that purpose. The bank shall submit the amendment to the ~~commissioner of banking~~ division. The amendment is not effective unless approved by the ~~commissioner~~ division. The amendment may provide for a change of location of the bank. The amendment may provide for a change of the location of a parent bank to the location of a branch of the parent bank and a change of the location of a branch of the parent bank to the location of the parent bank if the change is first approved by the ~~commissioner~~ division upon application. The amendment, certified by the president or cashier, and setting forth the volume and page of recording in the office of the register of deeds of the original articles of incorporation, shall be recorded as required for articles of incorporation. No increase of the capital shall be valid until the amount of the increase has been subscribed and actually paid in. The entire surplus fund of a bank, or as much as may be required, may be declared and paid out as a stock dividend to apply on, and be converted into, an increase of capital. No reduction of capital shall be made to a less amount than is required under this chapter for capital, nor be valid or warrant the cancellation of stock certificates or diminish the personal liability of stockholders, until the reduction has been approved by the ~~commissioner~~ division. No reduction may be effected in any other way than

by a proportional reduction of all outstanding shares unless approved by the ~~commissioner~~ division. The approval may be given only when the ~~commissioner~~ division is satisfied that the reduction of the capital is in the best interests of the depositors.

SECTION 6130. 221.14 (1) of the statutes is amended to read:

221.14 **(1)** Real estate necessary for the convenient transaction of its business, including with its banking offices other facilities to rent as source of income. No bank may invest in a banking office, including facilities connected with the office, together with furniture, equipment and fixtures, or become liable for it in a sum exceeding 60% of its capital and surplus; but in lieu of this it may invest, with the approval of the ~~commissioner of banking~~ division, an amount not to exceed 40% of its capital and surplus in the stocks, bonds or obligations of a bank building corporation. Any bank not owning its banking offices may not invest in furniture, equipment and fixtures a sum exceeding 20% of its capital and surplus.

SECTION 6131. 221.14 (4s) of the statutes is amended to read:

221.14 **(4s)** Real estate used as an attended or unattended remote facility for paying and receiving only. Remote facilities may be established only with specific approval by the ~~commissioner~~ division. The authority under this subsection is in addition to the authority to establish facilities that are attached to or a part of a bank or a branch bank. After July 31, 1989, and before February 1, 1990, a bank may inform the ~~commissioner~~ division in writing that it is converting a remote facility existing on August 1, 1989, into a branch bank, specifying the effective date of the conversion. An application fee is not required for a conversion under this subsection.

SECTION 6132. 221.14 (5) of the statutes is amended to read:

221.14 **(5)** Real estate purchased and held, subject to the approval of the ~~commissioner of banking~~ division, for the purpose of providing needed housing accommodations for its essential employes who are relocated by the bank, including purchasing the former residence of the relocated, essential employe.

SECTION 6133. 221.14 (6) of the statutes is amended to read:

221.14 **(6)** No real estate acquired under sub. (2), (3) or (5) may be held for a longer time than 5 years, unless an extension is granted by the ~~commissioner~~ division. If the extension is not granted, it must be sold at a private or public sale within one year thereafter. Nothing in this section may be construed to prevent a bank from lending moneys upon real estate security as provided by law. Real estate shall be conveyed under the corporate seal of the bank, and the hand of the president or vice president and cashier or assistant cashier.

SECTION 6134. 221.15 (1) of the statutes is amended to read:

221.15 **(1)** Every bank shall make to the ~~commissioner of banking~~ division not less than 2 reports during each calendar year, at such times as the ~~said commissioner~~ division shall require the same, according to the forms which the ~~commissioner~~ division shall prescribe and furnish. Such forms shall conform as nearly as practicable to that now required of national banks, including the schedules.

SECTION 6135. 221.15 (3) of the statutes is amended to read:

221.15 **(3)** Such report shall exhibit in detail and under proper heads, the resources and liabilities of the bank at the close of the business of any past day specified by the ~~commissioner~~ division, and shall be transmitted to the ~~commissioner~~ division within 30 days after the receipt of request therefor from the ~~commissioner~~ division.

SECTION 6136. 221.15 (4) of the statutes is amended to read:

221.15 **(4)** The most recent report filed under sub. (1) as of the last business day of the 4th calendar quarter shall be published by the bank as a class 1 notice, under ch. 985, where the bank is located, in the condensed form as the ~~commissioner~~ division prescribes. Each bank shall maintain proof of publication of the report.

SECTION 6137. 221.15 (6) of the statutes is amended to read:

221.15 **(6)** When requested by the ~~commissioner~~ division, any bank shall report to the ~~commissioner on call by the commissioner~~, division a list of its stockholders, their residences, and the amount of stock held by each, which report shall be signed and verified by the oath or affirmation of one of the officers of said bank.

SECTION 6138. 221.15 (7) of the statutes is amended to read:

221.15 **(7)** The ~~commissioner~~ division shall also have the power to call for special reports from any bank whenever in the ~~commissioner's~~ division's judgment the same is necessary to inform the ~~commissioner~~ division fully of the condition of such bank.

SECTION 6139. 221.16 of the statutes is amended to read:

221.16 One hundred dollars per day forfeiture. Every bank failing to make and transmit to the ~~commissioner of banking~~ division any of the reports or proofs of publication as required by this chapter shall be subject, at the discretion of the ~~commissioner~~ division, to a forfeiture of $100 for each day after the time required for making such reports. Whenever any bank fails or refuses to pay the forfeiture herein imposed for a failure to make and transmit such report, the ~~commissioner~~ division is hereby authorized to institute proceedings for the recovery of such forfeiture.

SECTION 6140. 221.18 of the statutes is amended to read:

221.18 Inspection; refusal to permit; action to dissolve; prosecutions. Whenever any officer in charge of a bank refuses to submit the books, papers and concerns of such bank to the inspection of the ~~commissioner of banking, the commissioner's deputy, or examiner appointed hereunder,~~ division or refuses to be examined on oath touching the concerns of the bank, the ~~commissioner~~ division may inform the attorney general. The department of justice shall then institute an action to procure a judgment dissolving such corporation. In order to carry out this section the ~~commissioner~~ division may commence and maintain in the ~~commissioner's~~ division's name ~~as commissioner of banking~~ any and all actions necessary or proper to enforce this section.

SECTION 6141. 221.19 of the statutes is amended to read:

221.19 Prosecutions. In order to carry out ss. 220.07, 220.08 and 221.18, the ~~commissioner of banking~~ division may commence and maintain in the ~~commissioner's~~ division's name any and all actions necessary or proper to enforce any of said sections.

SECTION 6142. 221.205 of the statutes is amended to read:

221.205 Banks; disciplinary provisions. Whenever the ~~commissioner of banking~~ division shall have or receive information causing the ~~commissioner~~ division to believe that any bank, trust company bank, or any other corporation, limited liability company or association in respect to whose affairs or any part thereof the ~~commissioner~~ division has any supervision or control under the law, or any officer, employe, member or manager thereof has been guilty of a violation of any of the provisions of law or regulations or orders in execution thereof which subjects any such corporation, limited liability company or association or person to prosecution for a criminal offense or for recovery of penalty under the law, the ~~commissioner~~

division shall bring such facts and information to the attention of the banking review board with the ~~commissioner's~~ division's recommendation in writing as to action to be taken. Said banking review board shall, if in its judgment probable cause exists for believing that a criminal offense has been committed, or a penalty incurred, call the facts and information to the attention of the attorney general whose duty it shall be to cause prosecution or other action to be instituted if in the attorney general's judgment the facts warrant. Nothing herein contained shall be deemed to prevent the institution of any prosecution by any district attorney of this state with or without any advice or act on the part of the attorney general. Nothing herein contained shall preclude the ~~commissioner of banking~~ division, in any case where the ~~commissioner~~ division deems it important to act immediately, from causing any arrest and prosecution where the ~~commissioner~~ division is satisfied that there is reason to believe the offense has been committed and that prosecution should be immediately commenced.

SECTION 6143. 221.21 of the statutes is amended to read:

221.21 When organized as national bank. Any bank organized under this chapter may reorganize under the laws of the United States as a national bank. As soon as such bank shall have obtained the certificate from the comptroller of the currency, authorizing it to commence business under the United States banking law, such reorganized bank shall take and hold all of the assets, real and personal, of such bank organized under this chapter, subject to all liabilities existing against said bank organized under this chapter at the time of such reorganization, and shall immediately notify the ~~commissioner of banking~~ division of such reorganization and transfer.

SECTION 6144. 221.22 of the statutes is amended to read:

221.22 National banks may reorganize as state banks. Any national bank authorized to dissolve, and which shall have taken the necessary steps to effect dissolution, may reorganize under this chapter, upon the consent in writing of the owners of two–thirds of the capital stock of such bank, and with the approval of the ~~commissioner of banking~~ division. Such stockholders shall make, execute and acknowledge articles of organization as required by this chapter, and shall set forth the said written consent of such stockholders. A national bank seeking to reorganize under this section shall pay to the ~~commissioner~~ division a fee of $1,000 plus the actual costs incurred by the ~~commissioner~~ division in investigating the proposed reorganization. Upon the filing of the articles as provided by this chapter, and upon the approval of the ~~commissioner~~ division, such bank shall be deemed to be reorganized under this chapter, and thereupon all assets, real and personal, of such dissolved national bank shall be vested in and be and become the property of such reorganized bank, subject to all liabilities of such national bank not liquidated before such reorganization.

SECTION 6145. 221.23 of the statutes is amended to read:

221.23 Consolidation of banks. A bank, which is in good faith winding up its business, for the purpose of consolidating with some other bank, may transfer its resources and liabilities to the bank with which it is in process of consolidation; but no consolidation shall be made without the consent of the ~~commissioner of banking~~ division, and not then to defeat or defraud any of the creditors in the collection of their debts against such banks, or either of them.

SECTION 6146. 221.24 (1) of the statutes is amended to read:

221.24 **(1)** Any bank organized or doing business under this chapter may go into liquidation by a vote of its stockholders owning two–thirds of the capital stock.

Whenever a vote is taken to go into liquidation, the board of directors shall give notice of this fact to the ~~commissioner of banking~~ division, and the notice shall be certified by the president or cashier under the seal of the bank. No liquidating bank may transfer assets or liabilities to another bank until the transfer is approved by the ~~commissioner~~ division.

SECTION 6147. 221.245 of the statutes is amended to read:

221.245 Cancellation of charter of merged bank. Whenever any bank has merged or consolidated with or been absorbed by another bank, the ~~commissioner of banking~~ division may cancel the charter of the first mentioned bank after notice of proposed cancellation has been published as a class 3 notice, under ch. 985, in the county wherein the bank is located, unless written objections are filed with the ~~commissioner~~ division within a time specified in the notice stating grounds which the ~~commissioner~~ division deems sufficient.

SECTION 6148. 221.25 (1) of the statutes is amended to read:

221.25 **(1)** Any 2 or more banks may, with the approval of the ~~commissioner of banking~~ division, consolidate into one bank under the charter of either existing bank on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each bank proposing to consolidate and be ratified and confirmed by the affirmative vote of the stockholders of each such bank owning at least two–thirds of its capital stock outstanding and at least two–thirds of any outstanding preferred stock having voting rights, at a meeting to be held on call of the directors, after sending notice of the time, place and object of the meeting to each shareholder of record by registered mail at least 30 days prior to said meeting; provided that the capital stock of such consolidated bank shall not be less than that required under existing law for the organization of a state bank in the place in which it is located.

When such consolidation is approved by the ~~commissioner~~ division, any shareholder of either of the banks so consolidated who has not voted for such consolidation shall be given notice of the approval by the bank in which the shareholder holds an interest and of the shareholder's right to receive the appraised value for the shareholder's shares. If within 20 days after the date that notice of approval is mailed or delivered to a shareholder the shareholder notifies the directors of the bank in which the shareholder is interested that the shareholder dissents from the plan of consolidation as adopted and approved and desires to withdraw from such bank, the shareholder shall be entitled to receive in cash the value of the shares so held by the shareholder, to be ascertained by an appraisal made by a committee of 3 persons, one to be selected by the shareholders, one by the directors, and the 3rd by the 2 so chosen; the expense of such appraisal shall be borne by the bank; and in case the value so fixed shall not be satisfactory to the shareholder he or she may within 5 days after being notified of the appraisal appeal to the ~~commissioner, who~~ division, which shall cause a reappraisal to be made by an appraiser or appraisers to be named by ~~said commissioner~~ the division, which appraisal shall be final and binding, and if said reappraisal shall exceed the value fixed by said committee the bank shall pay the expense of reappraisal, otherwise the shareholder shall pay said expense, and the value so ascertained and determined shall be deemed to be a debt due and be forthwith paid to said shareholder from said bank, and the share or shares so paid shall be surrendered and after such notice as the board of directors may provide, be sold at public auction within 30 days after the final appraisement provided for by this section.

SECTION 6149. 221.25 (3) of the statutes is amended to read:

221.25 **(3)** The ~~commissioner~~ division may after consultation with the banking review board make recommendations to any bank or trust company within this state as to advisability of consolidation with other banks and may make recommendations as to terms for consolidation or merger of banks in order to avoid a condition of oversupply of banks in any community or area of the state. The ~~commissioner~~ division may also, if requested so to do, act as mediator or arbitrator to fix any of the terms of any such consolidation or merger. It shall be within the power of the board of directors of any bank or trust company organized under the laws of this state to appropriate a reasonable amount from the assets of the bank toward assisting in bringing about a consolidation or merger of banks or to aid in reorganization or in avoiding the closing of a bank where such action is deemed to be in the interests of safe banking and the maintenance of credit and banking facilities in the county in which such bank is located.

SECTION 6150. 221.25 (4) of the statutes is amended to read:

221.25 **(4)** Application for approval of a consolidation under sub. (1) shall be made on a form prescribed by the ~~commissioner~~ division. The application shall be accompanied by a fee of $5,000, except that if more than 3 banks are to be consolidated the fee is $5,000 plus $1,000 for each bank after the 3rd bank.

SECTION 6151. 221.26 of the statutes is amended to read:

221.26 (title) **Banks may be placed ~~in hands of commissioner~~ under division control.** Any bank doing business under this chapter may place its affairs and assets under the control of the ~~commissioner of banking~~ division by posting a notice on its front door, as follows: "This bank is in the hands of the ~~commissioner~~ division of banking". Immediately upon posting such notice, the bank shall notify the ~~commissioner~~ division of such action. The posting of such notice, or the taking

possession of any bank by the ~~commissioner~~ division, shall be sufficient to place all its assets and property of whatever nature in the possession of the ~~commissioner~~ division, and shall operate as a bar to any attachment proceedings. For each day the ~~commissioner~~ division is so placed in possession of the bank, and until such time as a special deputy ~~commissioner of banking~~ is appointed under s. 220.08 (4), the bank shall pay to the ~~commissioner~~ division the actual cost of such liquidation proceedings. All such fees shall be paid by the ~~commissioner~~ division to the ~~state treasurer~~ secretary of administration to be placed to the credit of s. ~~20.124~~ 20.144 (1) (g) in the percentage specified in that paragraph.

SECTION 6152. 221.27 (2) of the statutes is amended to read:

221.27 **(2)** Every bank shall maintain sufficient reserves to meet anticipated withdrawals, commitments and loan demand. Every bank shall maintain at least the level of reserves required for it by the federal reserve system. The ~~commissioner of banking~~ division may prescribe additional reserve requirements for an individual bank based on examination findings or other reports available to the ~~commissioner~~ division.

SECTION 6153. 221.27 (3) (g) of the statutes is amended to read:

221.27 **(3)** (g) Short–term obligations approved by rule of the ~~commissioner of banking~~ division.

SECTION 6154. 221.28 of the statutes is amended to read:

221.28 Reserve to be kept up. Whenever the reserve of any bank falls below the amount required to be kept, such bank shall not increase its loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight or on demand, and the ~~commissioner~~ division shall notify any bank whose reserve is below the amount required, to make good such reserve, and in case the bank fails, for 30

days thereafter to make good such reserve, the ~~commissioner~~ division may assess such bank $100 for each 2–week period which the bank has been in default or may notify the attorney general and the department of justice shall institute proceedings for the appointment of a receiver and to wind up the business of the bank. Such assessment shall be paid to the ~~commissioner~~ division and if any such bank fails or refuses to pay such assessment the ~~commissioner~~ division may maintain an action for the recovery of the assessment.

SECTION 6155. 221.29 (1) (f) of the statutes is amended to read:

221.29 **(1)** (f) The limitations in this section shall not apply to that portion of any loan which is guaranteed by a federal or Wisconsin state guaranty program approved by the ~~commissioner~~ division. The ~~commissioner~~ division shall designate federal and Wisconsin state guaranty programs which qualify under this paragraph.

SECTION 6156. 221.295 (1) of the statutes is amended to read:

221.295 **(1)** Except as provided in sub. (3), a bank may lend under this subsection, through the bank or a subsidiary of the bank, to all borrowers from the bank and all of its subsidiaries, an aggregate amount not to exceed the percentage of its capital and surplus established by the ~~commissioner~~ division under sub. (3). Neither a bank nor any subsidiary of the bank may lend to any borrower, under this subsection and any other law or rule, an amount that would result in an aggregate amount for all loans to that borrower that exceeds the percentage of the bank's capital and surplus established under sub. (3). A bank or its subsidiary may take an equity position or other form of interest as security in a project funded through such loans. Every transaction by a bank or its subsidiary under this subsection shall require prior approval by the board of directors of the bank or its subsidiary,

respectively. Such loans are not subject to s. 221.36 or to classification as losses for a period of 2 years from the date of each loan except as provided in sub. (3).

SECTION 6157. 221.295 (2) of the statutes is amended to read:

221.295 **(2)** Except as provided in sub. (3), a bank may invest under this subsection amounts not to exceed, in the aggregate, that percentage of its capital and surplus established by the ~~commissioner of banking~~ division under sub. (3) in equity positions, such as profit–participation projects. A bank may take an investment position in a project with respect to which it is also a lender. The bank shall limit its liability as an investor in a specific project under this subsection to an amount not exceeding the amount of its investment in that project. For purposes of calculating the bank's aggregate investment under this subsection, the amount of each investment shall be established as of the date that the investment is made. Every transaction by a bank under this subsection shall require prior approval by the board of directors of the bank and shall be disclosed to the shareholders of the bank prior to each annual meeting of the shareholders.

SECTION 6158. 221.295 (3) of the statutes is amended to read:

221.295 **(3)** The ~~commissioner of banking~~ division shall establish for each bank the applicable percentage, not to exceed 20%, under sub. (1) and the applicable percentage, not to exceed 10%, under sub. (2). The ~~commissioner~~ division may withdraw or suspend a percentage established under this subsection and, in such case, may specify how outstanding loans or investments shall be treated by the bank or subsidiary. Among the factors that the ~~commissioner~~ division may consider in establishing, withdrawing or suspending a percentage under this subsection are the bank's capital, assets, management and liquidity ratio and its capital ratio.

SECTION 6159. 221.295 (4) of the statutes is amended to read:

221.295 **(4)** At the time of making a loan or investment, the bank or subsidiary shall note in its records whether it is made under sub. (1) or (2). The forms of security for loans under sub. (1) and the forms of investment under sub. (2) shall be as approved by the ~~commissioner of banking~~ division by rule.

SECTION 6160. 221.295 (6) of the statutes is amended to read:

221.295 **(6)** A bank may make loans secured by assignment or transfer of stock certificates or other evidence of the borrower's ownership interest in a corporation formed for the cooperative ownership of real estate. Sections 846.10 and 846.101, as they apply to a foreclosure of a mortgage involving a one–family residence, apply to a proceeding to enforce the lender's rights in security given for a loan under this subsection. The ~~commissioner~~ division shall promulgate joint rules with the ~~commissioners~~ office of credit unions and the division of savings and loan that establish procedures for enforcing a lender's rights in security given for a loan under this subsection.

SECTION 6161. 221.296 (1) of the statutes is amended to read:

221.296 **(1)** A bank may invest amounts not to exceed, in the aggregate, that percentage of its capital and surplus established by the ~~commissioner of banking~~ division under sub. (2) in partnership interests in farm operations. A bank may acquire a partnership interest in a farm operation with respect to which it is also a lender. The bank may only acquire a partnership interest in a farm operation as a limited partner. For purposes of calculating the bank's aggregate investment, the amount of each investment shall be established as of the date that the investment is made. Every transaction by a bank under this subsection shall require prior approval by the board of directors of the bank and shall be disclosed to the shareholders of the bank prior to each annual meeting of the shareholder.

SECTION 6162. 221.296 (2) of the statutes is amended to read:

221.296 **(2)** The ~~commissioner of banking~~ division shall establish for each bank the applicable percentage, not to exceed 10%, under sub. (1). The ~~commissioner~~ division may withdraw or suspend a percentage established under this subsection and, in such case, may specify how outstanding investments shall be treated by the bank. Among the factors the ~~commissioner~~ division may consider in establishing, withdrawing or suspending a percentage established under this subsection are the bank's capital, assets, management and liquidity ratio and its capital ratio.

SECTION 6163. 221.297 (1) of the statutes is amended to read:

221.297 **(1)** Subject to any regulatory approval required by law and subject to sub. (2), a bank, directly or through a subsidiary, may undertake any activity, exercise any power or offer any financially related product or service in this state that any other provider of financial products or services may undertake, exercise or provide or that the ~~commissioner~~ division finds to be financially related.

SECTION 6164. 221.297 (2) of the statutes is amended to read:

221.297 **(2)** The activities, powers, products and services that may be undertaken, exercised or offered by banks under sub. (1) are limited to those specified by rule of the ~~commissioner of banking~~ division and, with respect to loans under s. 221.295 (1) and investments under s. 221.295 (2), are subject to the limitations set forth in s. 221.295. The ~~commissioner~~ division may direct any bank to cease any activity, the exercise of any power or the offering of any product or service authorized by rule under this subsection. Among the factors that the ~~commissioner~~ division may consider in so directing a bank are the bank's capital, assets, management and liquidity ratio and its capital ratio.

SECTION 6165. 221.33 (1) of the statutes is amended to read:

221.33 **(1)** Except as provided in s. 34.07, no bank or bank officer shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security. A state bank may deposit with the treasurer of the United States, or in the custody of federal reserve banks or branches thereof designated by the judges of the several courts of bankruptcy, so much of its assets not exceeding its capital and surplus as may be necessary under the act of congress approved June 25, 1910, and all amendments thereof, to qualify as a depository for postal savings funds, other government deposits and as depository for bankrupt estates, debtors, corporations and railroads under reorganization under U.S. bankruptcy laws, and amendments thereto, and receivers, trustees and other officers thereof appointed by any U.S. district court or by any bankruptcy court of the United States and that in acting as such depository a state bank shall have all the rights and privileges granted to banking institutions under section 61 of the U.S. bankruptcy act, and amendments thereto; and any bank may borrow money for temporary purposes, and may pledge assets of the bank not exceeding 50% in excess of the amount borrowed as collateral security therefor. Any state bank so authorized by the ~~commissioner of banking, who~~ division, that complies with s. 223.02, shall be exempt from furnishing the bond specified in s. 221.04 (6), and shall be entitled to the same exemption as to making and filing any oath or giving any bond or security as is conferred on trust company banks by s. 223.03 (8), but it is unlawful for any bank to borrow money unless the board of directors has adopted a resolution designating the bank from which the money may be borrowed, the maximum amount for which the bank may become indebted at any one time, and the names of the officers who may sign the promissory note evidencing the indebtedness. A bank may pledge assets in an amount not to exceed 4 times the amount of its capital and surplus to the federal reserve bank (as

fiscal agent of the United States) of the federal reserve district in which it is located, except that no such pledge shall be made in excess of the amount of its capital and surplus without the consent of the ~~commissioner of banking~~ division. Whenever it appears that a bank is borrowing habitually for the purpose of reloaning, the ~~commissioner~~ division may require the bank to repay money so borrowed. Nothing herein contained shall prevent any bank from rediscounting in good faith and endorsing any of its negotiable notes if the same has been authorized by a recorded resolution of the board of directors.

SECTION 6166. 221.37 (1) of the statutes is amended to read:

221.37 **(1)** Before the board of directors of a bank may declare and pay a cash dividend, a sum equivalent to not less than one–fifth of the net profits of the bank for the preceding half year, or for such period as is covered by the dividend, shall be carried to a surplus fund, until such surplus fund shall amount to 100 per cent of the capital stock, except that the bank, with the approval of the ~~commissioner~~ division, may be exempted from the requirements of this section whenever its daily average of deposits for a period of one year shall be less than 10 times the unimpaired capital and surplus; such surplus shall not include items classified by the ~~commissioner of banking~~ division as doubtful or loss.

SECTION 6167. 221.38 (1) (b) of the statutes is amended to read:

221.38 **(1)** (b) Compliance has been made with s. 221.37; except that, if a bank has had, during the immediate preceding 2 years, insufficient net profits to declare and pay a dividend out of current earnings and has paid a dividend out of undivided profits accrued during prior years, such bank shall not declare and pay a second dividend either in part or in full out of undivided profits accrued during prior years except with the written consent of the ~~commissioner of banking~~ division.

SECTION 6168. 221.38 (2) of the statutes is amended to read:

221.38 **(2)** No dividend shall be declared by the directors of a bank to the stockholders except out of net profits applicable thereto, and which shall not in any way impair or diminish the capital; and if any such shall be paid, every stockholder receiving the same shall be liable to restore the full amount thereof unless the capital be subsequently made good; and if the directors of any bank shall pay such dividend when the corporation is insolvent or in danger of insolvency, or not having reason to believe that there were sufficient net profits properly applicable thereto, to pay the same without impairing or diminishing the capital, they shall be jointly and severally liable to the creditors of the corporation at the time of declaring such dividends to double the amount thereof. Interest unpaid, although due or accrued, on debts owing to any bank, shall not be included in calculation of its profits previous to a dividend; nor shall any bank, except with the previous written consent of the ~~commissioner~~ division, enter or at any time, carry on its books any of its assets at a valuation exceeding its actual cost to such bank.

SECTION 6169. 221.41 of the statutes is amended to read:

221.41 Charter, how forfeited. If the board of directors or a quorum thereof or any committee of such board of any bank shall knowingly violate or knowingly permit any of the officers, agents or employes of the bank to violate any of the provisions of this chapter, such directors shall jointly and severally be liable for the amount of the loss sustained by the bank; and if after a warning from the ~~commissioner of banking~~ division it shall fail to make good any loss or damage resulting from such acts, or continue such conduct, it shall constitute a ground for the forfeiture of the charter of such bank, and it shall thereupon be the duty of the

~~commissioner~~ division to institute proceedings to enforce such forfeiture and to secure a dissolution and a winding up of the affairs of such bank.

SECTION 6170. 221.43 of the statutes is amended to read:

221.43 Shares of stock, when not transferable. The shares of stock of an incorporated bank shall be deemed personal property, and shall be transferred on the books of the bank in such manner as the bylaws thereof may direct, and no transfer of capital stock shall be valid while the bank is under notice to make good the impairment of its capital, as provided in s. 220.07, nor until such impairment shall have been made good. A transfer of stock shall be certified by the bank cashier to the ~~commissioner of banking~~ division within 3 days after the transfer, if the transfer is of at least 5% of the outstanding shares or affects the holdings of the owner of record or beneficial owner of at least 5% of the outstanding shares. Failure to comply with this requirement shall be punishable by a fine of not to exceed $100.

SECTION 6171. 221.47 of the statutes is amended to read:

221.47 Circulating notes, when issuable. If the congress of the United States hereafter removes the tax on bank circulation or provides for the establishment of circulation of banks organized under state laws, any bank organized or doing business under this chapter may issue circulating notes or currency in accordance with any such act of congress, or under such regulations as the ~~office of the commissioner of banking~~ division prescribes. This section shall not be construed to permit any loan and trust company or any other than a banking corporation to issue circulating notes.

SECTION 6172. 221.49 (1) of the statutes is amended to read:

221.49 **(1)** Except as provided in sub. (2), no person engaged in business in this state, not subject to supervision and examination by the ~~commissioner of banking~~

division, and not required to make reports to the ~~commissioner of banking~~ division by this chapter, may use the term "bank", in any form upon any office sign at the place where the business is transacted, nor may the person make use of or circulate any letterheads, billheads, blank notes, blank receipts, certificates, circulars, or any written or printed or partly written and partly printed paper having thereon any artificial or corporate name, or other words, indicating that the business is the business of a bank, but mortgage bankers registered under s. ~~440.72~~ 224.72 may use the designation "mortgage banker" and a savings bank organized under ch. 214 may use the designation "savings bank". Violations of this section are subject to s. 220.02 (2).

SECTION 6173. 221.50 of the statutes is amended to read:

221.50 Declaration of unlimited individual responsibility. The stockholders of any bank organized under the provisions of this chapter may file with the ~~commissioner of banking~~ division a declaration in writing, signed by each and all of them and by them acknowledged, consenting and agreeing to hold themselves individually responsible for all the debts, demands and liabilities of said bank. Upon application therefor the ~~commissioner~~ division shall make and certify a copy of said declaration which shall be received in evidence and have the same effect as the original declaration would have if produced in evidence and duly proved.

SECTION 6174. 221.51 of the statutes is amended to read:

221.51 Liability under the stockholders' declaration. On and from the filing of such declaration the persons who have executed the same shall be individually liable for all the debts, demands and liabilities of said bank, as well those then existing and unpaid as those thereafter to be made, created or incurred. And in any action brought against any such bank for any debt, demand or liability

thereof it shall be competent for the party plaintiff to join as defendant therewith any one, or more, or all of the stockholders, whose names are attached to such declaration, and in such action to recover and have judgment and execution against the defendants or either or any of them; provided, that nothing herein shall be construed to prevent any action from being maintained for any debt, demand or liability of such bank against said bank alone, or against the said stockholders, or either or any of them. In case of the bona fide sale and transfer of any stock or interest of any stockholder, in any such bank, as provided in s. 221.43, a written memorandum of such transfer, signed and acknowledged in manner aforesaid by the vendor of said stock or interest, may be filed with the ~~commissioner of banking~~ division, and thereupon the individual liability of such vendor for the debts, demands and liabilities of said bank, which may be created or incurred after the expiration of 6 months from and after the filing of said memorandum shall cease; and in such case the purchaser of said stock shall not become or be responsible or liable in any manner for the debts, demands and liabilities of such bank unless the purchaser shall execute and file the declaration mentioned in s. 221.50.

SECTION 6175. 221.52 of the statutes is amended to read:

221.52 (title) **~~Commissioner~~ Division may disregard such declaration.** The ~~commissioner of banking, the commissioner's deputy or any examiner appointed by the commissioner~~ division shall not be required to take into consideration such certificate of unlimited individual responsibility in determining the impairment of capital of any bank, or in determining the solvency of any such bank.

SECTION 6176. 221.53 of the statutes is amended to read:

221.53 Fees for certified copies. Whenever any certified copy or copies of any records or papers filed in the ~~office of the commissioner of banking~~ division shall

be lawfully required to be furnished by the ~~commissioner~~ division, the ~~commissioner~~ division shall be entitled to a fee of 10 cents for each folio for making such copy or copies and 50 cents for each certificate. All such fees shall be paid by the ~~commissioner~~ division into the state treasury to the credit of the general fund.

SECTION 6177. 221.56 (1) of the statutes is amended to read:

221.56 **(1)** Any domestic corporation, investment trust, or other form of trust or any regional state bank holding company which shall own, hold or in any manner control a majority of the stock in a state bank or trust company, or a bank or bank holding company which through a transaction under s. 701.108 acquires control of a majority of the stock in a state bank, shall be deemed to be engaged in the business of banking and shall be subject to the supervision of the ~~office of the commissioner of banking~~ division. It shall file reports of its financial condition when called for by the ~~commissioner of banking~~ division, and the ~~commissioner~~ division may order an examination of its condition and solvency whenever in ~~his or her~~ the division's opinion such examination is required, and the cost of such examination shall be paid by such corporation or association. Whenever in the opinion of the ~~commissioner~~ division the condition of such corporation or association shall be such as to endanger the safety of the deposits in any bank or trust company which is owned or in any manner controlled by such corporation, or the operation of such corporation, association or trust shall be carried on in such manner as to endanger the safety of such bank or trust company or its depositors, the ~~commissioner~~ division may order such corporation or trust to remedy such condition or policy within 90 days and if such order is not complied with, the ~~commissioner~~ division shall have power to fully direct the operation of such banks or trust companies until such order is complied

with, and may withhold all dividends from such corporation or trust during the period in which the ~~commissioner~~ division may exercise such authority.

SECTION 6178. 221.57 of the statutes is amended to read:

221.57 Bank-owned banks. The ~~commissioner~~ division may authorize the establishment of, and issue a charter to, a bank, all of the stock of which is owned by 2 or more state or national banks whose home offices are situated in this state. Notwithstanding any other requirement of this section, the ~~commissioner~~ division may authorize, by rule, up to 10% of the stock to be held by other persons to accommodate operational needs of the bank. The bank shall be deemed a state bank chartered under this chapter for all purposes, except that its functions shall be limited solely to providing banking and banking–related services to other banks, subsidiaries of banks, bank holding companies, subsidiaries of bank holding companies and directors, officers and employes of other banks, subsidiaries of banks, bank holding companies and subsidiaries of bank holding companies. Such bank shall be empowered to authorize and to hold authorized but not issued stock.

SECTION 6179. 221.58 (2) (b) of the statutes is amended to read:

221.58 **(2)** (b) An in–state bank or in–state bank holding company proposing any action under par. (a) shall provide the ~~commissioner of banking~~ division a copy of any original application seeking approval by a federal agency or by an agency of the regional state and of any supplemental material or amendments filed in connection with any application.

SECTION 6180. 221.58 (4) (a) of the statutes is amended to read:

221.58 **(4)** (a) The ~~commissioner of banking~~ division finds that the statutes of the regional state in which the regional state bank holding company has its principal place of business permit in–state bank holding companies both to acquire one or more

regional state banks and to acquire and merge with one or more regional state bank holding companies in the regional state.

SECTION 6181. 221.58 (4) (b) of the statutes is amended to read:

221.58 **(4)** (b) The ~~commissioner of banking~~ division has not disapproved the acquisition of or merger with the in–state bank or in–state bank holding company.

SECTION 6182. 221.58 (4) (c) of the statutes is amended to read:

221.58 **(4)** (c) The ~~commissioner of banking~~ division gives a class 3 notice, under ch. 985, in the official state newspaper, of the application to take an action under sub. (3) and of the opportunity for a hearing and, if at least 25 residents of this state petition for a hearing within 30 days of the final notice or if the ~~commissioner~~ division on ~~his or her~~ the division's motion calls for a hearing within 30 days of the final notice, the ~~commissioner~~ division holds a public hearing on the application, except that a hearing is not required if the ~~commissioner~~ division finds that an emergency exists and that the proposed action under sub. (3) is necessary and appropriate to prevent the probable failure of an in–state bank that is closed or in danger of closing.

SECTION 6183. 221.58 (4) (d) of the statutes is amended to read:

221.58 **(4)** (d) The ~~commissioner of banking~~ division is provided a copy of any original application seeking approval by a federal agency of the acquisition of an in–state bank or acquisition of or merger with an in–state bank holding company and of any supplemental material or amendments filed with the application.

SECTION 6184. 221.58 (4) (e) of the statutes is amended to read:

221.58 **(4)** (e) The applicant has paid the ~~commissioner of banking~~ division a fee of $5,000, together with the actual costs incurred by the ~~commissioner~~ division in making an investigation related to the application and in holding any hearing on the application.

SECTION 6185. 221.58 (6) (intro.) of the statutes is amended to read:

221.58 **(6)** STANDARDS FOR DISAPPROVAL. (intro.) The ~~commissioner~~ division may disapprove any action under sub. (3) if the ~~commissioner~~ division finds any of the following:

SECTION 6186. 221.58 (6) (em) of the statutes is amended to read:

221.58 **(6)** (em) The applicant has failed to enter into an agreement prepared by the ~~commissioner~~ division to comply with laws and rules of this state regulating consumer credit finance charges and other charges and related disclosure requirements, except to the extent preempted by federal law or regulation.

SECTION 6187. 221.58 (6) (g) of the statutes is amended to read:

221.58 **(6)** (g) The applicant fails to meet any other standards established by rule of the ~~commissioner~~ division.

SECTION 6188. 221.58 (8) (a) of the statutes is amended to read:

221.58 **(8)** (a) Subsections (1) to (6) do not apply prior to January 1, 1987, except that the ~~commissioner~~ division may promulgate rules under sub. (6) (g) to be applicable no earlier than the date that subs. (1) to (6) apply.

SECTION 6189. 221.58 (10) of the statutes is amended to read:

221.58 **(10)** DIVESTITURE. Any bank holding company that ceases to be either an in–state bank holding company or a regional state bank holding company shall immediately notify the ~~commissioner of banking~~ division of the change in its status and shall, as soon as practical and within not more than 2 years after the event causing it to no longer be either an in–state bank holding company or a regional state bank holding company, divest itself of control of all in–state banks and in–state bank holding companies. A bank or bank holding company that fails to immediately notify the ~~commissioner~~ division is liable for a forfeiture of $500 for each day beginning with

the day its status changes and ending with the day notification is received by the ~~commissioner~~ division.

SECTION 6189m. 223.02 (title) of the statutes is amended to read:

223.02 (title) **Indemnity fund; deposit with ~~state treasurer~~ secretary of administration.**

SECTION 6190. 223.02 (1) of the statutes is amended to read:

223.02 **(1)** Before any such corporation shall commence business it shall deposit with the ~~state treasurer~~ secretary of administration not less than 50 per cent of the amount of its capital stock, but no such corporation shall be required to deposit more than $100,000, such deposit to be in cash, or securities eligible for trust investments under ch. 881 and approved by the ~~commissioner of banking~~ division and shall be held by the ~~state treasurer~~ secretary of administration in trust as security for the faithful execution of any trust which may be lawfully imposed upon and accepted by it; such corporation may from time to time withdraw the said securities as well as the cash, or any part thereof; provided that securities or cash of the amount and value required by this section shall, at all times, during the existence of such corporation remain in the possession of the ~~state treasurer~~ secretary of administration for the purpose aforesaid and until otherwise ordered by a court of competent jurisdiction, unless released pursuant to sub. (2). The ~~said treasurer~~ secretary of administration shall pay over to such corporation the interest, dividends or other income which the ~~treasurer~~ secretary collects upon such securities, or may authorize the said corporation to collect the same for its own benefit. Upon such deposit being made and approved, the ~~state treasurer~~ secretary of administration shall issue a certificate of such fact and an amount equal to the sum stated in such certificate shall remain with the ~~treasurer~~ secretary in the manner provided above;

in case the capital stock is increased or diminished the amount of such deposit shall be increased or diminished to comply herewith and a new certificate of such fact shall be issued accordingly.

SECTION 6191. 223.02 (2) of the statutes is amended to read:

223.02 **(2)** The securities and cash deposited pursuant to sub. (1) by any bank shall be released by the ~~state treasurer~~ secretary of administration and returned to the bank, whenever the ~~commissioner of banking~~ division shall certify to the ~~state treasurer~~ secretary of administration that the bank no longer exercises fiduciary powers and that ~~he or she~~ the division is satisfied that there are no outstanding trust liabilities.

SECTION 6191m. 223.02 (3) of the statutes is amended to read:

223.02 **(3)** In lieu of the securities to be deposited with the ~~state treasurer~~ secretary of administration under sub. (1), the ~~state treasurer~~ secretary of administration may designate an agent to hold the securities in safekeeping. The agent shall be a banking corporation having an authorized capital of $1,000,000 or more. The agent shall furnish to the ~~state treasurer~~ secretary of administration a safekeeping receipt for all securities received by it, which shall describe the securities covered thereby and shall be payable on demand without conditions to the ~~state treasurer~~ secretary of administration.

SECTION 6192. 223.025 of the statutes is amended to read:

223.025 Capital necessary to qualify as fiduciary. Notwithstanding any other provision of law, a corporation organized, continued or reorganized under this chapter, a majority of the outstanding voting stock of which is controlled directly or indirectly by a holding company organized under ch. 180, which has complied with s. 223.02 and which has combined unimpaired capital stock and surplus of $200,000

or more or, if located in a city, town or village of less than 100,000 inhabitants, unimpaired capital stock of not less than $50,000, shall not be required to provide additional capital and surplus if the parent holding company of the corporation files with the ~~commissioner of banking~~ division an undertaking, in a form approved by the ~~commissioner~~ division, to be fully responsible for the existing and future fiduciary acts and omissions of the corporation and the ~~commissioner~~ division determines that, under the circumstances, the combined and unimpaired capital stock and surplus of the parent holding company of the corporation are adequate.

SECTION 6193. 223.03 (10) of the statutes is amended to read:

223.03 **(10)** Any such corporation may, with the approval of the court having jurisdiction, but without profit to itself, transfer to trust estates any mortgages or other securities owned by it which comply with the requirements of legal investments for trust funds under the statutes. The ~~commissioner of banking~~ division shall at each examination of said corporation, examine all mortgages and other securities held by said corporation as assets of trust estates, excepting the trust estates where investment of trust funds is not required of the trustee, and for the purpose of such examination the ~~commissioner~~ division shall possess all the power and authority conferred upon the ~~commissioner~~ division by this chapter.

SECTION 6194. 223.03 (14) of the statutes is amended to read:

223.03 **(14)** To establish and maintain a branch trust company bank with the approval of the ~~commissioner of banking~~ division. Section 221.04 (1) (jm) 2. to 8., as it applies to bank branch offices under that paragraph, applies to trust company bank branch offices under this subsection.

SECTION 6195. 223.07 (1) of the statutes is amended to read:

223.07 **(1)** Any trust company bank may, with the approval of the ~~commissioner of banking~~ division, establish and maintain a trust service office at any office in this state of a state or national bank if the establishment of the trust service office has been approved by the board of directors of the state or national bank at a meeting called for that purpose.

SECTION 6196. 223.07 (3) of the statutes is amended to read:

223.07 **(3)** If the state or national bank at which a trust service office is to be established has exercised trust powers, the trust company bank and the state or national bank shall enter into an agreement respecting those fiduciary powers to which the trust company bank shall succeed and shall file the agreement with the ~~commissioner of banking~~ division. The trust company bank shall cause a notice of the filing, in a form prescribed by the ~~commissioner~~ division, to be published as a class 1 notice, under ch. 985, in the city, village or town where the state or national bank is located. After filing and publication, the trust company bank establishing the office shall, as of the date the office first opens for business, without further authorization of any kind, succeed to and be substituted for the state or national bank as to all fiduciary powers, rights, duties, privileges and liabilities of the bank in its capacity as fiduciary for all estates, trusts, guardianships and other fiduciary relationships of which the bank is then serving as fiduciary, except as may be otherwise specified in the agreement between the trust company bank and the state or national bank. The trust company bank shall also be deemed named as fiduciary in all writings, including, but not limited to, wills, trusts, court orders and similar documents and instruments naming the state or national bank as fiduciary, signed before the date the trust office first opens for business, unless expressly negated by the writing or otherwise specified in the agreement between the trust company bank

and the state or national bank. On the effective date of the substitution, the state or national bank shall be released and absolved from all fiduciary duties and obligations under such writings and shall discontinue its exercise of trust powers on all matters not specifically retained by the agreement. This subsection does not effect a discharge in the manner of s. 701.16 (6) or other applicable statutes and does not absolve a state or national bank exercising trust powers from liabilities arising out of any breach of fiduciary duty or obligation occurring prior to the date the trust service office first opens for business at the bank. This subsection does not affect the authority, duties or obligations of a bank with respect to relationships which may be established without trust powers, including escrow arrangements, whether the relationships arise before or after the establishment of the trust service office.

SECTION 6197. 223.105 (2) (a) of the statutes is amended to read:

223.105 **(2)** (a) Such rules as may be established by the ~~commissioner of banking~~ division under s. 220.04 (7); and

SECTION 6198. 223.105 (3) (a) of the statutes is amended to read:

223.105 **(3)** (a) To assure compliance with such rules as may be established under s. 220.03 (7) the ~~office of the commissioner~~ division of banking, ~~commissioner,~~ the office of credit unions and ~~commissioner~~ the division of savings and loan shall, at least once every 18 months, examine the fiduciary operations of each organization which is under its respective jurisdiction and is subject to examination under sub. (2). If a particular organization subject to examination under sub. (2) is not otherwise under the jurisdiction of one of the foregoing agencies, such examination shall be conducted by the ~~office of the commissioner~~ division of banking.

SECTION 6199. 223.105 (4) of the statutes is amended to read:

223.105 **(4)** NOTICE OF FIDUCIARY OPERATION. Except for those organizations licensed under ch. 221 or this chapter, any organization engaged in fiduciary operations as defined in this section shall, as required by rule, notify the ~~commissioner~~ division of banking, the ~~commissioner~~ office of credit unions or the ~~commissioner~~ of savings and loan of that fact, directing the notice to the ~~commissioner~~ agency then exercising regulatory authority over the organization or, if there is none, to the ~~commissioner~~ division of banking. Any organization which intends to engage in fiduciary operations shall, prior to engaging in such operations, notify the appropriate ~~commissioner~~ agency of this intention. The notifications required under this subsection shall be on forms and contain information required by the rules promulgated by the ~~commissioner~~ division of banking.

SECTION 6200. 223.105 (5) of the statutes is amended to read:

223.105 **(5)** ENFORCEMENT REMEDY. The ~~commissioner~~ division of banking or ~~other appropriate commissioner under this section~~ the division of savings and loan or office of credit unions shall upon the failure of such organization to submit notifications or reports required under this section or otherwise to comply with the provisions of this section, or rules established by the ~~commissioner~~ division of banking under s. 220.04 (7), upon due notice, order such defaulting organization to cease and desist from engaging in fiduciary activities and may apply to the appropriate court for enforcement of such order.

SECTION 6201. 223.105 (6) of the statutes is amended to read:

223.105 **(6)** SUNSET. Except for an organization regulated by the office ~~of the~~ ~~commissioner~~ of credit unions or the ~~commissioner~~ division of savings and loan or an organization authorized by the ~~commissioner~~ division of banking to operate as a bank or trust company bank under ch. 221 or this chapter, an organization may not

begin activity as a fiduciary operation under this section after May 12, 1992. An organization engaged in fiduciary operations under this section on May 12, 1992, may continue to engage in fiduciary operations after that date.

SECTION 6202. 223.12 (1) of the statutes is amended to read:

223.12 **(1)** Any trust company, incorporated under the laws of any other state, named by any resident of this state, as executor or trustee, or both, under that person's last will and testament or any codicil thereto, may be appointed and may accept appointment and may act as executor of, or trustee under, the last will and testament of any such person in this state, or both, provided trust companies of this state are permitted to act as such executor or trustee, or both, in the state where such foreign corporation has its domicile, and such foreign corporation shall have executed and filed ~~in the office of the commissioner~~ with the division of banking a written instrument appointing the ~~commissioner in the commissioner's name of office~~ division its true and lawful attorney upon whom all process may be served in any action or proceeding against such executor or trustee, affecting or relating to the estate represented or held by such executor or trustee, or the acts or defaults of such corporation in reference to such estate, with the same effect as if it existed in this state and had been lawfully served with process therein, and shall also have filed ~~in the office of such commissioner~~ with the division a copy of its charter, articles of organization and all amendments thereto certified to by the secretary of state or other proper officer of said foreign state under the seal of office together with the post–office address of its principal office and shall further have complied with s. 223.02.

SECTION 6203. Subchapter I (title) of chapter 224 [precedes 224.02] of the statutes is created to read:

CHAPTER 224

SUBCHAPTER I

BANKING PROVISIONS

SECTION 6204. 224.06 (1) of the statutes is amended to read:

224.06 **(1)** As a condition precedent to qualification or entry upon the discharge of his or her duties, every person appointed or elected to any position requiring the receipt, payment or custody of money or other personal property owned by a bank or in its custody or control as collateral or otherwise, shall give a bond from an insurer qualified under s. 610.11 to do business in this state, in such adequate sum as the directors shall require and approve. In lieu of individual bonds the ~~commissioner~~ division may accept a schedule or blanket bond which covers all of the officers and employes of any bank whose duties include the receipt, payment or custody of money or other personal property for or on behalf of the bank. All such bonds shall be in the form prescribed by the ~~commissioner of banking~~ division.

SECTION 6205. 224.06 (3) of the statutes is amended to read:

224.06 **(3)** Such bond shall be sufficient in amount to protect the bank from loss by reason of acts of fraud or dishonesty including forgery, theft, embezzlement, wrongful abstraction or misapplication on the part of the person, directly or through connivance with others. At any time the ~~commissioner~~ division may require additional bond or security, when in the ~~commissioner's~~ division's opinion, the bonds then executed and approved are insufficient.

SECTION 6206. 224.06 (4) of the statutes is amended to read:

224.06 **(4)** Every such bond shall provide that no cancellation or other termination of the bond shall be effective unless the surety gives in advance at least 10 days' written notice by registered mail to the ~~commissioner~~ division. If the bond

is canceled or terminated at the request of the insured (employer), the surety shall give the written notice to the ~~commissioner~~ division within 10 days after the receipt of such request.

SECTION 6207. 224.06 (5) of the statutes is amended to read:

224.06 **(5)** For reasons which the ~~commissioner~~ division deems valid and sufficient the ~~commissioner~~ division may waive as to the cancellation or termination of any such bond the 10–day written notice in advance required by sub. (4) and may give written consent to the termination or cancellation being made effective as of a date agreed upon and requested by the surety and the bank.

SECTION 6208. 224.075 of the statutes is amended to read:

224.075 Financially related services tie-ins. In any transaction conducted by a bank, bank holding company or a subsidiary of either with a customer who is also a customer of any other subsidiary of any of them, the customer shall be given a notice in 12–point boldface type in substantially the following form:

NOTICE OF RELATIONSHIP

This company, ... (insert name and address of bank, bank holding company or subsidiary), is related to .... (insert name and address of bank, bank holding company or subsidiary) of which you are also a customer. You may not be compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction.

If you feel that you have been compelled to buy any product or service from either of the above companies or any other related company in order to participate in this transaction, you should contact the management of either of the above companies at either of the above addresses or the ~~office of the commissioner~~ division of banking at .... (insert address).

SECTION 6209. 224.70 of the statutes is created to read:

224.70 Administration. This subchapter shall be administered by the department.

SECTION 6210. 224.72 (8) of the statutes is created to read:

224.72 **(8)** FEES. (a) Each applicant shall pay an initial registration fee of $39 to the department. If an examination is required, the applicant shall pay an examination fee, in an amount set by the department, in addition to the initial registration fee.

(b) An applicant for registration as a mortgage banker shall pay a temporary registration fee of $10 to the department.

(c) (intro.) The renewal dates and renewal fees for registrations are as follows:

(d) The fee for a transfer of a loan originator registration is $5.

SECTION 6218m. 227.01 (13) (v) of the statutes is amended to read:

227.01 **(13)** (v) Establishes procedures used for the determination of allocations as charges to agencies under s. 20.865 (1) ~~(f) or~~ (fm).

SECTION 6220. 227.01 (13) (zk) of the statutes is amended to read:

227.01 **(13)** (zk) Establishes guidelines under s. ~~101.38~~ 106.21 (2), (4) or (6) for the Wisconsin service corps program under s. ~~101.38~~ 106.21.

SECTION 6222. 227.01 (13) (zq) of the statutes is amended to read:

227.01 **(13)** (zq) Designates the Kickapoo valley reserve under s. ~~16.21~~ 41.41 (2).

SECTION 6223. 227.03 (1) of the statutes is amended to read:

227.03 **(1)** This chapter applies to cases arising under ss. 76.38~~, 76.39~~ and 76.48.

SECTION 6224. 227.03 (3m) (a) of the statutes is amended to read:

227.03 **(3m)** (a) This chapter does not apply to proceedings before the department of industry, labor and human relations relating to housing discrimination under s. ~~101.22~~ 106.04 (1) to (8), except as provided in s. ~~101.22~~ 106.04 (6).

SECTION 6225. 227.03 (3m) (b) of the statutes is amended to read:

227.03 **(3m)** (b) Only the provisions of this chapter relating to rules are applicable to matters arising out of protection against discrimination in a public place of accommodation or amusement under s. ~~101.22~~ 106.04 (9) and (10).

SECTION 6226. 227.03 (4) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

227.03 **(4)** The provisions of this chapter relating to contested cases do not apply to proceedings involving the revocation of aftercare supervision under s. 48.357 (5) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5) ~~or youthful offender supervision under s. 48.537 (4)~~, the revocation of parole or probation, the grant of probation, prison discipline, mandatory release under s. 302.11 or any other proceeding involving the care and treatment of a resident or an inmate of a correctional institution.

SECTION 6226m. 227.03 (4) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

227.03 **(4)** The provisions of this chapter relating to contested cases do not apply to proceedings involving the revocation of aftercare supervision under s. 48.357 (5) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5) or serious juvenile offender supervision under s. 48.358 (4), the revocation of parole or probation, the grant of probation, prison discipline, mandatory release under s.

302.11 or any other proceeding involving the care and treatment of a resident or an inmate of a correctional institution.

SECTION 6226g. 227.116 (4) (intro.) of the statutes is amended to read:

227.116 **(4)** (intro.) If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, for each such failure the agency shall prepare a report and submit it to the permit information ~~center~~ and regulatory assistance bureau within 5 business days of the last day of the time period specified, setting forth all of the following:

SECTION 6226j. 227.116 (5) of the statutes is amended to read:

227.116 **(5)** If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, upon completion of the review and determination for that application, the agency shall notify the permit information ~~center~~ and regulatory assistance bureau.

SECTION 6227. 227.40 (2) (e) of the statutes is amended to read:

227.40 **(2)** (e) Proceedings under s. 66.191, 1981 stats., or s. 40.65 (2), ~~101.22~~ 106.04, 303.07 (7) or 303.21 or ss. 227.52 to 227.58 or under ch. 102, 108 or 949 for review of decisions and orders of administrative agencies if the validity of the rule involved was duly challenged in the proceeding before the agency in which the order or decision sought to be reviewed was made or entered.

SECTION 6233. 227.52 of the statutes is amended to read:

227.52 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the

department of employe trust funds, the ~~commissioner~~ division of banking, the ~~commissioner~~ office of credit unions, the ~~commissioner~~ division of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

SECTION 6234. 227.53 (1) (b) 2. of the statutes is amended to read:

227.53 **(1)** (b) 2. The banking review board or the consumer credit review board, the ~~commissioner~~ division of banking.

SECTION 6235. 227.53 (1) (b) 3. of the statutes is amended to read:

227.53 **(1)** (b) 3. The credit union review board, the ~~commissioner~~ office of credit unions.

SECTION 6236. 227.53 (1) (b) 4. of the statutes is amended to read:

227.53 **(1)** (b) 4. The savings and loan review board, the ~~commissioner~~ division of savings and loan, except if the petitioner is the ~~commissioner~~ division of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

SECTION 6237. 227.53 (1) (b) 5. of the statutes is amended to read:

227.53 **(1)** (b) 5. The savings bank review board, the ~~commissioner~~ division of savings and loan, except if the petitioner is the ~~commissioner~~ division of savings and loan, the prevailing parties before the savings bank review board shall be the named respondents.

SECTION 6238. 227.59 of the statutes is amended to read:

227.59 Certification of certain cases from the circuit court of Dane county to other circuits. Any action or proceeding for the review of any order of an administrative officer, commission, department or other administrative tribunal

of the state required by law to be instituted in or taken to the circuit court of Dane county except an action or appeal for the review of any order of the department of industry, labor and human relations or the department of development or findings and orders of the labor and industry review commission which is instituted or taken and is not called for trial or hearing within 6 months after the proceeding or action is instituted, and the trial or hearing of which is not continued by stipulation of the parties or by order of the court for cause shown, shall on the application of either party on 5 days' written notice to the other be certified and transmitted for trial to the circuit court of the county of the residence or principal place of business of the plaintiff or petitioner, where the action or proceeding shall be given preference. Unless written objection is filed within the 5–day period, the order certifying and transmitting the proceeding shall be entered without hearing. The plaintiff or petitioner shall pay to the clerk of the circuit court of Dane county a fee of $2 for transmitting the record.

SECTION 6239. 228.01 of the statutes is amended to read:

228.01 Recording of documents and public records by mechanical process authorized. Whenever any officer of any county having a population of 500,000 or more is required or authorized by law to file, record, copy, recopy or replace any document, court order, plat, paper, written instrument, writings, record or book of record, on file or of record in his or her office, notwithstanding any other provisions in the statutes, the officer may do so by photostatic, photographic, microphotographic, microfilm, optical imaging, electronic formatting or other mechanical process which produces a clear, accurate and permanent copy or reproduction of the original document, court order, plat, paper, written instrument, writings, record or book of record in accordance with the standards specified under

ss. 16.61 (7) and 16.612. Any such officer may also reproduce by such processes or transfer from optical disk or electronic storage any document, court order, plat, paper, written instrument, writings, record or book of record which has previously been filed, recorded, copied or recopied. Optical imaging or electronic formatting of any document is subject to authorization under s. 59.145 (1).

SECTION 6240. 228.03 of the statutes is amended to read:

228.03 Copy to be deemed to be original record. (1) A photographic reproduction of an original document, court order, plat, paper, written instrument, writing, record, book of record, file or other material, or a copy of material generated from optical disk or electronic storage of the original material, bearing upon or pertinent to the activities and functions of any county office, department, agency, board, commission, court or institution, in counties having a population of 500,000 or more, is deemed to be an original for all purposes, if it meets the applicable standards established in ss. 16.61 and 16.612.

(2) Any photographic reproduction of an original record meeting the standards prescribed in s. 16.61 (7) or copy of a record generated from an original record stored in optical disk or electronic format in compliance with ss. 16.61 and 16.612 shall be taken as and stand in lieu of and have all of the effect of the original record and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original document is admissible. A transcript, exemplification or certified copy of such a reproduction of an original record, or certified copy of a record generated from an original record stored in optical disk or electronic format, for the purposes specified in this subsection, is deemed to be a transcript, exemplification or certified copy of the original. The custodian of a photographic reproduction shall place the reproduction or optical disk in

conveniently accessible storage and shall make provision for preserving, examining and using the reproduction of the record or generating a copy of the record from optical disk or electronic storage. An enlarged copy of a photographic reproduction of a record made in accordance with the standards specified in s. 16.61 (7) or an enlarged copy of a record generated from an original record stored in optical disk or electronic format in compliance with ss. 16.61 and 16.612 that is certified by the custodian as provided in s. 889.18 (2) has the same effect as an actual–size copy.

SECTION 6241. 228.04 of the statutes is amended to read:

228.04 Inspection of records and copies of records. Every custodian of public records in counties having a population of 500,000 or more shall keep them in such arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, microfilm or other mechanical process of reproduction of public records or optical imaging or electronic formatting of public records shall be considered as accessible for convenient use, provided that a suitable means for public inspection of the records is provided by the custodian. Except as otherwise expressly provided by law, the custodian shall permit all public records in his or her custody to be inspected, examined, abstracted or copied at reasonable times and under his or her supervision and regulation by any person; and the custodian shall, upon the demand of any person, furnish certified copies thereof on payment in advance of fees not to exceed the fees prescribed by law.

SECTION 6242. 228.05 of the statutes is amended to read:

228.05 Marginal references. The register of deeds of any county having a population of 500,000 or more who has copied a document by microphotography, microfilm, ~~or~~ optical imaging or electronic formatting that is accepted by him or her for recording or filing shall also, as a substitute for marginal references required,

prepare an index for documents of ancillary nature for which marginal references are required. Such index for ancillary documents shall be prepared and maintained to show the document number or volume and page of the original recording or filing plus a record of any recordings or filings affecting or pertinent to such original recording or filing requiring marginal references subsequent to the date on which the county begins such recording or recopying by microphotography, microfilm, ~~or~~ optical imaging or electronic formatting.

SECTION 6243. 230.03 (3) of the statutes is amended to read:

230.03 **(3)** "Agency" means any ~~state~~ board, commission, committee, council, ~~,~~ or department in the state or unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof or an authority created under ch. 231, 232, 233, 234 or 235.

SECTION 6244. 230.048 of the statutes is repealed.

SECTION 6245. 230.08 (2) (b) of the statutes is amended to read:

230.08 **(2)** (b) All officers and employes of the state appointed by the governor whether subject to confirmation or not, unless otherwise provided.

SECTION 6246. 230.08 (2) (e) 3. of the statutes is amended to read:

230.08 **(2)** (e) 3. ~~Development~~ Commerce — ~~5~~ 7.

SECTION 6248m. 230.08 (2) (e) 4. of the statutes is amended to read:

230.08 **(2)** (e) 4. Employment relations — ~~4~~ 3.

SECTION 6249. 230.08 (2) (e) 4f. of the statutes is created to read:

230.08 **(2)** (e) 4f. Financial institutions — 4.

SECTION 6250. 230.08 (2) (e) 4m. of the statutes is amended to read:

230.08 **(2)** (e) 4m. Gaming ~~commission~~ board — ~~4~~ 3.

SECTION 6251. 230.08 (2) (e) 5. of the statutes is amended to read:

230.08 **(2)** (e) 5. Health and social services — ~~7~~ 5.

SECTION 6252. 230.08 (2) (e) 6. of the statutes is amended to read:

230.08 **(2)** (e) 6. Industry, labor and human relations — ~~7~~ 8.

SECTION 6253. 230.08 (2) (e) 9. of the statutes is renumbered 230.08 (2) (e) 3g. and amended to read:

230.08 **(2)** (e) 3g. ~~Public instruction~~ Education — 5.

SECTION 6253m. 230.08 (2) (e) 11. of the statutes is amended to read:

230.08 **(2)** (e) 11. Revenue — ~~3~~ 4.

SECTION 6257g. 230.08 (2) (fs) of the statutes is amended to read:

230.08 **(2)** (fs) All deputies of department secretaries appointed under s. 15.04 (2) ~~and executive assistants to department secretaries appointed under s. 15.05 (3)~~, including those appointed by the attorney general, the adjutant general, the director of the technical college system and the state superintendent of public instruction.

SECTION 6258. 230.08 (2) (g) of the statutes is amended to read:

230.08 **(2)** (g) One stenographer appointed by each elective executive officer, other than the state treasurer, and one deputy or assistant appointed by each elective executive officer except the attorney general and superintendent of public instruction.

SECTION 6258m. 230.08 (2) (gm) of the statutes is created to read:

230.08 **(2)** (gm) The executive director of the gaming board, appointed under s. 561.03.

SECTION 6260. 230.08 (2) (j) of the statutes is repealed.

SECTION 6261. 230.08 (2) (jg) of the statutes is repealed.

SECTION 6263. 230.08 (2) (L) 1. of the statutes is repealed.

SECTION 6264. 230.08 (2) (L) 3. of the statutes is renumbered 230.08 (2) (em) and amended to read:

230.08 **(2)** (em) ~~Office~~ The director of ~~commissioner of~~ credit unions~~, created under s. 15.59~~.

SECTION 6266. 230.08 (2) (L) 4. of the statutes is repealed.

SECTION 6267. 230.08 (2) (L) 6. of the statutes is repealed.

SECTION 6268. 230.08 (2) (L) 7. of the statutes is repealed.

SECTION 6271m. 230.08 (2) (m) of the statutes is repealed.

SECTION 6272. 230.08 (2) (mp) of the statutes is repealed.

SECTION 6275. 230.08 (2) (xm) of the statutes is repealed.

SECTION 6276. 230.08 (2) (zm) of the statutes is repealed.

SECTION 6277m. 230.08 (4) (a) of the statutes is amended to read:

230.08 **(4)** (a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, investment board, public defender board, gaming board and technical college system board and "commission" means the public service commission ~~and the gaming commission~~. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

SECTION 6279. 230.09 (2) (g) of the statutes is amended to read:

230.09 **(2)** (g) When filling a new or vacant position, if the secretary determines that the classification for a position is different than that provided for by the

legislature as established by law or in budget determinations, or as authorized by the joint committee on finance under s. 13.10, or as specified by the governor creating positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the board of regents of the university of Wisconsin system creating positions under s. 16.505 (2m), or is different than that of the previous incumbent, the secretary shall notify the administrator and the secretary of administration. The administrator shall withhold action on the selection and certification process for filling the position. The secretary of administration shall review the position to determine that sufficient funds exist for the position and that the duties and responsibilities of the proposed position reflect the intent of the legislature as established by law or in budget determinations, the intent of the joint committee on finance acting under s. 13.10, the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the University of Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the intent of the board of regents of the university of Wisconsin system creating positions under s. 16.505 (2m). The administrator may not proceed with the selection and certification process until the secretary of administration has authorized the position to be filled.

SECTION 6280. 230.14 (4) of the statutes is created to read:

230.14 **(4)** The administrator may charge an agency a fee to announce any vacancy to be filled in a classified or unclassified position in that agency. Funds received under this subsection shall be credited to the appropriation account under s. 20.512 (1) (ka).

SECTION 6281. 230.147 (1) of the statutes is amended to read:

230.147 **(1)** Each appointing authority of an agency with more than 100 authorized permanent full–time equivalent positions shall prepare and implement a plan of action to employ persons who, at the time determined under sub. (4), receive aid under s. 49.19 with the goal of making the ratio of those persons occupying permanent positions in the agency to the total number of persons occupying permanent positions in the agency equal to the ratio of the average case load receiving aid under s. 49.19 in this state in the previous fiscal year~~, as determined by the department of health and social services,~~ to the average number of persons in the state civilian labor force in the preceding fiscal year, as determined by the department of industry, labor and human relations.

SECTION 6282. 230.147 (2) of the statutes is amended to read:

230.147 **(2)** Each appointing authority of an agency with 100 or fewer authorized permanent full–time equivalent positions is encouraged to employ persons who, at the time determined under sub. (4), receive aid under s. 49.19 to attempt to make the ratio of those persons occupying permanent positions in the agency to the total number of persons occupying permanent positions in the agency equal to the ratio of the average case load receiving aid under s. 49.19 in this state in the previous fiscal year~~, as determined by the department of health and social services,~~ to the average number of persons in the state civilian labor force in the preceding fiscal year, as determined by the department of industry, labor and human relations.

SECTION 6283. 230.213 of the statutes is amended to read:

230.213 Affirmative action procedures for corrections positions. The administrator may, to meet affirmative action objectives, establish such recruitment, examination and certification procedures for positions in the department of

corrections and for positions in juvenile correctional institutions within the ~~division of youth services in the~~ department of health and social services as will enable the department of corrections and the ~~division of youth services in the~~ department of health and social services to increase the number of employes of a specified gender or a specified racial or ethnic group in those positions. The administrator shall design the procedures to obtain a work force in the department of corrections and in juvenile correctional institutions within the ~~division of youth services in the~~ department of health and social services that reflects the relevant labor pool. The administrator may determine the relevant labor pool from the population of the state or of a particular geographic area of the state, whichever is more appropriate for achieving the affirmative action objective.

SECTION 6283m. 230.213 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

230.213 Affirmative action procedures for corrections positions. The administrator may, to meet affirmative action objectives, establish such recruitment, examination and certification procedures for positions in the department of corrections as will enable the department of corrections to increase the number of employes of a specified gender or a specified racial or ethnic group in those positions. The administrator shall design the procedures to obtain a work force in the department of corrections that reflects the relevant labor pool. The administrator may determine the relevant labor pool from the population of the state or of a particular geographic area of the state, whichever is more appropriate for achieving the affirmative action objective.

SECTION 6284g. 230.29 of the statutes is renumbered 230.29 (1) and amended to read:

230.29 **(1)** ~~A~~ Subject to sub. (2), a transfer may be made from one position to another only if specifically authorized by the administrator.

SECTION 6284m. 230.29 (2) of the statutes is created to read:

230.29 **(2)** This section does not apply to an employe of the University of Wisconsin Hospitals and Clinics Board.

SECTION 6284p. 230.35 (1m) (a) 2. of the statutes is amended to read:

230.35 **(1m)** (a) 2. A position designated in s. 19.42 (10) (L) or 20.923 (4), (4m)~~,~~ and (8) ~~and (9)~~.

SECTION 6284r. 230.35 (2) of the statutes is amended to read:

230.35 **(2)** Leave of absence with pay owing to sickness and leave of absence without pay, other than annual leave and leave under s. 103.10, shall be regulated by rules of the secretary, except that unused sick leave shall accumulate from year to year. After July 1, 1973, employes appointed to career executive positions under the program established under s. 230.24 or positions designated in s. 19.42 (10) (L) or 20.923 (4), (4m)~~,~~ and (8) ~~and (9)~~ or authorized under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are reemployed in a career executive position or in a position under s. 19.42 (10) (L) or 20.923 (4), (4m)~~,~~ and (8) ~~and (9)~~ or authorized under s. 230.08 (2) (e), regardless of the duration of their absence. Restoration of unused sick leave credits if reemployment is to a position other than those specified above shall be in accordance with rules of the secretary.

SECTION 6285. 230.36 (1) of the statutes is amended to read:

230.36 **(1)** If a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, state forest ranger, conservation field employe of the department of natural resources who is subject to call for fire control duty, member of the state patrol, state motor vehicle inspector, lifeguard, excise tax

investigator employed by the department of revenue, special criminal investigation agent employed by the department of justice, special tax agent, state drivers' license examiner, state fair park police officer, University of Wisconsin System police officer and other state facilities police officer and patrol officer, security officer, watcher, engineer, engineering aide, building construction superintendent, fire fighter employed at the Wisconsin Veterans Home, or guard or institutional aide or a state probation and parole officer or any other employe whose duties include supervision and discipline of inmates or wards of the state at a state penal institution, including a secured correctional facility, as defined in s. 48.02 (15m), or while on parole supervision outside of the confines of the institutions, or supervision of persons placed on probation by a court of record, or supervision and care of patients at a state mental institution, and ~~university of Wisconsin hospital and clinics~~ the University of Wisconsin Hospitals and Clinics suffers injury while in the performance of his or her duties, as defined in subs. (2) and (3); or any other state employe who is not listed in this subsection and who is ordered by his or her appointing authority to accompany any employe listed in this subsection while the listed employe is engaged in the duties defined in sub. (3), or any other state employe who is not listed in this subsection and who is ordered by his or her appointing authority to perform the duties, when permitted, in lieu of the listed employe and while so engaged in the duties defined in sub. (3), suffers injury as defined in sub. (2) the employe shall continue to be fully paid by the employing agency upon the same basis as paid prior to the injury, with no reduction in sick leave credits, compensatory time for overtime accumulations or vacation and no reduction in the rate of earning sick leave credit or vacation. The full pay shall continue while the employe is unable to return to work as the result of the injury or until the termination of his or her employment upon

recommendation of the appointing authority. At any time during the employe's period of disability the appointing authority may order physical or medical examinations to determine the degree of disability at the expense of the employing agency.

SECTION 6287. 230.36 (3) (c) (intro.) of the statutes is amended to read:

230.36 **(3)** (c) (intro.) A guard, institution aide, or other employe at the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Hospitals and Clinics or at a state penal or mental institution, including a secured correctional facility, as defined in s. 48.02 (15m), and a state probation and parole officer, at all times while:

SECTION 6288m. 230.36 (6) of the statutes is created to read:

230.36 **(6)** Any person who is employed by the University of Wisconsin Hospitals and Clinics Authority, who suffers an injury as defined in sub. (2) between June 29, 1996, and June 30, 1997, shall be covered under this section if the person, had he or she been a state employe, would have been covered under this section.

SECTION 6289. 230.44 (1) (g) of the statutes is created to read:

230.44 **(1)** (g) *Decisions by the University of Wisconsin Hospitals and Clinics Authority.* Appeal of a personnel decision by the chief executive officer of the University of Wisconsin Hospitals and Clinics Authority, or by a person delegated by the chief executive officer to make personnel decisions, if all of the following conditions are satisfied:

1. The appeal is by an employe of the authority who holds a position that would be included in the classified service if the employe were a state employe.

2. The personnel decision is a demotion, layoff, suspension, discharge or reduction in base pay and the appeal alleges that the decision was not for just cause.

SECTION 6290. 230.44 (1) (g) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 6292. 230.45 (1) (e) of the statutes is amended to read:

230.45 **(1)** (e) Hear appeals, when authorized under county merit system rules under s. ~~49.50~~ 49.33 (4), from any interested party.

SECTION 6293. 230.45 (3) of the statutes is created to read:

230.45 **(3)** The commission shall promulgate rules establishing a schedule of filing fees to be paid by any person who files an appeal under sub. (1) (c) or (e) or s. 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules promulgated under this subsection. Fees paid under this subsection shall be deposited in the general fund as general purpose revenue — earned.

SECTION 6295. 230.80 (4) of the statutes is amended to read:

230.80 **(4)** "Governmental unit" means any association, authority, board, commission, department, independent agency, institution, office, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor and the courts. "Governmental unit" does not mean the University of Wisconsin Hospitals and Clinics Authority or any political subdivision of the state or body within one or more political subdivisions which is created by law or by action of one or more political subdivisions.

SECTION 6296. 231.01 (5) (a) 6. of the statutes is created to read:

231.01 **(5)** (a) 6. The University of Wisconsin Hospitals and Clinics Authority.

SECTION 6298. 231.20 of the statutes is amended to read:

231.20 Waiver of construction and bidding requirements. In exercising its powers under s. 101.12, the department of ~~industry, labor and human relations~~

development or any city, village, town or county may, within its discretion for proper cause shown, waive any particular requirements relating to public buildings, structures, grounds, works and improvements imposed by law upon projects under this chapter; the requirements of s. 101.13 may not be waived, however. If, however, the prospective lessee so requests in writing, the authority shall, through the participating health institution, participating educational institution or participating child care provider as its agent, call for construction bids in such manner as is determined by the authority with the approval of the lessee.

SECTION 6299. 231.35 (3) (intro.) of the statutes is amended to read:

231.35 **(3)** (intro.) Subject to sub. (4), the authority may guarantee a loan under this section that is made on or before the effective date of this subsection .... [revisor inserts date], if all of the following apply:

SECTION 6300. 231.35 (6) (b) of the statutes is amended to read:

231.35 **(6)** (b) The authority may use money from the rural hospital loan fund to guarantee loans ~~that it makes~~ made for the purposes described in sub. (3) (b), if the authority sets out the terms and conditions of the guarantee in a guarantee agreement that complies with the rules promulgated by the department of development under sub. (7) (b).

SECTION 6301. Chapter 233 of the statutes is created to read:

CHAPTER 233

UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY

233.01 Definitions. In this chapter:

(1) "Authority" means the University of Wisconsin Hospitals and Clinics Authority.

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

(3) "Board of regents" means the board of regents of the University of Wisconsin System.

(4) "Bond" means a bond, note or other obligation of the authority issued under this chapter, including any refunding bond, other than the lease agreement or indebtedness described under s. 233.03 (12).

(5) "Bond resolution" means a resolution of the board of directors authorizing the issuance of, or providing terms and conditions related to, bonds and includes, where appropriate, any trust agreement, trust indenture, indenture of mortgage or deed of trust providing terms and conditions for bonds.

(6) "Lease agreement" means the lease agreement that is required to be entered into between the board of directors and the board of regents under s. 233.04 (7) or a lease agreement that is entered into between the board of directors and the board of regents under s. 233.04 (7g).

(7) "On–campus facilities" means facilities that are located on land owned by the state, that are under the control of the board of regents and that are primarily related to the operation of the University of Wisconsin Hospitals and Clinics and its related services.

233.02 University of Wisconsin Hospitals and Clinics Authority: creation; organization of board of directors. (1) There is created a public body corporate and politic to be known as the "University of Wisconsin Hospitals and Clinics Authority". The board of directors shall consist of the following members:

(a) Three members nominated by the governor, and with the advice and consent of the senate appointed, for 3–year terms.

(b) Three members of the board of regents appointed by the president of the board of regents.

(c) The chancellor of the University of Wisconsin–Madison or his or her designee.

(d) The dean of the University of Wisconsin–Madison Medical School.

(e) A chairperson of a department at the University of Wisconsin–Madison Medical School, appointed by the chancellor of the University of Wisconsin–Madison.

(f) A faculty member of a University of Wisconsin–Madison health professions school, other than the University of Wisconsin–Madison Medical School, appointed by the chancellor of the University of Wisconsin–Madison.

(g) The secretary of administration or his or her designee.

(h) Two nonvoting members appointed by the governor, one of whom shall be an employe or a representative of a labor organization recognized or certified to represent employes in one of the collective bargaining units specified in s. 111.05 (5) (a) and one of whom shall be an employe or a representative of a labor organization recognized or certified to represent employes in one of the collective bargaining units specified in s. 111.825 (1m).

(2) A vacancy on the board of directors shall be filled in the same manner as the original appointment to the board of directors for the remainder of the unexpired term, if any.

(3) A member of the board of directors may not be compensated for his or her services but shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the performance of his or her duties.

(4) No cause of action of any nature may arise against and no civil liability may be imposed upon a member of the board of directors for any act or omission in the

performance of his or her powers and duties under this chapter, unless the person asserting liability proves that the act or omission constitutes wilful misconduct.

(8) The members of the board of directors shall annually elect a chairperson and may elect other officers as they consider appropriate. Six voting members of the board of directors constitute a quorum for the purpose of conducting the business and exercising the powers of the authority, notwithstanding the existence of any vacancy. The members of the board of directors specified under sub. (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995 Wisconsin Act .... (this act), section 9159 (2). The board of directors may take action upon a vote of a majority of the members present, unless the bylaws of the authority require a larger number.

(9) The board of directors shall appoint a chief executive officer who shall not be a member of the board of directors and who shall serve at the pleasure of the board of directors. The chief executive officer shall receive such compensation as the board of directors fixes. The chief executive officer or other person designated by resolution of the board of directors shall keep a record of the proceedings of the authority and shall be custodian of all books, documents and papers filed with the authority, the minute book or journal of the authority and its official seal. The chief executive officer or other person may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates.

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

(1) Adopt bylaws and policies and procedures for the regulation of its affairs and the conduct of its business.

(2) Sue and be sued; have a seal and alter the seal at pleasure; have perpetual existence; maintain an office; negotiate and enter into leases; accept gifts or grants, but not including research grants in which the grant investigator is an employe of the board of regents; accept bequests or loans; accept and comply with any lawful conditions attached to federal financial assistance; and make and execute other instruments necessary or convenient to the exercise of the powers of the authority.

(5) Procure insurance on its debt obligations.

(7) Subject to ss. 233.04 (4) to (4r) and 233.10 and ch. 40 and 1995 Wisconsin Act .... (this act), section 9159 (3), and the duty to engage in collective bargaining with employes in a collective bargaining unit for which a representative is recognized or certified under subch. V of ch. 111, employ any agent, employe or special advisor that the authority finds necessary and fix his or her compensation and provide any employe benefits, including an employe pension plan.

(8) Appoint any technical or professional advisory committee that the authority finds necessary and define the duties, and provide reimbursement for the expenses, of the committee.

(9) (a) With any other person, establish, govern and participate in the operation and financing of any corporation or partnership that provides health–related services, if the articles of incorporation of any such corporation conform with par. (b) and if the corporation or partnership provides the secretary of administration, the legislative fiscal bureau and the legislative audit bureau access to examine any books, records or other documents maintained by the corporation or partnership and relating to its expenditures, revenues, operations or structure. The authority may

provide administrative and financial services to any such corporation or partnership.

(b) The articles of incorporation of any corporation under par. (a) shall provide that the secretary of administration, the legislative fiscal bureau and the legislative audit bureau have the access required under par. (a).

(10) Enter into procurement contracts with the board of regents or joint contracts with the board of regents for procurements from 3rd parties and may enter into other contracts, rental agreements and cooperative agreements and other necessary arrangements with the board of regents which may be necessary and convenient for the missions, purposes, objects and uses of the authority authorized by law.

(11) Issue bonds in accordance with ss. 233.20 to 233.27.

(12) Seek financing from, and incur indebtedness to, the Wisconsin Health and Educational Facilities Authority.

(13) Construct or improve facilities that are on state–owned land, if approval requirements under s. 16.85 (14) are met and if the state agency having authority to approve construction or improvement projects on the land approves the project.

(15) Acquire, design, construct or improve any facility that is not located on state–owned land.

(16) Buy, sell and lease real estate.

233.04 Duties of authority. The authority shall do all of the following:

(1) By October 1, 1997, and annually thereafter, submit to the chief clerk of each house of the legislature under s. 13.172 (2), the president of the board of regents, the secretary of administration and the governor a report on the patient care, education, research and community service activities and accomplishments of the

authority and an audited financial statement, certified by an independent auditor, of the authority's operations. The financial statement shall include a separate accounting of the use of the payment under sub. (7) (f).

(2) Subject to subs. (4) to (4r) and s. 233.10, develop and implement a personnel structure and other employment policies for employes of the authority.

(3) Contract for any legal services required for the authority.

(3b) (b) Paragraph (a) does not apply unless a lease agreement under sub. (7) or (7g), an affiliation agreement under sub. (7m) or (7p), and a contractual services agreement under sub. (4) or (4m) are in effect that comply with all applicable requirements of those provisions. In the event any of these agreements are not in effect, the on–campus facilities and all assets and liabilities, tangible personal property, contracts, rules, policies and procedures and pending matters of the authority shall transfer to or otherwise become the obligation of the board of regents.

(4) Subject to 1995 Wisconsin Act .... (this act), section 9159 (2) (k), negotiate and enter into a contractual services agreement with the University of Wisconsin Hospitals and Clinics Board for the provision of services by employes of the University of Wisconsin Hospitals and Clinics Board beginning on June 29, 1996, for an initial period of not more than 2 years. The agreement shall include all of the following:

(a) A provision that requires the authority to make adequate payments to the University of Wisconsin Hospitals and Clinics Board for any services provided under the agreement in advance of their need by the University of Wisconsin Hospitals and Clinics Board to pay its employes for such services.

(b) A provision on a mechanism for the resolution of disputes.

(4m) (a) Submit any modification, extension or renewal of the contractual services agreement under sub. (4) to the joint committee on finance. No extension or renewal of the contractual services agreement may be for a period of more than 2 years. If the cochairpersons of the committee do not notify the authority and the University of Wisconsin Hospitals and Clinics Board that the committee has scheduled a meeting for the purpose of reviewing the modification, extension or renewal of the agreement within 14 working days after the date of the submittal under this paragraph, the modification, extension or renewal of the agreement may be made as proposed by the authority and the University of Wisconsin Hospitals and Clinics Board. If, within 14 working days after the date of the submittal under this paragraph, the cochairpersons of the committee notify the authority and the University of Wisconsin Hospitals and Clinics Board that the committee has scheduled a meeting for the purpose of reviewing the proposed modification, extension or renewal of the agreement, the modification, extension or renewal of the agreement may be made only upon approval of the committee.

(b) If the committee schedules a meeting under par. (a) with respect to an extension or renewal of the agreement and does not approve the agreement, the on–campus facilities and all assets and liabilities, tangible personal property, contracts, rules, policies and procedures and pending matters of the authority shall transfer to or otherwise become the obligation of the board of regents.

(4r) (a) Not contract for those services that are provided to the authority by the University of Wisconsin Hospitals and Clinics Board by state employes in the collective bargaining units specified in s. 111.825 (1m) with any person other than the University of Wisconsin Hospitals and Clinics Board.

(b) The authority shall not employ or retain any person to perform the services specified in par. (a) other than a person employed by the University of Wisconsin Hospitals and Clinics Board.

(5) Establish the authority's annual budget and monitor the fiscal management of the authority.

(6) Procure liability insurance covering its officers, employes and agents and procure insurance against any loss in connection with its property and other assets.

(7) Subject to 1995 Wisconsin Act .... (this act), section 9159 (2) (k), negotiate and enter into a lease agreement with the board of regents to lease the on–campus facilities beginning on June 29, 1996, for an initial period of not more than 5 years. The lease agreement shall include all of the following:

(a) A provision that requires the authority to pay the state an amount determined under this paragraph for the lease of the on–campus facilities that are leased under the agreement. The amount of the rental payment for the on–campus facilities may not be less than the greater of the following:

1. An amount equal to the debt service accruing during the term of the lease agreement on all outstanding bonds issued by the state for the purpose of financing the acquisition, construction or improvement of on–campus facilities that are leased under the agreement, regardless of whether these bonds are issued before or after the lease agreement is entered into. The definition of "bond" under s. 233.01 (4) does not apply to this subdivision.

2. A nominal amount determined by the parties to be necessary to prevent the lease agreement from being unenforceable because of a lack of consideration.

(b) A provision that requires the authority to conduct its operations in such a way so that it will not adversely affect the exclusion of interest on bonds issued by the state from gross income under 26 USC 103 for federal income tax purposes.

(c) A provision that gives the state ownership of all of the following:

1. Any improvements or modifications made by the authority to on–campus facilities that are leased to the authority under the lease agreement.

2. Any facility that the authority constructs on state–owned land.

(d) A provision that specifies an amount and that exempts any construction or improvement project on state–owned land that costs less than the amount from review and approval under s. 16.85 (14).

(e) Any provision necessary to ensure that the general management and operation of the on–campus facilities are consistent with the mission and responsibilities of the University of Wisconsin System specified in ss. 36.01 and 36.09.

(f) A provision that requires the board of regents to make a payment to the authority on June 28, 1996, equal to the unencumbered balance in the appropriation account under s. 20.285 (1) (kb), 1993 stats., on such date and requires the authority to accept liability for all encumbrances against the appropriation on that date.

(g) A provision that protects the board of regents from all liability associated with the management, operation, use or maintenance of the on–campus facilities. No such provision shall make the authority liable for the acts or omissions of any officer, employe or agent of the board of regents, including any student who is enrolled at an institution or center within the University of Wisconsin System, unless the officer, employe or agent acts at the direction of the authority.

(h) A provision on a mechanism for the resolution of disputes.

(7g) (a) Submit any modification, extension or renewal of the lease agreement under sub. (7) to the joint committee on finance. No extension or renewal of the lease agreement may be for a period of more than 5 years. If the cochairpersons of the committee do not notify the authority and the board of regents that the committee has scheduled a meeting for the purpose of reviewing the modification, extension or renewal of the agreement within 14 working days after the date of the submittal under this paragraph, the modification, extension or renewal of the agreement may be made as proposed by the authority and the board of regents. If, within 14 working days after the date of the submittal under this paragraph, the cochairpersons of the committee notify the authority and the board of regents that the committee has scheduled a meeting for the purpose of reviewing the proposed modification, extension or renewal of the agreement, the modification, extension or renewal of the agreement may be made only upon approval of the committee.

(b) If the committee schedules a meeting under par. (a) with respect to an extension or renewal of the agreement and does not approve the agreement, the on–campus facilities and all assets and liabilities, tangible personal property, contracts, rules, policies and procedures and pending matters of the authority shall transfer to or otherwise become the obligation of the board of regents.

(7m) Subject to 1995 Wisconsin Act .... (this act), section 9159 (2) (k), negotiate and enter into an affiliation agreement with the board of regents. The affiliation agreement shall take effect on June 29, 1996. The initial period of the affiliation agreement shall run concurrently with the initial period of the lease agreement under sub. (7), and the affiliation agreement shall include all of the following:

(a) A provision that ensures the authority retains cash reserves at a level not lower than the level recommended by the independent auditor specified under sub. (1).

(b) Provisions that ensure support of the educational, research and clinical activities of the University of Wisconsin–Madison by the authority.

(c) A provision that requires the development of standards relating to the selection and financing by the authority of any corporation or partnership that provides health–related services. The standards shall be consistent with the missions of the authority and the board of regents.

(d) A provision that requires the board of regents to make reasonable charges for any services provided by the board of regents to the authority.

(e) A provision establishing a mechanism for the resolution of disputes.

(7p) (a) Submit any modification, extension or renewal of the affiliation agreement under sub. (7m) to the joint committee on finance. No extension or renewal of the affiliation agreement may be for a period of more than 5 years. If the cochairpersons of the committee do not notify the authority and the board of regents that the committee has scheduled a meeting for the purpose of reviewing the modification, extension or renewal of the agreement within 14 working days after the date of the submittal under this paragraph, the modification, extension or renewal of the agreement may be made as proposed by the authority and the board of regents. If, within 14 working days after the date of the submittal under this paragraph, the cochairpersons of the committee notify the authority and the board of regents that the committee has scheduled a meeting for the purpose of reviewing the proposed modification, extension or renewal of the agreement, the modification, extension or renewal of the agreement may be made only upon approval of the committee.

(b) If the committee schedules a meeting under par. (a) with respect to an extension or renewal of the agreement and does not approve the agreement, the on–campus facilities and all assets and liabilities, tangible personal property, contracts, rules, policies and procedures and pending matters of the authority shall transfer to or otherwise become the obligation of the board of regents.

(7s) Prior to negotiation of extension or renewal of the initial lease agreement under sub. (7) or the initial affiliation agreement under sub. (7m), notify the legislative audit bureau and cooperate with the bureau in its performance of the audit required under s. 13.94 (1) (o).

(8) Use the building commission as a financial consultant to assist and coordinate the issuance of bonds under this chapter.

(9) Provide, on a monthly basis, the secretary of administration with such financial and statistical information as is required by the secretary of administration.

(10) Operate a poison control center under s. 146.57. If Children's Hospital of Wisconsin in the city of Milwaukee ceases to operate a poison control center under s. 146.57, the authority shall administer a statewide poison control program.

233.10 Appointment of employes; employe compensation and benefits. **(1)** Subject to s. 233.04 (4) to (4r) and 1995 Wisconsin Act .... (this act), section 9159 (2) and (4), the authority shall employ such employes as it may require and shall determine the qualifications and duties of its employes. Appointments to and promotions in the authority shall be made according to merit and fitness.

(2) Subject to subs. (3), (3m), (3r) and (3t) and ch. 40 and the duty to engage in collective bargaining with employes in a collective bargaining unit for which a

representative is recognized or certified under subch. V of ch. 111, the authority shall determine all of the following:

(a) The compensation of the employes of the authority.

(b) The kinds of leave to which an employe of the authority is entitled, including paid annual leave of absence, paid sick leave and unpaid leave of absence, except that unused sick leave accumulated prior to July 1, 1997, shall be carried over and made available for the employe's use for appropriate sick leave purposes or for conversion as provided under s. 40.05 (4) (b), (bd), (be), (bm) or (bp).

(c) Any other employment benefits to which an employe of the authority is entitled.

(3) (a) In this subsection and subs. (3m), (4) and (6), "carry–over employe" means an employe of the authority who satisfies all of the following:

1. The employe is offered employment by the authority on or before June 29, 1996.

2. Immediately prior to beginning employment with the authority, the employe was employed by the state other than in an academic staff appointment.

3. The position in which the employe was employed under subd. 2. was at the University of Wisconsin Hospital and Clinics.

(b) If an employe of the authority is a member of a collective bargaining unit under subch. V of ch. 111 for which a representative has been recognized or certified, the authority shall, from June 29, 1996, to June 30, 1997, adhere to the terms of the carry–over employe's employment that are specified in the collective bargaining agreement covering the carry–over employe.

(c) If an employe of the authority is a carry–over employe and is an employe to whom par. (b) does not apply, the authority shall, when setting the terms of the

carry–over employe's employment during the period beginning on June 29, 1996, and ending on June 30, 1997, do all of the following:

1. Pay to the carry–over employe the same compensation that the employe would have received if he or she were employed by the state in the position at the University of Wisconsin Hospitals and Clinics on June 29, 1996.

2. Grant to the carry–over employe, except when he or she is on an unpaid leave of absence, a paid holiday on each of the days specified in s. 230.35 (4) (a) as of the last day of the employe's employment as a state employe and holiday compensatory time off as specified in s. 230.35 (4) (b) as of the last day of the employe's employment as a state employe if the employe was entitled to those benefits on that day.

3. Grant to the carry–over employe the same paid annual leave of absence, paid sick leave and unpaid leave of absence that the employe received as of the last day of his or her employment as a state employe.

4. Grant to the carry–over employe military leave, treatment of military leave, jury service leave and voting leave in accordance with s. 230.35 (3) and (4) (e) and, to the extent applicable, rules of the department of employment relations governing such leaves for employes in the classified service as of the last day of the employe's employment as a state employe if the employe was entitled to those benefits on that day.

5. Grant to the carry–over employe the same opportunity for employe training provided under s. 230.046 as of the last day of his or her employment as a state employe if the employe was entitled to those benefits on that day.

(d) If an employe of the authority is not a carry–over employe and is an employe to whom par. (b) does not apply, the authority shall, from June 29, 1996, to June 30, 1997, provide that employe the same rights, benefits and compensation provided to

a carry–over employe under par. (c) who holds a position at the authority with similar duties.

(3m) Unless expressly prohibited under ch. 40 or under federal law, and, for a carry–over employe who is a member of a collective bargaining unit under subch. V of ch. 111 for which a representative has been recognized or certified, subject to a collective bargaining agreement under subch. V of ch. 111, the authority shall, from June 29, 1996, to June 30, 1997, not change to the detriment of a carry–over employe any employe benefit plan provided to the carry–over employe as of the last day of the employe's employment as a state employe.

(3r) (a) In this subsection and sub. (3t), "carry–over employe" means an employe of the authority who satisfies all of the following:

1. The employe is offered employment by the authority on or before June 29, 1996.

2. Immediately prior to beginning employment with the authority, the employe was employed in an academic staff appointment.

3. The position in which the employe was employed under subd. 2. was at the University of Wisconsin Hospital and Clinics.

(b) If an employe of the authority is a carry–over employe, the authority shall, when setting the terms of the carry–over employe's employment for the period beginning on June 29, 1996, and ending on June 30, 1997, do all of the following:

1. Enter into an employment contract for such period with the carry–over employe. For such period, the contract shall provide the carry–over employe with the same procedural guarantees provided to persons having academic staff appointments under s. 36.15 on June 29, 1996.

2. Pay to the carry–over employe the same compensation that the employe would have received if he or she were employed by the state in his or her academic staff appointment at the University of Wisconsin Hospitals and Clinics on June 29, 1996.

3. Grant to the carry–over employe, except when he or she is on an unpaid leave of absence, a paid holiday on each of the days specified as a holiday in policies and procedures established by the board of regents under s. 36.15 (2) as of the last day of the employe's employment as a state employe and any holiday compensatory time off that may be specified in policies and procedures established by the board of regents under s. 36.15 (2) as of the last day of the employe's employment in the academic staff appointment.

4. Grant to the carry–over employe the same paid annual leave of absence, paid sick leave and unpaid leave of absence that the employe received as of the last day of his or her employment in the academic staff appointment.

5. Grant to the carry–over employe military leave, treatment of military leave, jury service leave and voting leave in accordance with policies and procedures established by the board of regents under s. 36.15 (2) and, as of the last day of the employe's employment in the academic staff appointment.

6. Grant to the carry–over employe the same opportunity for any employe training that may be provided under policies and procedures established by the board of regents under s. 36.15 (2) as of the last day of his or her employment in the academic staff appointment.

(3t) Unless expressly prohibited under ch. 40 or under federal law, the authority shall, from June 29, 1996, to June 30, 1997, not change to the detriment

of a carry–over employe any employe benefit plan provided to the carry–over employe as of the last day of the employe's employment in the academic staff appointment.

(4) Notwithstanding the requirement that an employe be a state employe, a carry–over employe of the authority who was employed in a position in the classified service immediately prior to beginning employment with the authority shall, from June 29, 1996, to June 30, 1997, have the same transfer rights under s. 230.29 and the rules of the department of employment relations governing transfers as a person who holds a position in the classified service.

(6) An employe of the authority to whom s. 230.44 (1) (g) applies may appeal personnel decisions of the authority to the personnel commission.

233.13 Closed records. Except as provided in s. 103.13, the authority may keep records of the following personnel matters closed to the public:

(1) Examination scores and ranks and other evaluations of applicants.

(2) Dismissals, demotions and other disciplinary actions.

(3) Addresses and home telephone numbers of employes.

(4) Pay survey data obtained from identifiable nonpublic employers.

(5) Names of nonpublic employers contributing pay survey data.

233.17 Liability limited. (1) Neither the state, any political subdivision of the state nor any officer, employe or agent of the state or a political subdivision who is acting within the scope of employment or agency is liable for any debt, obligation, act or omission of the authority.

(2) (a) No officer, employe or agent of the board of regents, including any student who is enrolled at an institution or center within the University of Wisconsin System, is an agent of the authority unless the officer, employe or agent acts at the express written direction of the authority.

(b) Notwithstanding par. (a), no member of the faculty or academic staff of the University of Wisconsin System, acting within the scope of his or her employment, may be considered, for liability purposes, as an agent of the authority.

233.20 Issuance of bonds. (1) The authority may issue bonds for any corporate purpose. All bonds are negotiable for all purposes, notwithstanding their payment from a limited source.

(2) The bonds of each issue shall be payable from sources specified in the bond resolution under which the bonds are issued or in a related trust agreement, trust indenture, indenture of mortgage or deed of trust.

(3) The authority may not issue bonds unless the issuance is first authorized by a bond resolution. Bonds shall bear the dates, mature at the times not exceeding 30 years from their dates of issue, bear interest at the rates, be payable at the times, be in the denominations, be in the form, carry the registration and conversion privileges, be executed in the manner, be payable in lawful money of the United States at the places, and be subject to the terms of redemption, that the bond resolution provides. The bonds shall be executed by the manual or facsimile signatures of the officers of the authority designated by the board. The bonds may be sold at public or private sale at the price, in the manner and at the time determined by the board. Pending preparation of definitive bonds, the authority may issue interim receipts or certificates that shall be exchanged for the definitive bonds.

(4) Any bond resolution may contain provisions, which shall be a part of the contract with the holders of the bonds that are authorized by the bond resolution, regarding any of the following:

(a) Pledging or assigning specified assets or revenues of the authority.

(b) Setting aside reserves or sinking funds, and the regulation, investment and disposition of these funds.

(c) Limitations on the purpose to which or the investments in which the proceeds of the sale of any issue of bonds may be applied.

(d) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds.

(e) Funding, refunding, advance refunding or purchasing outstanding bonds.

(f) Procedures, if any, by which the terms of any contract with bondholders may be amended, the amount of bonds the holders of which must consent to the amendment and the manner in which this consent may be given.

(g) Defining the acts or omissions to act that constitute a default in the duties of the authority to the bondholders, and providing the rights and remedies of the bondholders in the event of a default.

(h) Other matters relating to the bonds that the board considers desirable.

(5) Neither the members of the board nor any person executing the bonds is liable personally on the bonds or subject to any personal liability or accountability by reason of the issuance of the bonds, unless the personal liability or accountability is the result of wilful misconduct.

233.21 Bond security. The authority may secure bonds by a trust agreement, trust indenture, indenture of mortgage or deed of trust by and between the authority and one or more corporate trustees. A bond resolution providing for the issuance of bonds so secured shall mortgage, pledge, assign or grant security interests in some or all of the revenues to be received by, and property of, the authority and may contain those provisions for protecting and enforcing the rights and remedies of the

bondholders that are reasonable and proper and not in violation of law. A bond resolution may contain other provisions determined by the board to be reasonable and proper for the security of the bondholders.

233.22 Bonds not public debt. (1) The state is not liable on bonds and the bonds are not a debt of the state. All bonds shall contain a statement to this effect on the face of the bond. A bond issue does not, directly or indirectly or contingently, obligate the state or a political subdivision of the state to levy any tax or make any appropriation for payment of the bonds. Nothing in this section prevents the authority from pledging its full faith and credit to the payment of bonds.

(2) Nothing in this chapter authorizes the authority to create a debt of the state, and all bonds issued by the authority are payable, and shall state that they are payable, solely from the funds pledged for their payment in accordance with the bond resolution authorizing their issuance or in any trust indenture or mortgage or deed of trust executed as security for the bonds. The state is not liable for the payment of the principal of or interest on a bond or for the performance of any pledge, mortgage, obligation or agreement that may be undertaken by the authority. The breach of any pledge, mortgage, obligation or agreement undertaken by the authority does not impose pecuniary liability upon the state or a charge upon its general credit or against its taxing power.

233.23 State pledge. The state pledges to and agrees with the bondholders, and persons that enter into contracts with the authority under this chapter, that the state will not limit or alter the rights vested in the authority by this chapter before the authority has fully met and discharged the bonds, and any interest due on the bonds, and has fully performed its contracts, unless adequate provision is made by

law for the protection of the bondholders or those entering into contracts with the authority.

233.26 Refunding bonds. (1) The authority may issue bonds to fund or refund any outstanding bond, including the payment of any redemption premium on the outstanding bond and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity.

(2) The authority may apply the proceeds of any bond issued to fund or refund any outstanding bond to purchase, retire at maturity or redeem any outstanding bond. The authority may, pending application, place the proceeds in escrow to be applied to the purchase, retirement at maturity or redemption of any outstanding bond at any time.

233.27 Limit on the amount of outstanding bonds. The authority may not issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds are issued or the indebtedness is incurred, the aggregate principal amount of the authority's outstanding bonds, together with all indebtedness described under s. 233.03 (12) would exceed $25,000,000. Bonds issued to fund or refund outstanding bonds, or indebtedness incurred to pay off or purchase outstanding indebtedness, is not included in calculating compliance with the $25,000,000 limit.

SECTION 6301j. 233.03 (7) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

233.03 **(7)** Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act .... (this act), section 9159 (3) and the duty to engage in collective bargaining with employes in a collective bargaining unit for which a representative is recognized or certified under subch. I of ch. 111, employ any agent, employe or special advisor that the authority

finds necessary and fix his or her compensation and provide any employe benefits, including an employe pension plan.

SECTION 6301m. 233.10 (2) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

233.10 **(2)** (intro.) Subject to subs. (3), (3m), (3r) and (3t) and ch. 40 and the duty to engage in collective bargaining with employes in a collective bargaining unit for which a representative is recognized or certified under subch. I of ch. 111:

SECTION 6301p. 233.10 (6) of the statutes, as created by 1995 Wisconsin Act .... (this act), is repealed.

SECTION 6302. 234.01 (5k) of the statutes is amended to read:

234.01 **(5k)** "Financial institution" means a bank, savings bank, savings and loan association, credit union, insurance company, finance company, mortgage banker registered under s. ~~440.72~~ 224.72, community development corporation, small business investment corporation, pension fund or other lender which provides commercial loans in this state.

SECTION 6302c. 234.04 (2) of the statutes is amended to read:

234.04 **(2)** The authority may make or participate in the making and enter into commitments for the making of long–term mortgage loans to eligible sponsors of housing projects for occupancy by persons and families of low and moderate income, or for the making of homeownership mortgage loans or housing rehabilitation loans to persons and families of low and moderate income, an applicant under s. 234.59 or other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon the determination by the authority that they are not otherwise available from private lenders upon reasonably equivalent terms and conditions. The authority may not make a loan to a person if it receives a certification under s. ~~46.255~~ 49.855

(7) that the person is delinquent in child support or maintenance payments. The authority may employ, for such compensation as it determines, the services of any financial institution in connection with any loan.

SECTION 6302r. 234.49 (1) (c) of the statutes is amended to read:

234.49 **(1)** (c) "Eligible beneficiary" means a person for whom the authority has not received a certification from the department of ~~health and social services~~ industry, labor and human relations under s. ~~46.255~~ 49.855 (7) or a family who or which falls within the income limits specified in par. (f).

SECTION 6303. 234.49 (2) (a) 4. of the statutes is amended to read:

234.49 **(2)** (a) 4. To designate as an authorized lender the authority or any local government agency, housing authority under s. 59.075, 61.73, 66.395 or 66.40, bank, savings bank, savings and loan institution, mortgage banker registered under s. ~~440.72~~ 224.72 or credit union, if the designee has a demonstrated history or potential of ability to adequately make and service housing rehabilitation loans.

SECTION 6304. 234.59 (1) (h) of the statutes is amended to read:

234.59 **(1)** (h) "Mortgage banker" means a mortgage banker registered under s. ~~440.72~~ 224.72, but does not include a person licensed under s. 138.09.

SECTION 6304c. 234.59 (3) (c) of the statutes is amended to read:

234.59 **(3)** (c) The authority shall notify an eligible lender if it receives a certification under s. ~~46.255~~ 49.855 (7) that a person is delinquent in child support or maintenance payments. An eligible lender may not make a loan to an applicant if it receives notification under this paragraph concerning the applicant.

SECTION 6304p. 234.65 (3) (f) of the statutes is amended to read:

234.65 **(3)** (f) The authority has not received a certification under s. ~~46.255~~ 49.855 (7) that the person receiving the loan is delinquent in child support or maintenance payments.

SECTION 6305. 234.75 (10) of the statutes is amended to read:

234.75 **(10)** "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, and the authority, the Bradley center sports and entertainment corporation, the University of Wisconsin Hospitals and Clinics Authority and the health and educational facilities authority.

SECTION 6305p. 234.90 (3) (d) of the statutes is amended to read:

234.90 **(3)** (d) The authority has not received a certification under s. ~~46.255~~ 49.855 (7) that the farmer is delinquent in making child support or maintenance payments.

SECTION 6305r. 234.90 (3g) (c) of the statutes is amended to read:

234.90 **(3g)** (c) The authority has not received a certification under s. ~~46.255~~ 49.855 (7) that the farmer is delinquent in making child support or maintenance payments.

SECTION 6305t. 234.905 (3) (d) of the statutes is amended to read:

234.905 **(3)** (d) The authority has not received a certification under s. ~~46.255~~ 49.855 (7) that the farmer is delinquent in making child support or maintenance payments.

SECTION 6307m. 236.02 (3) of the statutes is amended to read:

236.02 **(3)** "County planning agency" means a rural county planning agency authorized by s. ~~27.015~~ 27.019, a county park commission authorized by s. 27.02 except that in a county with a county executive or county administrator, the county park manager appointed under s. 27.03 (2), a county zoning agency authorized by s. 59.97 or any agency created by the county board and authorized by statute to plan land use.

SECTION 6308. 236.02 (4) of the statutes is amended to read:

236.02 **(4)** "Department" means the department of ~~agriculture, trade and consumer protection~~ development.

SECTION 6309. 236.12 (2) (a) of the statutes is amended to read:

236.12 **(2)** (a) Two copies for each of the state agencies required to review the plat to the department which shall examine the plat for compliance with ss. 236.13 (1) (d) and (2m), 236.15, 236.16, 236.20 and 236.21 (1) and (2). If the subdivision abuts or adjoins a state trunk highway or connecting highway, the department shall transmit 2 copies to the department of transportation so that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13. ~~If the subdivision is not served by a public sewer and provision for such service has not been made, the department shall transmit 2 copies to the department of industry, labor and human relations so that agency may determine whether it has any objection to the plat on the basis of its rules as provided in s. 236.13.~~ In lieu of this procedure the agencies may designate local officials to act as their agents in examining the plats for compliance with the statutes or their rules by filing a written delegation of authority with the approving body.

SECTION 6310. 236.13 (1) (d) of the statutes is amended to read:

236.13 **(1)** (d) The rules of the department ~~of industry, labor and human relations~~ relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for public sewer service has not been made;

SECTION 6311. 236.13 (2m) of the statutes is amended to read:

236.13 **(2m)** As a further condition of approval when lands included in the plat lie within 500 feet of the ordinary high–water mark of any navigable stream, lake or other body of navigable water or if land in the proposed plat involves lake or stream shorelands referred to in s. 236.16, the department of natural resources, to prevent pollution of navigable waters, or the department of ~~industry, labor and human relations~~ development, to protect the public health and safety, may require assurance of adequate drainage areas for private sewage disposal systems and building setback restrictions, or provisions by the owner for public sewage disposal facilities for waters of the state, industrial wastes and other wastes, as defined in s. 144.01. The public sewage disposal facilities may consist of one or more systems as the department of natural resources or the department of ~~industry, labor and human relations~~ development determines on the basis of need for prevention of pollution of the waters of the state or protection of public health and safety.

SECTION 6313b. 250.08 (3) of the statutes is amended to read:

250.08 **(3)** PRIMARY HEALTH CARE SERVICES GRANTS. From the appropriation under s. 20.435 (1) (cp), the department shall award up to ~~$750,000 in each fiscal year~~ $500,000 in fiscal year 1995–96 and up to $250,000 in fiscal year 1996–97 as grants to applying local health departments. Grants under this subsection shall be awarded, under procedures and criteria developed by the department, for the provision, primarily by nurse practitioners who meet the qualifications for

certification as medical assistance providers by the department and by public health nurses, of primary health care services in, among other places, maternal and child health clinics and community health settings. Award of a grant to a local health department under this subsection is conditioned upon receipt by the department of an agreement by the county, city or village that has established the local health department to provide funds or in–kind services to match 25% of the amount of a grant awarded.

SECTION 6314. 250.10 of the statutes is amended to read:

250.10 Grant for dental services. From the appropriation under s. 20.435 (1) (de), the department shall provide funding in each fiscal year to the Marquette ~~university school of dentistry~~ University School of Dentistry for the provision of dental services by the Marquette ~~university school of dentistry~~ University School of Dentistry in correctional centers in Milwaukee County and clinics in the city of Milwaukee.

SECTION 6316. 252.076 (3) of the statutes is amended to read:

252.076 **(3)** Management of the 2 jointly housed units shall be separate and distinct. The county home unit shall for all purposes be deemed part of, and managed and operated by the same authorities as any previously established and existing county home of the county. Except as otherwise provided by statute and so far as applicable, this section and ss. 252.073 and 252.08 shall continue to apply to a jointly housed county tuberculosis sanatorium and ss. ~~49.14 and 49.15~~ 49.70 and 49.703 shall apply to a jointly housed county home or a unit of a jointly housed county home.

SECTION 6317. 252.08 (3) of the statutes is amended to read:

252.08 **(3)** Inpatient care exceeding 30 days for pulmonary tuberculosis patients not eligible for federal medicare benefits, for medical assistance under

subch. V of ch. 49 or for ~~general~~ health care services funded by a relief block grant under subch. II of ch. 49 may be reimbursed if provided by a facility contracted by the department. If the patient has private health insurance, the state shall pay the difference between health insurance payments and total charges.

SECTION 6318. 252.10 (6) (g) of the statutes is amended to read:

252.10 **(6)** (g) The reimbursement by the state under pars. (a) to (f) shall apply only ~~until~~ to funds that the department allocates for the reimbursement under the appropriation under s. 20.435 (1) (e) ~~is totally expended~~.

SECTION 6319. 252.12 (2) (a) (intro.) of the statutes is amended to read:

252.12 **(2)** (a) *Acquired immunodeficiency syndrome services.* (intro.) From the appropriations under s. 20.435 (1) (a) and (am), the department shall distribute ~~not more than $2,765,400 in fiscal year 1993–94 and not more than $3,222,100 in fiscal year 1994–95 and from the appropriations under s. 20.435 (1) (mc) and (md) and (6) (mc) the department shall distribute not more than $177,000 in each fiscal year~~ funds for the provision of services to individuals with or at risk of contracting acquired immunodeficiency syndrome, as follows:

SECTION 6320. 252.12 (2) (a) 7. of the statutes is amended to read:

252.12 **(2)** (a) 7. 'Contracts for counseling and laboratory testing services.' The department shall distribute funding ~~of not more than $442,200 in fiscal year 1993–94 and not more than $510,300 in fiscal year 1994–95~~ in each fiscal year to contract with organizations to provide, at alternate testing sites, anonymous counseling services and laboratory testing services for the presence of HIV.

SECTION 6321. 252.12 (2) (a) 8. of the statutes is amended to read:

252.12 **(2)** (a) 8. 'Life care and early intervention services.' The department shall award not more than ~~$1,457,500 in fiscal year 1993–94 and not more than~~

$1,647,700 in ~~fiscal year 1994–95~~ each year in grants to applying organizations for the provision of needs assessments; assistance in procuring financial, medical, legal, social and pastoral services; counseling and therapy; homecare services and supplies; advocacy; and case management services. These services shall include early intervention services. The department shall also award not more than $111,500 in each year from the appropriation under s. 20.435 (7) (md) for the services under this subdivision. The state share of payment for case management services that are provided under s. 49.45 (25) (be) to recipients of medical assistance shall be paid from the appropriation under s. 20.435 (1) (am).

SECTION 6322. 252.14 (1) (d) of the statutes is amended to read:

252.14 **(1)** (d) "Inpatient health care facility" means a hospital, nursing home, community–based residential facility, county home, county mental health complex, tuberculosis sanatorium or other place licensed or approved by the department under ss. ~~49.14, 49.16, 49.171,~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 and 252.076 or a facility under s. 45.365, 48.62, 51.05, 51.06 or 252.10 or ch. 142.

SECTION 6323. 252.15 (2) (a) 7. ak. of the statutes is amended to read:

252.15 **(2)** (a) 7. ak. A physician, based on information provided to the physician, determines and certifies in writing that the affected person has been significantly exposed. The certification shall accompany the request for testing and disclosure. If the affected person who is significantly exposed is a physician, he or she may not make this determination or certification. The information that is provided to a physician to document the occurrence of a significant exposure and the physician's certification that an affected person has been significantly exposed, under this subd. 7. ak., shall be provided on a report form that is developed by the

department of ~~industry, labor and human relations~~ development under s. 101.02 (19) (a) or on a report form that the department of ~~industry, labor and human relations~~ development determines, under s. 101.02 (19) (b), is substantially equivalent to the report form that is developed under s. 101.02 (19) (a).

SECTION 6324. 252.16 (2) of the statutes is amended to read:

252.16 **(2)** SUBSIDY PROGRAM. From the appropriation under s. 20.435 (1) (am), the department shall distribute ~~not more than $197,900 in fiscal year 1993–94 and not more than $280,400 in fiscal year 1994–95~~ funding in each fiscal year to subsidize the premium costs under s. 252.17 (2) and, under this subsection, the premium costs for continuation coverage available to an individual who has HIV infection and who is unable to continue his or her employment or must reduce his or her hours because of an illness or medical condition arising from or related to HIV infection.

SECTION 6324g. 252.22 (title) and (1) to (3) of the statutes are renumbered 93.12 (title) and (1) to (3).

SECTION 6324h. 252.22 (4) of the statutes is renumbered 93.12 (4) and amended to read:

93.12 **(4)** The department, after conducting an evaluation for each specialty area and after receiving a fee for each specialty area from the laboratory, shall issue a certificate of approval to the laboratory covering those examinations which have met the minimum standards established by the department. The department shall issue an interim certificate of approval for an approved laboratory that applies for initial certification, which shall be valid for the remainder of the calendar year for which it is issued. Certification renewals shall be issued on a calendar–year basis. Specialty fees for certification of an initially certified laboratory and a certified laboratory that applies to expand its current certification with newly established

specialties shall be prorated at one–twelfth of the annual fee for each month remaining in the calendar year for which the certificate of approval is issued. A certificate of approval shall be revoked by the department if the minimum standards established by the department for certification are not met within 2 successive evaluations. Fees collected under this subsection shall be credited to the appropriation under s. 20.115 (1) (gb).

SECTION 6324i. 252.22 (5) and (6) of the statutes are renumbered 93.12 (5) and (6).

SECTION 6324j. 252.22 (7) of the statutes is renumbered 93.12 (7) and amended to read:

93.12 **(7)** The department shall promulgate rules establishing a fee schedule to offset the cost of the certification of laboratories and the collection of fees under sub. (4).

SECTION 6324k. 252.22 (8) and (9) of the statutes are renumbered 93.12 (8) and (9).

SECTION 6326. 253.085 (1) of the statutes is amended to read:

253.085 **(1)** The department shall conduct an outreach program to make low–income pregnant women aware of the importance of early prenatal health care and of the availability of medical assistance benefits under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 and other types of funding for prenatal care, to refer women to prenatal care services in the community and to make follow–up contacts with women referred to prenatal care services.

SECTION 6327. 254.02 (3) (a) of the statutes is amended to read:

254.02 **(3)** (a) The ~~departments~~ department of agriculture, trade and consumer protection, the department of corrections, ~~industry, labor and human relations~~ the

department of development, and the department of natural resources shall enter into memoranda of understanding with the department to establish protocols for the department to review proposed rules of those state agencies relating to air and water quality, occupational health and safety, institutional sanitation, toxic substances, indoor air quality, food protection or waste handling and disposal.

SECTION 6328g. 254.151 (1) (intro.) of the statutes is renumbered 254.151 (intro.) and amended to read:

254.151 Lead poisoning or lead exposure prevention grants. (intro.) From the appropriation under s. 20.435 (1) (ef), the department shall award the following grants ~~to~~ under criteria that the department shall establish in rules promulgated under this section:

(1) To fund educational programs about the dangers of lead poisoning or lead exposure~~; to.~~

(2) To fund lead poisoning or lead exposure screening, care coordination and follow–up services, including lead inspections, to children under age 6 who are not covered by a 3rd–party payer~~; to.~~

(3) To fund administration or enforcement of responsibilities delegated under s. 254.152~~; to.~~

(4) To fund other activities related to lead poisoning or lead exposure; ~~or to.~~

(5) To fund any combination of ~~these~~ the purposes~~:~~ under subs. (1) to (4).

SECTION 6328h. 254.151 (1) (a) to (c) of the statutes is repealed.

SECTION 6328i. 254.151 (2) of the statutes is renumbered 254.151 (6) and amended to read:

254.151 **(6)** ~~From the appropriation under s. 20.435 (1) (ef), the department shall award not more than $40,000 in each fiscal year to~~ To develop and implement

outreach and education programs for health care providers to inform them of the need for lead poisoning or lead exposure screening and of the requirements of this subchapter relating to lead poisoning or lead exposure.

SECTION 6330. 254.176 (2) (e) of the statutes is amended to read:

254.176 **(2)** (e) A person who engages in the business of installing or servicing heating, ventilating or air conditioning equipment if the person is registered with the department of ~~industry, labor and human relations~~ development and if the person engages in activities that constitute lead hazard reduction, only to the extent that the activities are within the scope of his or her registration.

SECTION 6331. 254.22 (4) of the statutes is amended to read:

254.22 **(4)** Assist the department of ~~industry, labor and human relations~~ development with the enforcement of s. 101.123.

SECTION 6332. 254.33 of the statutes is amended to read:

254.33 Public policy. Since radiations and their sources can be instrumental in the improvement of the health and welfare of the public if properly utilized, and may be destructive or detrimental to life or health if carelessly or excessively employed or may detrimentally affect the environment of the state if improperly utilized, it is hereby declared to be the public policy of this state to encourage the constructive uses of radiation and to prohibit and prevent exposure to radiation in amounts which are or may be detrimental to health. It is further the policy to advise, consult and cooperate with the department of ~~industry, labor and human relations~~ development and other agencies of the state, the federal government, other states and interstate agencies and with affected groups, political subdivisions and industries; and, in general, to conform as nearly as possible to nationally accepted standards in the promulgation and enforcement of rules.

SECTION 6333. 254.34 (1) (intro.) of the statutes is amended to read:

254.34 **(1)** (intro.) The department and the department of ~~industry, labor and human relations~~ development shall:

SECTION 6334. 254.34 (2) (intro.) of the statutes is amended to read:

254.34 **(2)** (intro.) The department, serving as the lead agency, and the department of ~~industry, labor and human relations~~ development may:

SECTION 6335. 254.35 (1) of the statutes is amended to read:

254.35 **(1)** APPLICATION. Every site in this state having an ionizing radiation installation, not exempted by this section or the rules of the department shall be registered by the department by January 1, 1964, by the person in control of an installation, including installations in sites that are administered by a state agency or in an institution under the jurisdiction of a state agency, and no such ionizing radiation installation may be operated thereafter unless the site has been duly registered by January 1 of each year and a notice of the registration is possessed by the person in control. Every site having an ionizing radiation installation established in this state after July 20, 1985, shall be registered prior to its operation. The application for registration shall be made on forms provided by the department which shall be devised to obtain any information that is considered necessary for evaluation of hazards. Multiple radiation sources at a single radiation installation and under the control of one person shall be listed on a single registration form. Registration fees shall be levied in accordance with sub. (3). Registration alone shall not imply approval of manufacture, storage, use, handling, operation or disposal of the radiation installation or radioactive materials, but shall serve merely to inform the department of the location and character of radiation sources. The department shall furnish the department of ~~industry, labor and human relations~~ development

with a copy of each amended and new registration. Persons engaged in manufacturing, demonstration, sale, testing or repair of radiation sources shall not be required to list such sources on the registration form.

SECTION 6336. 254.37 (1) of the statutes is amended to read:

254.37 **(1)** NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. Whenever the department or the department of ~~industry, labor and human relations~~ development finds, upon inspection and examination, that a source of radiation as constructed, operated or maintained results in a violation of this subchapter or of any rules promulgated under this subchapter, it shall notify the person in control that is causing, allowing or permitting the violation as to the nature of the violation and order that, prior to a specified time, the person in control shall cease and abate causing, allowing or permitting the violation and take such action as may be necessary to have the source of radiation constructed, operated, or maintained in compliance with this subchapter and rules promulgated under this subchapter.

SECTION 6337. 254.37 (2) of the statutes is amended to read:

254.37 **(2)** ORDERS. The department or the department of ~~industry, labor and human relations~~ development shall issue and enforce such orders or modifications of previously issued orders as may be required in connection with proceedings under this subchapter. The orders shall be subject to review by the department upon petition of the persons affected. Whenever the department or the department of ~~industry, labor and human relations~~ development finds that a condition exists which constitutes an immediate threat to health due to violation of this subchapter or any rule or order promulgated under this subchapter, it may issue an order reciting the existence of the threat and the findings pertaining to the threat. The department or

the department of ~~industry, labor and human relations~~ development may summarily cause the abatement of the violation.

SECTION 6338. 254.37 (3) of the statutes is amended to read:

254.37 **(3)** RULES. The department shall enforce the rules pertaining to ionizing radiation in establishments principally engaged in furnishing medical, surgical, chiropractic and other health services to persons and animals. The department of ~~industry, labor and human relations~~ development shall enforce the rules pertaining to ionizing radiation in industrial establishments. The department shall notify the department of ~~industry, labor and human relations~~ development and deliver to it a copy of each new registration and at such time a decision shall be made as to which state agency shall enforce the rules pertaining to ionizing radiation. The department and the department of ~~industry, labor and human relations~~ development are directed to consult with the radiation protection council in case of jurisdictional problems.

SECTION 6339. 254.38 of the statutes is amended to read:

254.38 Impounding materials. The department or department of ~~industry, labor and human relations~~ development may impound or order the sequestration of sources of radiation in the possession of any person who is not equipped to observe or who fails to observe safety standards to protect health that are established in rules promulgated by the department or the department of ~~industry, labor and human relations~~ development.

SECTION 6340. 254.45 of the statutes is amended to read:

254.45 Penalties. Any person who violates any provision of this subchapter or any rule or order of the department, or of the department of ~~industry, labor and human relations~~ development, issued under this subchapter shall forfeit not less than $10 nor more than $500. Each day of continued violation after notice of the fact

that a violation is being committed shall be considered a separate offense. If the injury or death of an employe is caused by a failure of an employer to observe or enforce any rule issued under this subchapter, compensation and death benefits shall be increased by 15% as provided in s. 102.57.

SECTION 6341. 254.51 (2) of the statutes is amended to read:

254.51 **(2)** The department shall enter into memoranda of understanding with the department of agriculture, trade and consumer protection, the department of ~~industry, labor and human relations~~ development and the department of natural resources regarding the investigation and control of animal–borne and vector–borne disease.

SECTION 6342. 254.56 of the statutes is amended to read:

254.56 Public places. The owner and occupant and everyone in charge of a public building, as defined in s. 101.01 ~~(2) (g)~~ (12), shall keep the building clean and sanitary.

SECTION 6342g. 254.59 (2) of the statutes is amended to read:

254.59 **(2)** If a human health hazard is found on private property, the local health officer shall notify the owner and the occupant of the property, by registered mail with return receipt requested, of the presence of the human health hazard and order its abatement or removal within 30 days of receipt of the notice. If the human health hazard is not abated or removed by that date, the local health officer shall immediately enter upon the property and abate or remove the human health hazard or may contract to have the work performed. The human health hazard shall be abated in a manner which is approved by the local health officer. The cost of the abatement or removal may be recovered from the person permitting the violation or may be paid by the municipal treasurer and the account, after being paid by the

treasurer, shall be filed with the municipal clerk, who shall enter the amount chargeable to the property in the next tax roll in a column headed "For Abatement of a Nuisance" as a special tax on the lands upon which the human health hazard was abated, and the tax shall be collected as are other taxes. In case of railroads or other lands not taxed in the usual way, the amount chargeable shall be certified by the clerk to the ~~state treasurer~~ secretary of administration who shall add the amount designated in the certificate to the sum due from the company owning, occupying or controlling the land specified, and the ~~treasurer~~ secretary of administration shall collect the amount as prescribed in subch. I of ch. 76 and return the amount collected to the town, city or village from which the certificate was received. Anyone maintaining such a human health hazard may also be fined not more than $300 or imprisoned for not more than 90 days or both. The only defenses an owner may have against the collection of a tax under this subsection are that no human health hazard existed on the owner's property, that no human health hazard was corrected on the owner's property, that the procedure outlined in this subsection was not followed or any applicable defense under s. 74.33.

SECTION 6342r. 254.59 (5) of the statutes is amended to read:

254.59 **(5)** The cost of abatement or removal of a human health hazard under this section may be at the expense of the municipality and may be collected from the owner or occupant, or person causing, permitting or maintaining the human health hazard, or may be charged against the premises and, upon certification of the local health officer, assessed as are other special taxes. In cases of railroads or other lands not taxed in the usual way, the amount chargeable shall be certified by the clerk to the ~~state treasurer~~ secretary of administration who shall add the amount designated in the certificate to the sum due from the company owning, occupying or controlling

the land specified, and the ~~treasurer~~ secretary of administration shall collect the amount as prescribed in subch. I of ch. 76 and return the amount collected to the town, city or village from which the certificate was received. Anyone maintaining such a human health hazard may also be fined not more than $300 or imprisoned for not more than 90 days or both. The only defenses an owner may have against the collection of a tax under this subsection are that no human health hazard existed on the owner's property, that no human health hazard was corrected on the owner's property, that the procedure outlined in this subsection was not followed, or any applicable defense under s. 74.33.

SECTION 6343. 254.73 (1) of the statutes is amended to read:

254.73 **(1)** Every hotel with sleeping accommodations with more than 12 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m. provide a system of security personnel patrol, or of mechanical and electrical devices, or both, adequate, according to standards established by the department of ~~industry, labor and human relations~~ development, to warn all guests and employes in time to permit their evacuation in case of fire.

SECTION 6343m. 254.74 (1m) of the statutes is created to read:

254.74 **(1m)** (a) The department may grant an applicant for a permit to maintain, manage or operate a bed and breakfast establishment a waiver from the requirement specified under s. 254.61 (1) (f) if the department determines that all of the following are true:

1. The public health, safety or welfare would not be jeopardized.

2. The establishment seeking the waiver is in compliance with the requirements under s. 256.61 (1) (a) to (e).

(b) A waiver granted under par. (a) is valid for the period of validity of a permit that is issued to the applying bed and breakfast establishment under s. 254.64 (1) (b).

SECTION 6344. 254.78 of the statutes is amended to read:

254.78 (title) **Authority of department of ~~industry, labor and human relations~~ development.** Nothing in this chapter shall affect the authority of the department of ~~industry, labor and human relations~~ development relative to places of employment, elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

SECTION 6345. 254.79 of the statutes is amended to read:

254.79 Joint employment. The department and the department of ~~industry, labor and human relations~~ development may employ experts, inspectors or other assistants jointly.

SECTION 6346. 255.05 (1) (a) of the statutes is amended to read:

255.05 **(1)** (a) "Institution" means any hospital, nursing home, county home, county mental hospital, tuberculosis sanatorium, community–based residential facility or other place licensed or approved by the department under ss. ~~49.14, 49.16, 49.171,~~ 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 252.073 and 252.076.

SECTION 6347. 255.06 (2) (intro.) of the statutes is amended to read:

255.06 **(2)** BREAST CANCER SCREENING PROGRAM. (intro.) From the appropriation under s. 20.435 (1) (cc), the department shall administer a breast cancer screening program and shall, in each fiscal year, do all of the following:

SECTION 6348. 255.06 (2) (a) (intro.) of the statutes is amended to read:

255.06 **(2)** (a) (intro.) Award not more than $422,600 as grants for provision of ~~mammography~~ breast cancer screening services to women who are aged 40 years or older ~~and who reside in the 12 rural counties that the department specifies by rule as having the highest incidence in the state of late–stage breast cancer~~. Grants shall be awarded to an applying hospital or organization that has a mammography unit available for use in an area of service under this paragraph and that is selected by the department under procedures established by the department. Payment for services provided under a grant shall be as follows:

SECTION 6349. 255.06 (2) (c) of the statutes is amended to read:

255.06 **(2)** (c) Distribute not more than $115,200 ~~in each fiscal year~~ as a grant to the city of Milwaukee public health department for the performance of breast cancer screening activities with the use of a mobile mammography van.

SECTION 6350. 255.06 (3) of the statutes is repealed.

SECTION 6351. 255.30 (4) of the statutes is amended to read:

255.30 **(4)** The ~~state superintendent~~ department of ~~public instruction~~ education shall prepare and circulate to each public and private educational institution in this state instructions and recommendations for implementing the eye safety provisions of this section.

SECTION 6352. 301.001 of the statutes is amended to read:

301.001 Purposes of chapters. The purposes of this chapter and chs. 302 to 304 are to prevent delinquency and crime by an attack on ~~its~~ their causes; to provide a just, humane and efficient program of rehabilitation of offenders; and to coordinate and integrate corrections programs with other social services. In creating the department of corrections, chs. 301 to 304, the legislature intends that the state

continue to avoid sole reliance on incarceration of offenders and continue to develop, support and maintain professional community programs and placements.

SECTION 6353m. 301.01 (4) of the statutes is amended to read:

301.01 **(4)** "State correctional institution" means a state prison under s. 302.01 or a secured correctional facility, as defined in s. 48.02 (15m).

SECTION 6353p. 301.025 of the statutes is created to read:

301.025 Division of juvenile corrections. The division of juvenile corrections shall exercise the powers and perform the duties of the department that relate to juvenile correctional services and institutions, juvenile offender review, aftercare, corrective sanctions, the juvenile boot camp program under s. 48.532, the serious juvenile offender program under s. 48.538 and youth aids.

SECTION 6353r. 301.026 of the statutes is created to read:

301.026 Gang violence prevention. The gang violence prevention council shall conduct public hearings and surveys to solicit the opinions and recommendations of citizens and public officials regarding strategies and programs to prevent children from becoming influenced by and involved with gangs and, based on those opinions and recommendations, submit an annual report to the appropriate standing committees of the legislature under s. 13.172 (3), the cochairpersons of the joint committee on finance and the secretary, and otherwise provide information and recommendations to interested persons, on ways to improve those existing strategies and programs and ways to establish new strategies and programs to prevent children from becoming influenced by and involved with gangs.

SECTION 6354. 301.027 of the statutes is created to read:

301.027 Treatment program at one or more juvenile correctional institutions. The department shall maintain a cottage–based intensive alcohol and other drug abuse program at one or more juvenile correctional institutions.

SECTION 6355. 301.03 (2) of the statutes is amended to read:

301.03 **(2)** Supervise the custody and discipline of all prisoners and the maintenance of state correctional institutions and the prison industries ~~therein~~ under s. 303.01.

SECTION 6356m. 301.03 (9m) of the statutes, as created by 1993 Wisconsin Act 377, is repealed.

SECTION 6356p. 301.03 (10) of the statutes is created to read:

301.03 **(10)** (a) Execute the laws relating to the detention, reformation and correction of delinquents.

(b) Direct the aftercare of and supervise all delinquents under its jurisdiction and exercise such functions as it deems appropriate for the prevention of delinquency.

(c) Promote the enforcement of laws for the protection of delinquent children. To this end, the department shall cooperate with courts assigned to exercise jurisdiction under ch. 48, county departments under s. 46.215, 46.22 and 46.23 and licensed child welfare agencies and institutions in providing community–based programming, including in–home programming and intensive supervision, for delinquent children. The department shall also establish and enforce standards for the development and delivery of services provided by the department under ch. 48 in regard to children who have been adjudicated delinquent.

(d) Administer the juvenile offender review program in the division of juvenile corrections in the department. The program shall be responsible for decisions

regarding case planning and the release of juvenile offenders from juvenile correctional institutions to aftercare and corrective sanctions placements.

(e) Provide educational programs in all secured correctional facilities, as defined in s. 48.02 (15m).

(f) Provide health services and psychiatric services for residents of all secured correctional facilities, as defined in s. 48.02 (15m).

SECTION 6356r. 301.031 of the statutes is created to read:

301.031 County youth corrections budget and contract. (1) BUDGET. (a) Each county department under s. 46.215, 46.22 or 46.23 shall submit its final budget for services directly provided or purchased to the department by December 31 annually. The final budget shall be submitted on a uniform budget reporting form that the department shall develop and distribute for use and that shall include all of the following:

1. Uniform definitions of target populations and of programs and services that a county provides or purchases using funds allocated and distributed under s. 46.40.

2. Planned expenditures for the programs and services specified in subd. 1. that are separately identified by at least the following sources of funding:

a. State–distributed funds.

b. Funds obtained from levy of county property tax.

c. Client and 3rd–party fees.

d. Other funds.

3. Estimates of the number of clients to be served under each program or service that the county plans to provide or purchase using funds allocated under s. 301.26.

(b) The department shall submit a model of the contract under sub. (2g) (a) to each county department under ss. 46.215, 46.22 and 46.23 by May 1 annually.

(2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed budget to the county executive or county administrator or the county board, the county departments listed in sub. (1) shall assess needs and inventory resources and services, using an open public participation process.

(2g) CONTRACT. (a) The department shall annually submit to the county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department a proposed written contract containing the allocation of funds and such administrative requirements as necessary. The contract as approved may contain conditions of participation consistent with federal and state law. The contract may also include provisions necessary to ensure uniform cost accounting of services. Any changes to the proposed contract shall be mutually agreed upon. The county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department shall approve the contract before January 1 of the year in which it takes effect unless the department grants an extension. The county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department may designate an agent to approve addenda to any contract after the contract has been approved.

(b) The department may not approve contracts for amounts in excess of available revenues. The county board of supervisors in a county with a single–county department or the county boards of supervisors in counties with a multicounty department may appropriate funds for juvenile delinquency–related services. Actual expenditure of county funds shall be reported in compliance with procedures developed by the department, and shall comply with standards guaranteeing quality of care comparable to similar facilities.

(c) The joint committee on finance may require the department to submit contracts between county departments under ss. 46.215, 46.22 and 46.23 and providers of service to the committee for review and approval.

(2r) WITHHOLDING FUNDS. (a) The department, after reasonable notice, may withhold a portion of the appropriation allocated to a county department under s. 46.215, 46.22 or 46.23 if the department determines that that portion of the allocated appropriation:

1. Is for services which duplicate or are inconsistent with services being provided or purchased by the department or other county departments receiving grants–in–aid or reimbursement from the department.

2. Is inconsistent with state or federal statutes, rules or regulations, in which case the department may also arrange for provision of services by an alternate agency. The department may not arrange for provision of services by an alternate agency unless the joint committee on finance or a review body designated by the committee reviews and approves the department's determination.

3. Is for the treatment of alcoholics in treatment facilities which have not been approved by the department of health and social services in accordance with s. 51.45 (8).

4. Is for inpatient treatment in excess of an average of 21 days, as provided in s. 51.423 (12), excluding care for patients at the centers for the developmentally disabled.

5. Is inconsistent with the provisions of the county department's contract under sub. (2g).

(b) If the department withholds a portion of the allocable appropriation under par. (a), the county department affected by the action of the department may submit

to the county board of supervisors in a county with a single–county department or to its designated agent or the county boards of supervisors in counties with a multicounty department or their designated agents a plan to rectify the deficiency found by the department. The county board of supervisors or its designated agent in a county with a single–county department or the county boards of supervisors in counties with a multicounty department or their designated agents may approve or amend the plan and may submit for departmental approval the plan as adopted. If a multicounty department is administering a program, the plan may not be submitted unless each county board of supervisors which participated in the establishment of the multicounty department, or its designated agent, adopts it.

(3) OPEN PUBLIC PARTICIPATION PROCESS. (a) *Citizen advisory committee.* 1. Except as provided in par. (b), the county board of supervisors of each county or the county boards of supervisors of 2 or more counties jointly shall establish, in accordance with subd. 2. or 3., a citizen advisory committee to the county departments under ss. 46.215, 46.22 and 46.23. The citizen advisory committee shall advise in the formulation of the budget under sub. (1).

2. The citizen advisory committee established under s. 46.031 (3) (a) may also serve as the citizen advisory committee under subd. 1.

3. If the citizen advisory committee established under s. 46.031 (3) (a) does not also serve as the citizen advisory committee under subd. 1., membership on the committee under subd. 1. shall be determined by the county board of supervisors in a county with a single–county committee or by the county boards of supervisors in counties with a multicounty committee and shall include representatives of those persons receiving services, providers of service and citizens. A majority of the members of the committee shall be citizen and service consumers. The committee's

membership may not consist of more than 25% county supervisors, nor of more than 20% service providers. The chairperson of the committee shall be appointed by the county board of supervisors establishing it. In the case of a multicounty committee, the chairperson shall be nominated by the committee and approved by the county boards of supervisors establishing it. The county board of supervisors in a county with a single–county committee or the county boards of supervisors in counties with a multicounty committee may designate an agent to determine the membership of the committee and to appoint the committee chairperson or approve the nominee.

(b) *Alternate process.* The county board of supervisors or the boards of 2 or more counties acting jointly may submit a report to the department on the open public participation process used under sub. (2). The county board of supervisors may designate an agent, or the boards of 2 or more counties acting jointly may designate an agent, to submit the report. If the department approves the report, establishment of a citizen advisory committee under par. (a) is not required.

(c) *Yearly report.* The county board of supervisors or its designated agent, or the boards of 2 or more counties acting jointly or their designated agent, shall submit to the department a list of members of the citizen advisory committee under par. (a) or a report on the open public participation process under par. (b) on or before July 1 of each year.

SECTION 6356t. 301.032 of the statutes is created to read:

301.032 Juvenile delinquency-related services; supervisory functions of state department. (1) (a) The department shall supervise the administration of juvenile delinquency–related services. The department shall submit to the federal authorities state plans for the administration of juvenile delinquency–related services in such form and containing such information as the federal authorities

require, and shall comply with all requirements prescribed to ensure their correctness.

(b) All records of the department and all county records relating to juvenile delinquency–related services shall be open to inspection at all reasonable hours by authorized representatives of the federal government. Notwithstanding s. 48.396 (2), all county records relating to the administration of such services shall be open to inspection at all reasonable hours by authorized representatives of the department.

(c) The department may at any time audit all county records relating to the administration of juvenile delinquency–related services and may at any time conduct administrative reviews of county departments under ss. 46.215, 46.22 and 46.23. If the department conducts such audit or administrative review in a county, the department shall furnish a copy of the audit or administrative review report to the chairperson of the county board of supervisors and the county clerk in a county with a single–county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the director of the county department under s. 46.21, 46.22 or 46.23.

(2) The county administration of all laws relating to juvenile delinquency–related services shall be vested in the officers and agencies designated in the statutes.

SECTION 6358. 301.048 (9) of the statutes is repealed.

SECTION 6358m. 301.06 of the statutes is renumbered 301.06 (intro.) and amended to read:

301.06 Education and prevention. (intro.) The department may ~~develop~~ do all of the following:

(1) Develop and maintain education and prevention programs.

SECTION 6358p. 301.06 (2) of the statutes is created to read:

301.06 **(2)** Study causes and methods of prevention and treatment of juvenile delinquency and related social problems. The department may utilize all powers provided by the statutes, including the authority to accept grants of money or property from federal, state or private sources, and enlist the cooperation of other agencies and state departments.

SECTION 6358r. 301.07 of the statutes is amended to read:

301.07 Cooperation with federal government. The department may cooperate with the federal government in carrying out federal acts concerning adult corrections and youth corrections.

SECTION 6359. 301.08 (1) (c) of the statutes is created to read:

301.08 **(1)** (c) 1. In this paragraph:

a. "Administrative supervision" means the supervision of a probationer or parolee in which the department requires that a minimum of one face–to–face contact occur every 6 months between the probationer or parolee and a representative of the department and that the probationer or parolee submit a monthly report to the department.

b. "Minimum supervision" means the supervision of a probationer or parolee in which the department requires that a minimum of one face–to–face contact occur every 90 days between the probationer or parolee and a representative of the department and that the probationer or parolee submit a monthly report to the department.

2. Beginning on January 1, 1996, the department may contract with public, private or voluntary vendors for the supervision of probationers and parolees who

are under minimum supervision or administrative supervision. The contract shall authorize any such vendor to charge a fee to probationers and parolees sufficient to cover the cost of supervision and administration of the contract. If the department collects any moneys from a vendor under the contract, the department shall credit those moneys to the appropriation account under s. 20.410 (1) (ge). The department shall promulgate rules for fees, collections, reporting and verification regarding probationers and parolees supervised by the vendor.

SECTION 6360. 301.08 (2) (a) of the statutes is amended to read:

301.08 **(2)** (a) All care and services purchased by the department and all care and services relating to juvenile delinquency purchased by a county department under s. 46.215, 46.22 or 46.23 shall be authorized and contracted for under the standards established under this subsection. For purchases of $10,000 or less the requirement for a written contract may be waived by the department. No contract is required for care provided by foster homes required to be licensed under s. 48.62. If the department directly contracts for services, it shall follow the procedures in this subsection in addition to meeting purchasing requirements established in s. 16.75.

SECTION 6360m. 301.085 of the statutes is created to read:

301.085 Payment of benefits. (1) The department may make payments of benefits directly to persons who are authorized to receive those payments in accordance with law and rules of the department on behalf of the counties. The department may charge the counties for the cost of making those payments.

(2) The department may make juvenile delinquency–related payments directly to recipients, vendors or providers in accordance with law and rules of the department on behalf of the counties which have contracts to have such payments made on their behalf.

(3) The county department under s. 46.215, 46.22 or 46.23 shall provide the department with information which the department shall use to determine each person's eligibility and amount of payment. The county department under s. 46.215, 46.22 or 46.23 shall provide the department all necessary information in the manner prescribed by the department.

(4) The department shall disburse from state or federal funds or both the entire amount and charge the county for its share under s. 301.26.

SECTION 6360r. 301.105 (intro.) of the statutes is amended to read:

301.105 Telephone company commissions. (intro.) The department shall collect moneys for commissions from telephone companies for contracts to provide telephone services to inmates. The department shall transmit those moneys to the ~~state treasurer~~ secretary of administration. The ~~state treasurer~~ secretary of administration shall do all of the following:

SECTION 6361. 301.12 of the statutes is created to read:

301.12 Uniform fee schedule; collections. The department of corrections shall establish fees for juvenile correctional services provided by that department which shall be included in the uniform system of fees established by the department of health and social services under s. 46.03 (18). Collections and liability enforcement of fee chargeable services for the department of corrections shall be performed by the department of health and social services under ss. 46.03 (18), 46.10 and 48.36.

SECTION 6362. 301.135 (1) of the statutes is amended to read:

301.135 **(1)** The department may contract with counties to provide electronic monitoring services relating to criminal offenders ~~and to children who are placed on~~

~~electronic monitoring under s. 48.21 (4m), 48.34 (3g) or 48.355 (6) (d) 3~~. The department shall charge a fee to counties for providing these services.

SECTION 6362g. 301.135 (2) of the statutes is amended to read:

301.135 **(2)** The department may charge a fee to offenders under its supervision to cover the costs associated with electronic monitoring. The department may charge a fee under this subsection or the department or the attorney general may collect under s. 301.325, but the state may not collect for the same expenses twice.

SECTION 6363. 301.135 (3m) of the statutes is repealed.

SECTION 6363g. 301.16 (1n) of the statutes is created to read:

301.16 **(1n)** In addition to the institutions under sub. (1), the department shall establish a maximum security correctional institution that constitutes the prison expansion project enumerated in 1995 Wisconsin Act .... (this act), section 9108 (1) (b), and that is located at a site selected by the building commission.

SECTION 6363h. 301.18 (1) (bw) of the statutes is created to read:

301.18 **(1)** (bw) Provide the facilities necessary for the correctional institution under s. 301.16 (1n).

SECTION 6363j. 301.20 of the statutes is created to read:

301.20 Training school for delinquent boys. The department, with the approval of the governor, may purchase or accept a gift of land for a suitable site for an additional training school for delinquent boys and erect and equip such buildings as it deems necessary at such time as funds may be allocated for that purpose by the building commission. The training school or other additional facilities for delinquent boys financed by the authorized 1965–67 building program shall be located north of a line between La Crosse and Manitowoc. The department shall operate and maintain the institution for the treatment of delinquent boys who are placed under

the supervision of the department under s. 48.34 (4h) or (4m). All laws pertaining to the care of children received under s. 48.34 shall apply. Officers and employes of the institution are subject to the same laws as apply to other facilities described in s. 48.557.

SECTION 6363m. 301.205 of the statutes is created to read:

301.205 Reimbursement to visiting families. The department may reimburse families visiting girls at a secured correctional facility, as defined in s. 48.02 (15m). If the department decides to provide the reimbursement, it shall establish criteria for the level of reimbursement, which shall include family income and size and other relevant factors.

SECTION 6363p. 301.26 of the statutes is created to read:

301.26 Community youth and family aids. (1) PROCEDURES. The department shall develop procedures for the implementation of this section and standards for the development and delivery of juvenile delinquency–related services under ch. 48, and shall provide consultation and technical assistance to aid counties in implementation and service delivery. The department shall establish information systems, monitoring and evaluation procedures to report periodically to the governor and legislature on the state impact of this section.

(2) RECEIPT OF FUNDS. (a) All funds to counties under this section shall be allocated to county departments under ss. 46.21, 46.22 and 46.23 subject to ss. 46.495 (2) and 301.031, except that monthly advance payments to the counties may be less than one–twelfth of the contracted amounts. No reimbursement may be made to any multicounty department until the counties which established the department have drawn up a detailed contractual agreement, approved by the secretary, setting forth the plans for joint sponsorship.

(b) Uniform fees collected or received by counties under s. 46.03 (18) for services provided under this section shall be applied to cover the cost of the services.

(c) All funds to counties under this section shall be used to purchase or provide juvenile delinquency–related services under ch. 48, except that no funds to counties under this section may be used for purposes of land purchase, building construction or maintenance of buildings under s. 46.17, 46.175 or 301.37, for reimbursement of costs under s. 48.209, for city lockups or for reimbursement of care costs in temporary shelter care under s. 48.22. Funds to counties under this section may be used for reimbursement of costs of program services, other than basic care and supervision costs, in juvenile secure detention facilities.

(2m) PUBLIC PARTICIPATION PROCESS. In determining the use of funds under this section, county departments under ss. 46.21, 46.22 and 46.23 shall assess needs using an open public participation process which involves representatives of those receiving services.

(3) GRANTS-IN-AID. (a) Receipt of funds under this subsection is contingent upon use of a public participation process required under sub. (2m).

(c) Within the limits of the appropriations under s. 20.410 (3) (cd) and (oo), the department shall allocate funds to each county for services under this section.

(dm) The department may carry forward for a county from one calendar year to another funds allocated under this subsection that are not spent or encumbered. The amount that the department may carry forward for a county under this paragraph may not exceed 5% of the amount allocated to the county for the 12–month period ending December 31. The funds carried forward under this paragraph do not affect a county's base allocation.

(e) The department may carry forward $500,000 or 10% of its funds allocated under this subsection and not encumbered or carried forward under par. (dm) by counties by December 31, whichever is greater, to the next 2 calendar years. The department may transfer moneys from or within s. 20.410 (3) (cd) to accomplish this purpose. The department may allocate these transferred moneys to counties with persistently high rates of juvenile arrests for serious offenses during the next 2 calendar years to improve community–based juvenile delinquency–related services. The allocation does not affect a county's base allocation.

(em) The department may carry forward any emergency funds allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm) by December 31 to the next 2 calendar years. The department may transfer moneys from or within s. 20.410 (3) (cd) to accomplish this purpose. The department may allocate these transferred moneys to counties that are eligible for emergency payments under sub. (7) (e). The allocation does not affect a county's base allocation.

(4) STATE SERVICES. (a) Except as provided in pars. (c) and (cm), the department of corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd) for the costs of care, services and supplies purchased or provided by the department of corrections for each person receiving services under ss. 48.34 and 48.366 or the department of health and social services for each person receiving services under s. 51.35 (3). The department of corrections may not bill a county for or deduct from a county's allocation the cost of care, services and supplies provided to a person subject to an order under s. 48.366 after the person reaches 18 years of age. Payment shall be due within 60 days after the billing date. If any payment has not been received within 60 days, the department of corrections may withhold aid payments in the amount due from the appropriation under s. 20.410 (3) (cd).

(b) Assessment of costs under par. (a) shall be made periodically on the basis of the per person per day cost estimate specified in par. (d) 2. to 4. Except as provided in pars. (bm), (c) and (cm), liability shall apply to county departments under s. 46.21, 46.22 or 46.23 in the county of the court exercising jurisdiction under ch. 48 for each person receiving services from the department of corrections under ss. 48.34 and 48.366 or the department of health and social services under s. 51.35 (3). Except as provided in pars. (bm), (c) and (cm), in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) to the total applicable estimated costs of care, services and supplies provided by the department of corrections under ss. 48.34 and 48.366 and the department of health and social services under s. 51.35 (3).

(bm) Notwithstanding par. (b), the county department under s. 46.21, 46.22 or 46.23 of the county of residency of a child who has been adjudicated delinquent by a court of another county or by a court of another multicounty jurisdiction may voluntarily assume liability for the costs payable under par. (a). A county department may assume liability under this paragraph by a written agreement signed by the director of the county department that assumes liability under this paragraph and the director of the county department that is otherwise liable under par. (b).

(c) Notwithstanding pars. (a), (b) and (bm), the department of corrections shall pay, from the appropriation under s. 20.410 (3) (hm), the costs of care, services and supplies provided for each person receiving services under ss. 48.34, 48.366 and

51.35 (3) who was under the guardianship of the department of health and social services pursuant to an order under ch. 48 at the time that the person was adjudicated delinquent.

(cm) 1. Notwithstanding pars. (a), (b) and (bm), the department shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile correctional institutions, secured child caring institutions, as defined in s. 48.02 (15g), alternate care providers, aftercare supervision providers and corrective sanctions supervision providers for costs incurred beginning on July 1, 1996, for the care of any child 14 years of age or over who has been placed in a juvenile correctional facility based on a delinquent act that is a violation of s. 939.31, 939.32 (1) (a), 940.01, 940.02, 940.03, 940.05, 940.21, 940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02 (1), 948.025, 948.30, 948.35 (1) (b) or 948.36.

2. Notwithstanding pars. (a), (b) and (bm), the department shall transfer funds from the appropriation under s. 20.410 (3) (cg) to the appropriations under s. 20.410 (3) (hm), (ho) and (hr) for the purpose of reimbursing juvenile correctional institutions, secured child caring institutions, as defined in s. 48.02 (15g), alternate care providers, aftercare supervision providers and corrective sanctions supervision providers for costs incurred beginning on July 1, 1996, for the care of any child 14 years of age or over and under 18 years of age who has been placed in a juvenile correctional facility under s. 48.366 based on a delinquent act that is a violation of s. 940.01, 940.02, 940.05 or 940.225 (1).

3. The per person daily reimbursement rate for juvenile correctional services under this paragraph shall be equal to the per person daily cost assessment to counties under par. (d) 3m. and 4. for juvenile correctional services.

(d) 1. Except as provided in pars. (e) to (g), for services under s. 48.34, all payments and deductions made under this subsection and uniform fee collections made under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (3) (hm).

1m. Except as provided in pars. (e) to (g), for services under s. 48.366, all payments and deductions made under this subsection and uniform fee collections made under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (3) (hm).

3m. Beginning on July 1, 1996, and ending on December 31, 1996, the per person daily cost assessment to counties shall be $153.98 for care in a child caring institution, $106.82 for care in a group home for children, $23.80 for care in a foster home, $68.58 for care in a treatment foster home, $82.11 for departmental corrective sanctions services and $11.48 for departmental aftercare services.

4. Beginning on January 1, 1997, and ending on June 30, 1997, the per person daily cost assessment to counties shall be $157.08 for care in a child caring institution, $108.98 for care in a group home for children, $24.29 for care in a foster home, $69.95 for care in a treatment foster home, $82.11 for departmental corrective sanctions services and $11.48 for departmental aftercare services.

(dt) For serious juvenile offender services, all uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation account under s. 20.410 (3) (hm).

(e) For foster care, treatment foster care, group home care and institutional child care to delinquent children under ss. 48.553 (3) and (8), 48.557 and 49.19 (10)

(d) all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (3) (ho).

(ed) For foster care, treatment foster care, group home care and institutional child care to serious juvenile offenders under ss. 48.533 (3) and (8), 48.557 and 49.19 (10) (d) all uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (3) (ho).

(eg) For corrective sanctions services under s. 48.533 (2), all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.410 (3) (hr).

(f) For services under s. 51.35 (3), payments made under par. (d) for services to children who are ineligible for medical assistance under subch. IV of ch. 49 and uniform fee collections under s. 46.03 (18) shall be deposited in the appropriation under s. 20.435 (2) (gk) and all other payments made under this subsection shall be deposited in the general fund and treated as a nonappropriated receipt.

(g) For juvenile field and institutional aftercare services under ch. 48 and for the juvenile offender review program, all payments and deductions made under this subsection and uniform fee collections under s. 46.03 (18) shall be deposited in the general fund and shall be treated as a nonappropriated receipt.

(6) PERFORMANCE STANDARDS. (a) The intent of this subsection is to develop criteria to assist the legislature in allocating funding, excluding funding for base allocations, from the appropriations under s. 20.410 (3) (cd) and (oo) for purposes described in this section.

(b) The department shall submit recommendations to the joint committee on finance regarding performance standards criteria to be used to determine whether

counties are successfully diverting juveniles from juvenile correctional institutions and into less restrictive community programs and are successfully rehabilitating children adjudged delinquent on or before December 31, 1987. Beginning on January 1, 1988, counties shall provide information requested by the department in order to apply the criteria and assess performances.

(7) ALLOCATIONS OF FUNDS. Within the limits of the availability of federal funds and of the appropriations under s. 20.410 (3) (cd) and (oo), the department shall allocate funds for community youth and family aids for the period beginning on July 1, 1996, and ending on June 30, 1997, as provided in this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

(a) For community youth and family aids under this section, amounts not to exceed $37,243,500 for the last 6 months of 1996 and $37,347,600 for the first 6 months of 1997.

(e) For emergencies related to community youth and family aids under this section, amounts not to exceed $125,000 for the last 6 months of 1996 and $125,000 for the first 6 months of 1997. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

(h) For counties that are participating in the corrective sanctions program under s. 48.533 (2), $1,062,400 in the last 6 months of 1996 and $1,062,400 in the first 6 months of 1997 for the provision of corrective sanctions services for children from that county. In distributing funds to counties under this paragraph, the department shall determine a county's distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the program under s. 48.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer

funds among counties as necessary to distribute funds based on the number of slots allocated to each county.

(8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the allocations specified in sub. (7) (a), the department shall allocate $666,700 in the last 6 months of 1996 and $666,700 in the first 6 months of 1997 for alcohol and other drug abuse treatment programs.

SECTION 6363r. 301.263 of the statutes is created to read:

301.263 Community intervention program. (1) From the appropriation under s. 20.410 (3) (f), the department shall distribute $3,750,000 in each year to counties for early intervention services for first offenders and for intensive community–based intervention services for seriously chronic offenders.

(2) To determine eligibility for a payment under sub. (1), the department shall require a county to submit a plan for the expenditure of that payment that ensures that the county targets the programs to be funded under that payment appropriately.

(3) The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the violent Part I juvenile arrests reported statewide under the uniform crime reporting system of the office of justice assistance in the department of administration, during the most recent 2–year period for which that information is available. The department shall distribute 33% of the amounts distributed under sub. (1) based on each county's proportion of the number of children statewide who are placed in a juvenile correctional institution, during the most recent 2–year period for which that information is available. The department shall distribute 34% of the amounts distributed under sub. (1) based on each county's proportion of the total Part I juvenile arrests reported statewide under the uniform

crime reporting system of the office of justice assistance, during the most recent 2–year period for which that information is available.

SECTION 6363t. 301.265 of the statutes is created to read:

301.265 Diversion of youth from gang activities. (1) From the appropriation under s. 20.410 (3) (jk), the department shall allocate $250,000 in each fiscal year to enter into a contract with an organization to provide services in a county having a population of 500,000 or more for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational and employment programs. Notwithstanding s. 16.75, the department may enter into a contract under this subsection without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

(2) From the appropriation under s. 20.410 (3) (p), the department shall allocate $300,000 in each fiscal year to the organization that it has contracted with under sub. (1) for alcohol and other drug abuse education and treatment services for participants in that organization's youth diversion program.

(3) From the appropriation under s. 20.410 (3) (jk), the department shall allocate $100,000 in each fiscal year to enter into a contract with an organization to provide services in Racine County, and $100,000 in each fiscal year to enter into a contract with an organization to provide services in Kenosha County, for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational and employment programs, and for alcohol or other drug abuse education and treatment services for participants in that organization's youth diversion program. Notwithstanding s. 16.75, the department may enter into a contract under this subsection without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

SECTION 6363v. 301.27 (1) of the statutes is amended to read:

301.27 **(1)** CHARGES. In compliance with the compensation plan established under s. 230.12 (3), the department may make and determine charges for meals, living quarters, laundry and other services furnished to employes of the state correctional institutions and members of the employe's family maintained as such. All moneys received from each person on account of these services shall be used for operation of the institutions under s. 20.410 (1) (a) and (3) (a), (hm) and (j). If a chaplain employed in any institution administered by the department is not furnished a residence by the state, $1,800 or 20% of the chaplain's salary, whichever is greater, is designated as his or her housing allowance.

SECTION 6363x. 301.28 (1) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

301.28 **(1)** In this section, "correctional officer" means any person classified as a correctional officer employed by the state whose principal duty is the supervision of inmates at a prison, as defined in s. 302.01~~, or the supervision of children at a secured correctional facility, as defined in s. 48.02 (15m), operated by the department~~.

SECTION 6364. 301.32 (title) and (1) of the statutes are amended to read:

301.32 (title) **Property of prisoners, residents and probationers. (1)** PROPERTY DELIVERED TO STEWARD; CREDIT AND DEBIT. All money including wages and other property delivered to an officer or employe of any institution for the benefit of a prisoner or resident shall be delivered to the steward, who shall enter the property upon his or her books to the credit of ~~a~~ the prisoner or resident. The property may be used only under the direction and with the approval of the superintendent or warden and for the crime victim and witness assistance surcharge under s. 973.045

(4), the deoxyribonucleic acid analysis surcharge under s. 973.046 or the benefit of the prisoner or resident. If the money remains uncalled for one year after the prisoner's or resident's death or departure from the institution, the superintendent shall deposit it in the general fund. If any prisoner or resident leaves property, other than money, uncalled for at an institution for one year, the superintendent shall sell the property and deposit the proceeds in the general fund. If any person satisfies the department, within 5 years after the deposit, of his or her right to the deposit, the department shall direct the department of administration to draw its warrant in favor of the claimant and it shall charge the same to the appropriation made by s. 20.913 (3) (bm).

SECTION 6364g. 301.325 of the statutes is created to read:

301.325 Prisoner reimbursement to the state. The department may charge a prisoner for some or all of the costs to the department of the prisoner's incarceration. The department may collect from the inmate during his or her incarceration or after his or her release or both. Upon the request of the department, the attorney general may bring a civil action to recover costs under this section that the department has been unable to collect. The department may not recover under this section for any costs already recovered as otherwise provided in chs. 301 to 303. The department shall promulgate rules providing a method of charging under this section that is based on a prisoner's ability to pay and providing procedures for collection of the costs.

SECTION 6364m. 301.36 (1) of the statutes is amended to read:

301.36 **(1)** GENERAL AUTHORITY. The department shall investigate and supervise all of the state correctional institutions and all secure detention facilities and familiarize itself with all of the circumstances affecting their management and

usefulness. ~~The department may take enforcement action as to a secure detention facility or the juvenile portion of a county jail only after consultation with the department of health and social services.~~

SECTION 6365. 301.36 (5) of the statutes is amended to read:

301.36 **(5)** ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon request of the department, the attorney general or the district attorney serving the proper county shall aid in any investigation, inspection, hearing or trial had under this chapter or those sections of ch. 48 relating to powers of the department, and shall institute and prosecute all necessary actions or proceedings for the enforcement of those provisions and for the punishment of violations of those provisions. The attorney general or district attorney so requested shall report or confer with the department regarding the request, within 30 days after receipt of the request.

SECTION 6365g. 302.01 of the statutes is amended to read:

302.01 State prisons named and defined. The penitentiary at Waupun is named "Waupun Correctional Institution". The correctional treatment center at Waupun is named "Dodge Correctional Institution". The penitentiary at Green Bay is named "Green Bay Correctional Institution". The medium/maximum penitentiary at Portage is named "Columbia Correctional Institution". The medium security institution at Oshkosh is named "Oshkosh Correctional Institution". The medium security penitentiary near Fox Lake is named "Fox Lake Correctional Institution". The penitentiary at Taycheedah is named "Taycheedah Correctional Institution". The medium security penitentiary at Plymouth is named "Kettle Moraine Correctional Institution". The penitentiary at the village of Sturtevant in Racine county is named "Racine Correctional Institution". The resource facility at Oshkosh is named "Wisconsin Resource Center". The institutions named in this section, the

correctional ~~institution~~ institutions authorized under s. 301.16 (1n) or (1o), correctional institution authorized under s. 301.046 (1), correctional institution authorized under s. 301.048 (4) (b), minimum security correctional institutions authorized under s. 301.13, and state–local shared correctional facilities when established under s. 301.14, are state prisons.

SECTION 6366m. 302.18 (7) of the statutes is amended to read:

302.18 **(7)** Except as provided in s. 973.013 (3m), the department ~~of corrections~~ shall keep all prisoners under 16 years of age in secured juvenile correctional facilities or secured child caring institutions, but the department ~~of health and social services, with the concurrence of the department of corrections,~~ may transfer them to adult correctional institutions after they attain 16 years of age.

SECTION 6367. 302.31 of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

302.31 Use of jails. The county jail may be used for the detention of persons charged with crime and committed for trial; for the detention of persons committed to secure their attendance as witnesses; to imprison persons committed pursuant to a sentence or held in custody by the sheriff for any cause authorized by law; for the detention of persons sentenced to imprisonment in state penal institutions or a county house of correction, until they are removed to those institutions; for the detention of persons participating in the intensive sanctions program; for the temporary detention of persons in the custody of the department; and for other detentions authorized by law. The county jail may be used for the temporary placement of persons in the custody of the department, and persons who have attained the age of ~~18~~ 17 years but have not attained the age of 25 years who are under the supervision of the department of health and social services under s. 48.355

(4) or 48.366 and who have been taken into custody pending revocation of aftercare supervision under s. 48.357 (5) (e) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5) (e).

SECTION 6367m. 302.31 of the statutes, as affected by 1993 Wisconsin Act 385 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

302.31 Use of jails. The county jail may be used for the detention of persons charged with crime and committed for trial; for the detention of persons committed to secure their attendance as witnesses; to imprison persons committed pursuant to a sentence or held in custody by the sheriff for any cause authorized by law; for the detention of persons sentenced to imprisonment in state penal institutions or a county house of correction, until they are removed to those institutions; for the detention of persons participating in the intensive sanctions program; for the temporary detention of persons in the custody of the department; and for other detentions authorized by law. The county jail may be used for the temporary placement of persons in the custody of the department, and persons who have attained the age of 17 years but have not attained the age of 25 years who are under the supervision of the department under s. 48.355 (4) or 48.366 and who have been taken into custody pending revocation of aftercare supervision under s. 48.357 (5) (e) or 48.366 (5) or corrective sanctions supervision under s. 48.357 (5) (e).

SECTION 6367x. 302.33 (2) (a) 3. of the statutes is amended to read:

302.33 **(2)** (a) 3. After verification by the department, it shall reimburse the county or tribal governing body at a rate of $36 per person per day prior to January 1, 1993, and $40 per person per day thereafter, subject to the conditions in subds. 1. and 2. If the amount provided under s. 20.410 (1) (bn)~~, after payment is made under subd. 4.,~~ for any fiscal year is insufficient to provide complete reimbursement at that

rate, the department shall prorate the payments under this subdivision to counties or tribal governing bodies for that fiscal year. The department shall not reimburse a county or tribal governing body unless that county or tribal governing body informs the department of the amount of reimbursement to which it is entitled under this subsection no later than September 1 of the fiscal year following the fiscal year for which reimbursement is requested.

SECTION 6368c. 302.33 (2) (a) 4. of the statutes is repealed.

SECTION 6369. 302.38 (3) of the statutes is amended to read:

302.38 **(3)** The maximum amount that a governmental unit may pay for the costs of medical or hospital care under this section is limited for that care to the amount payable by medical assistance under ~~ss. 49.43 to 49.47~~ subch. IV of ch. 49, except s. 49.468, for care for which a medical assistance rate exists. No provider of medical or hospital care may bill a prisoner under sub. (1) for the cost of care exceeding the amount paid under this subsection by the governmental unit. If no medical assistance rate exists for the care provided, there is no limitation under this subsection.

SECTION 6369q. 302.386 (2m) of the statutes is created to read:

302.386 **(2m)** The department shall collect moneys under sub. (2) for medical and dental services furnished to residents under sub. (1) and credit those moneys to the appropriation account under s. 20.410 (1) (gi).

SECTION 6370. 302.386 (3) of the statutes is renumbered 302.386 (3) (a) and amended to read:

302.386 **(3)** (a) ~~The~~ Except as provided in par. (b), the department may require a resident housed in a prison identified in s. 302.01 or in a secured correctional facility as defined in s. 48.02 (15m) who earns wages during residency and who

receives medical or dental services to pay a deductible, coinsurance, copayment or similar charge upon the medical or dental service that he or she receives. The department shall collect the allowable deductible, coinsurance, copayment or similar charge.

(c) No provider of services may deny care or services because the resident is unable to pay the applicable deductible, coinsurance, copayment or similar charge, but an inability to pay these charges does not relieve the resident of liability for the charges unless the department excepts or waives the liability under criteria that the department shall establish by rule.

SECTION 6371. 302.386 (3) (b) of the statutes is created to read:

302.386 **(3)** (b) If the resident under par. (a) requests the medical services or dental services, the department shall require the resident to pay the deductible, coinsurance, copayment or similar charge. The department may not charge the person less than $2.50 for each request. The requirements under this paragraph are subject to the exception and waiver provisions under par. (c).

SECTION 6371g. 302.386 (3) (d) of the statutes is created to read:

302.386 **(3)** (d) The department shall credit all moneys that it collects under this subsection to the appropriation account under s. 20.410 (1) (gi).

SECTION 6372. 302.386 (4) (a) of the statutes is amended to read:

302.386 **(4)** (a) The specific medical or dental services on which a deductible, coinsurance, copayment or similar charge may be imposed under sub. (3) (a) or must be imposed under sub. (3) (b).

SECTION 6373. 302.386 (4) (b) of the statutes is amended to read:

302.386 **(4)** (b) The amounts of deductibles, coinsurances, copayments or similar charges ~~that may be imposed on~~ for the medical or dental services under par. (a).

SECTION 6373m. 302.386 (6) of the statutes is created to read:

302.386 **(6)** The department may collect a deductible, coinsurance, copayment or similar charge under this section or the department or the attorney general may collect under s. 301.325, but the state may not collect for the same expense twice.

SECTION 6374. 302.425 (1) of the statutes is renumbered 302.425 (1) (intro.) and amended to read:

302.425 **(1)** DEFINITION. (intro.) In this section~~, "jail":~~

(b) "Jail" includes a house of correction and a Huber facility under s. 303.09.

SECTION 6375. 302.425 (1) (a) of the statutes is created to read:

302.425 **(1)** (a) "County department" has the meaning given in s. 48.02 (2g).

SECTION 6376. 302.425 (2g) of the statutes is created to read:

302.425 **(2g)** COUNTY DEPARTMENTS AND DEPARTMENT OF HEALTH AND SOCIAL SERVICES; GENERAL AUTHORITY. Subject to the limitations under sub. (3m), a county department or the department of health and social services may place in the home detention program any child who is in its custody or under its supervision.

SECTION 6377. 302.425 (2m) of the statutes is amended to read:

302.425 **(2m)** INTENSIVE SANCTIONS PROGRAM PARTICIPANTS. Notwithstanding the agreement requirements under sub. (3), the department of corrections may place any intensive sanctions program participant in a home detention program.

SECTION 6378. 302.425 (3) of the statutes is amended to read:

302.425 **(3)** (title) PLACEMENT OF A PRISONER IN THE PROGRAM. If a prisoner described under sub. (2) and the department of corrections agree, the sheriff may

place the prisoner in the home detention program and provide that the prisoner be detained at the prisoner's place of residence or other place designated by the sheriff and be monitored by an active electronic monitoring system. The sheriff shall establish reasonable terms of detention and ensure that the prisoner is provided a written statement of those terms, including a description of the detention monitoring procedures and requirements and of any applicable liability issues. The terms may include a requirement that the prisoner pay the county a daily fee to cover the county costs associated with monitoring him or her.

SECTION 6379. 302.425 (3m) of the statutes is created to read:

302.425 **(3m)** PLACEMENT OF A CHILD IN THE PROGRAM. Upon the agreement of the department of corrections, the county department or the department of health and social services may place the child in the home detention program and provide that the child be detained at the child's place of residence or other place designated by the county department or the department of health and social services and be monitored by an active electronic monitoring system. The county department or the department of health and social services shall provide reasonable terms of detention and ensure that the child receives a written statement of those terms, including a description of the detention monitoring procedures and requirements and of any applicable liability issues. The terms may include a requirement that the child or his or her parent or guardian pay the county or state a daily fee to cover the costs associated with monitoring him or her.

SECTION 6380. 302.425 (4) of the statutes is amended to read:

302.425 **(4)** DEPARTMENTAL DUTIES. The department <u>of corrections</u> shall ensure that electronic monitoring equipment units are available<u>, pursuant to contractual agreements with county sheriffs, county departments and the department of health</u>

and social services, throughout the state on an equitable basis. If a prisoner is chosen under sub. (3) or a child is chosen under sub. (3m) to participate in the home detention program, the department of corrections shall install and monitor electronic monitoring equipment. The department of corrections shall charge the county a daily per prisoner fee or per child fee, whichever is applicable, to cover the department's costs for these services.

SECTION 6381. 302.425 (6) of the statutes is amended to read:

302.425 **(6)** ESCAPE. Any intentional failure of a prisoner to remain within the limits of his or her detention or to return to his or her place of detention, as specified in the terms of detention under sub. (3), is considered an escape under s. 946.42 (3) (a).

SECTION 6382. 303.01 (1) (b) of the statutes is amended to read:

303.01 **(1)** (b) The department, with the approval of the prison industries board and after a hearing is held under par. (c), may establish industries for the employment of inmates in the state prisons or residents in any correctional institution operated by the department for holding in secure custody persons adjudged delinquent. Except as provided in par. (d), prison industries may engage in manufacturing articles for and providing services to the state and its political subdivisions and any tax–supported institution or nonprofit agency and for sale of such articles and services to other states or political divisions thereof or to the United States. The department shall fix the price of all products and services as near the market price as possible. Supplies, materials and equipment may be reconditioned by prison industries for sale under s. 16.72.

SECTION 6383. 303.01 (2) (e) of the statutes is amended to read:

303.01 **(2)** (e) Maintain auto shops in connection with auto schools and may receive from licensed automobile dealers and regularly established automobile repair shops vehicles to be repaired, painted or otherwise processed by inmates or residents of the school;

SECTION 6384. 303.01 (2) (em) of the statutes is created to read:

303.01 **(2)** (em) Lease space, with or without equipment, within the precincts of state prisons, as specified in s. 302.02, to not more than 3 private businesses to employ prison inmates to manufacture products or components or to provide services for sale on the open market. The department shall comply with s. 16.75 in selecting businesses under this paragraph. The department may select a business or enter into a lease under this paragraph only with the approval of the joint committee on finance. The department shall consult with appropriate trade organizations and labor unions prior to issuing requests for proposals and prior to selecting proposals under this paragraph. Each such private business may conduct its operations as a private business, subject to the wage standards under sub. (4), the disposition of earnings under sub. (8), the requirements for notification and hearing under sub. (1) (c), the requirement for prison industries board approval under s. 303.015 (1) (b) and the authority of the department to maintain security and control in its institutions. The private business and its operations are not a prison industry. Inmates employed by the private business are not subject to the requirements of inmates participating in prison industries, except as provided in this paragraph;

SECTION 6385. 303.01 (2) (em) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

303.01 **(2)** (em) Lease space, with or without equipment, within the precincts of state prisons, as specified in s. 302.02, or within the confines of correctional

institutions operated by the department for holding in secure custody persons adjudged delinquent, to not more than 3 private businesses to employ prison inmates and institution residents to manufacture products or components or to provide services for sale on the open market. The department shall comply with s. 16.75 in selecting businesses under this paragraph. The department may select a business or enter into a lease under this paragraph only with the approval of the joint committee on finance. The department shall consult with appropriate trade organizations and labor unions prior to issuing requests for proposals and prior to selecting proposals under this paragraph. Each such private business may conduct its operations as a private business, subject to the wage standards under sub. (4), the disposition of earnings under sub. (8), the requirements for notification and hearing under sub. (1) (c), the requirement for prison industries board approval under s. 303.015 (1) (b) and the authority of the department to maintain security and control in its institutions. The private business and its operations are not a prison industry. Inmates employed by the private business are not subject to the requirements of inmates participating in prison industries, except as provided in this paragraph;

SECTION 6386. 303.01 (2) (f) of the statutes is amended to read:

303.01 **(2)** (f) Lease or purchase land within the state for the employment of prisoners or residents; and

SECTION 6387. 303.01 (2) (g) of the statutes is amended to read:

303.01 **(2)** (g) Construct barracks for the safekeeping of prisoners or residents employed in the prison industries outside the prison or institution proper on the prison or institution premises.

SECTION 6388. 303.01 (4) of the statutes is amended to read:

303.01 **(4)** WAGE STANDARDS. All inmates and residents shall be paid a wage ~~which~~ that is based on the productivity of the work the inmates and residents perform. Wages may be established at an hourly rate plus an incentive wage based on productivity and piecework formulas may be created. However, wages shall not be set at a rate such as to cause a deficit on operations. Changes in inmate and resident wage rate schedules may not be made without approval of the prison industries board.

SECTION 6389. 303.01 (6) of the statutes is amended to read:

303.01 **(6)** GOAL. To the extent possible, prison industries shall be operated in a manner that is similar to private business and industry. The primary goal of prison industries shall be to operate in a profitable manner. Within this goal, inmates or residents employed in prison industries shall be provided with training and work experience that allows them to develop skills necessary to retain employment in outside business and industry. Consistent with available resources, inmates or residents employed in prison industries may be required to take education courses related to their work to enhance their capacity for employment upon release from prison or an institution specified under sub. (1) (b).

SECTION 6390. 303.01 (8) of the statutes is amended to read:

303.01 **(8)** DISPOSITION OF EARNINGS. The department has the authority to determine how much, if any, of the earnings of an inmate or resident may be spent and for what purposes they may be spent within the confines of the prison or institution. The department shall distribute earnings for the crime victim and witness assistance surcharge under s. 973.045 (4), for the deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance with s. 303.06 (2) and may distribute earnings for the support of the inmate's or resident's dependents and for

other obligations either acknowledged by the inmate or resident in writing or which have been reduced to judgment that may be satisfied according to law. The department shall credit all moneys that it collects from earnings of inmates and residents under sub. (2) (em) to the appropriation account under s. 20.410 (1) (gi).

SECTION 6391. 303.015 (1) (c) of the statutes is amended to read:

303.015 **(1)** (c) Prior to submission to the legislative council staff for review under s. 227.15, departmental rules relating to hiring, termination, evaluation and compensation of, or other conditions of employment for, inmates or residents in prison industries shall be submitted to the board for approval. Board authority over rules shall not extend to determination of which inmates or residents are eligible for employment in prison industries or to security matters.

SECTION 6393. 303.06 (1) of the statutes is amended to read:

303.06 **(1)** Except as authorized in ~~sub. (2)~~ this section, no goods, except farm machinery, farm implements and tools, cordage rope and ply goods, manufactured wholly or partly by inmates in any state, city or county penal institution may be offered for sale in the open market.

SECTION 6394. 303.06 (2) of the statutes is amended to read:

303.06 **(2)** The department may enter into or renew a contract with a manufacturer or distributor to have prison industries provide products, components or services if at the time that the contract is originally entered into the products, components or services have been supplied to the manufacturer or distributor for the previous 12 months by a facility outside the United States. The department shall collect not less than 5% nor more than 20% of the gross wages of inmates or residents earned under such a contract to be credited to the appropriation under s. 20.455 (5) (i).

SECTION 6395. 303.06 (3) of the statutes is created to read:

303.06 **(3)** A private business may sell products, components or services under s. 303.01 (2) (em) in the open market. Similar products, components or services from a prison industry program from another state may be sold in the open market.

SECTION 6398m. 303.065 (5) (dm) of the statutes is created to read:

303.065 **(5)** (dm) Payment for legal representation under s. 977.07 (2) or 977.075;

SECTION 6398p. 303.065 (6) of the statutes is created to read:

303.065 **(6)** The department shall credit all moneys that it collects under sub. (5) (a) and (d) to the appropriation account under s. 20.410 (1) (gi).

SECTION 6398r. 303.065 (7) of the statutes is created to read:

303.065 **(7)** The department may receive payments for its costs under this section or the department or the attorney general may collect under s. 301.325, but the state may not collect for the same expense twice.

SECTION 6399. 303.066 of the statutes is created to read:

303.066 Wisconsin conservation corps projects. The department may sponsor Wisconsin conservation corps projects under s. 16.20 (8g).

SECTION 6399m. 303.066 of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

303.066 Wisconsin conservation corps projects. The department may sponsor Wisconsin conservation corps projects under s. ~~16.20~~ 106.215 (8g).

SECTION 6400. 303.21 (1) (b) of the statutes is amended to read:

303.21 **(1)** (b) Inmates are included under par. (a) if they are participating in a structured work program away from the institution grounds under s. 302.15. Inmates are not included under par. (a) if they are employed in a prison industry

under s. 303.06 (2), participating in a work release program under s. 303.065 (2), participating in employment with a private business under s. 303.01 (2) (em) or participating in the transitional employment program, but they are eligible for worker's compensation benefits as provided under ch. 102.

SECTION 6401. 303.21 (1) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

303.21 **(1)** (b) Inmates are included under par. (a) if they are participating in a structured work program away from the institution grounds under s. 302.15. Inmates are not included under par. (a) if they are employed in a prison industry under s. 303.06 (2), participating in a work release program under s. 303.065 (2), participating in employment with a private business under s. 303.01 (2) (em) or participating in the transitional employment program, but they are eligible for worker's compensation benefits under ch. 102. Residents subject to s. 303.01 (1) (b) are not included under par. (a) but they are eligible for worker's compensation benefits under ch. 102.

SECTION 6402. 303.215 of the statutes is amended to read:

303.215 (title) **Compensation to prisoners or residents injured in prison industries employment.** In accordance with s. 102.03 (2), for an inmate of a state institution or a resident subject to s. 303.01 (1) (b) employed under s. 303.06 (2), compensation under ch. 102 on being released from the applicable institution, ~~either~~ on parole ~~or~~, on final discharge or in accordance with ch. 48, whichever is applicable, is the exclusive remedy against the department and any employe of the department for any injury sustained by the inmate or resident while performing service growing out of and incidental to that employment. The department shall make any payments required under this section from the revolving appropriation for

the operation of prison industries or, if there is no revolving appropriation for the operation of prison industries, from the general fund.

SECTION 6403. 303.22 of the statutes is amended to read:

303.22 Work on Sundays and holidays. No prisoner ~~shall~~, or resident subject to s. 303.01 (1) (b), may be compelled to work on Sunday or a legal holiday, except ~~it be on~~ if the work is necessary household work or when the work is necessary to maintain the management or discipline of the institution.

SECTION 6405. 304.06 (1) (b) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

304.06 **(1)** (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or 973.0135, the parole commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. ~~The parole commission may parole a participant in the youthful offender program under s. 48.537 when he or she has participated in that program for 2 years.~~ Except as provided in s. 939.62 (2m) or 973.014, the parole commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension using the formulas under s. 302.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the parole commission shall not provide any convicted offender or other person sentenced to the department's custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

SECTION 6405m. 304.06 (1) (b) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

304.06 **(1)** (b) Except as provided in sub. (1m) or s. 161.49 (2), 302.045 (3) or 973.0135, the parole commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. The parole commission may parole a participant in the serious juvenile offender program under s. 48.538 when he or she has participated in that program for 2 years. Except as provided in s. 939.62 (2m) or 973.014, the parole commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension using the formulas under s. 302.11 (2). The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The secretary may grant special action parole releases under s. 304.02. The department or the parole commission shall not provide any convicted offender or other person sentenced to the department's custody any parole eligibility or evaluation until the person has been confined at least 60 days following sentencing.

SECTION 6406. 304.07 of the statutes, as affected by 1993 Wisconsin Act 385, is renumbered 48.535.

SECTION 6407x. 304.073 of the statutes is created to read:

304.073 Administrative and minimum supervision. (1) In this section:

(a) "Administrative supervision" has the meaning given in s. 301.08 (1) (c) 1. a.

(b) "Minimum supervision" has the meaning given in s. 301.08 (1) (c) 1. b.

(2) Beginning on January 1, 1996, the department shall charge a fee to any probationer or parolee who is under minimum or administrative supervision and is supervised by the department. The fee does not apply if the person is supervised by a vendor under s. 301.08 (1) (c) 2. The department shall set the fee sufficient to cover the cost of supervision. The department shall collect moneys for the fee charged under this subsection and credit those moneys to the appropriation account under s. 20.410 (1) (ge).

(3) The department shall promulgate rules setting the rate under sub. (2) and providing the procedure and timing for collecting the fee charged under sub. (2).

SECTION 6408. 304.074 of the statutes is created to read:

304.074 Probationer and parolee reimbursement fee. (1) In this section:

(a) "Administrative supervision" has the meaning given in s. 301.08 (1) (c) 1. a.

(b) "Minimum supervision" has the meaning given in s. 301.08 (1) (c) 1. b.

(2) Beginning on January 1, 1996, the department shall charge a fee to probationers and parolees to partially reimburse the department for the costs of providing supervision and services. The department shall set varying rates for probationers and parolees based on ability to pay and with the goal of receiving at least $1 per day, if appropriate, from each probationer and parolee. The department shall not charge a fee while the probationer or parolee is exempt under sub. (3). The department shall collect moneys for the fees charged under this subsection and credit those moneys to the appropriation account under s. 20.410 (1) (gf).

(3) The department may decide not to charge a fee under sub. (2) to any probationer or parolee while he or she meets any of the following conditions:

(a) Is unemployed.

(b) Is pursuing a full–time course of instruction approved by the department.

(c) Is undergoing treatment approved by the department and is unable to work.

(d) Has a statement from a physician certifying to the department that the probationer or parolee should be excused from working for medical reasons.

(4) The fee under sub. (2) does not apply to any probationer or parolee who is under minimum or administrative supervision.

(5) The department shall promulgate rules setting rates under sub. (2) and providing the procedure and timing for collecting fees charged under sub. (2).

SECTION 6409m. 340.01 (56) (a) (intro.) of the statutes is amended to read:

340.01 **(56)** (a) (intro.) Means a motor vehicle which carries ~~10~~ 16 or more passengers in addition to the operator or a motor vehicle painted in accordance with s. 347.44 (1) for the purpose of transporting:

SECTION 6411b. 342.14 (1m) of the statutes is repealed.

SECTION 6412b. 343.10 (6) of the statutes is amended to read:

343.10 **(6)** FEE. No person may file a petition for an occupational license unless he or she first pays a fee of $40 to the clerk of the circuit court if the petition is to a judge of the circuit court, to the municipal court if the petition is to a judge of the municipal court or to the department if the petition is to the department under sub. (10). The clerk of the circuit court or the municipal court official shall give the person a receipt and forward the fee to the county or municipal treasurer, respectively. That treasurer shall pay 50% of the fee to the ~~state treasurer~~ secretary of administration under s. 59.20 (8r) and retain the balance for the use of the county or municipality, respectively. The department shall give the person a receipt.

SECTION 6412c. 343.15 (2) (a) of the statutes is amended to read:

343.15 **(2)** (a) In this subsection, "custody" does not mean joint legal custody as defined in s. 767.001 ~~(1)~~ (1m).

SECTION 6412d. 344.185 (2) (e) 2. of the statutes is amended to read:

344.185 **(2)** (e) 2. All other proceeds of the sale remaining after the payments under subd. 1. shall be retained by the secretary and applied as security for payment of judgments and assignments as provided under s. 344.20 (2). Any amounts not used to pay judgments or assignments shall be transmitted to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

SECTION 6412e. 344.576 (3) (a) 5. of the statutes is amended to read:

344.576 **(3)** (a) 5. The address and telephone number of the ~~office of consumer protection in the department of justice~~ department of agriculture, trade and consumer protection.

SECTION 6412m. 344.576 (3) (c) of the statutes is amended to read:

344.576 **(3)** (c) The department of ~~justice~~ agriculture, trade and consumer protection shall promulgate rules specifying the form of the notice required under par. (a), including the size of the paper and the type size and any highlighting of the information described in par. (a). The rule may specify additional information that must be included in the notice and the precise language that must be used.

SECTION 6412s. 344.579 (2) (intro.) of the statutes is amended to read:

344.579 **(2)** ENFORCEMENT. (intro.) The department of ~~justice~~ agriculture, trade and consumer protection shall investigate violations of ss. 344.574, 344.576 (1), (2) and (3) (a) and (b), 344.577 and 344.578. The department of ~~justice~~ agriculture, trade and consumer protection may on behalf of the state:

SECTION 6413m. 345.08 of the statutes is amended to read:

345.08 Suit to recover protested tax or fee. No suit shall be maintained in any court to restrain or delay the collection or payment of the taxes levied or the fees imposed or enacted in chs. 341 to 349.The aggrieved taxpayer shall pay the tax or fee as and when due and, if paid under protest, may at any time within 90 days from the date of such payment sue the state in an action at law to recover the tax or fee so paid. If it is finally determined that such tax or fee or any part thereof was wrongfully collected for any reason, the ~~department~~ secretary of administration shall ~~issue a warrant on the state treasurer for~~ pay out of the transportation fund the amount of such tax or fee so adjudged to have been wrongfully collected ~~and the state treasurer shall pay the same out of the transportation fund~~. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as were made within the 90–day period preceding the commencement of the action. Such suits shall be commenced as provided in s. 775.01.

SECTION 6415. 346.503 (1m) (g) of the statutes is amended to read:

346.503 **(1m)** (g) This subsection does not affect the authority under s. 101.13 of the department of ~~industry, labor and human relations~~ development to require by rule the reservation of parking spaces for use by a motor vehicle used by a physically disabled person.

SECTION 6416. 346.503 (4) of the statutes is amended to read:

346.503 **(4)** The department, after consulting with the department of ~~industry, labor and human relations~~ development, shall promulgate rules governing the design, size and installation of the official traffic signs required under sub. (2) or (2m).

SECTION 6416c. 346.655 (1) of the statutes is amended to read:

346.655 **(1)** On or after July 1, 1988, if a court imposes a fine or a forfeiture for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge in an amount of ~~$250~~ $300 in addition to the fine or forfeiture, penalty assessment and jail assessment.

SECTION 6416d. 346.655 (2) (a) of the statutes is amended to read:

346.655 **(2)** (a) Except as provided in par. (b), the clerk of court shall collect and transmit the amount under sub. (1) to the county treasurer as provided in s. 59.395 (5). The county treasurer shall then make payment of ~~15%~~ 29.2% of the amount to the state treasurer as provided in s. 59.20 (5) (b).

SECTION 6416e. 346.655 (2) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

346.655 **(2)** (a) Except as provided in par. (b), the clerk of court shall collect and transmit the amount under sub. (1) to the county treasurer as provided in s. 59.395 (5). The county treasurer shall then make payment of 29.2% of the amount to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b).

SECTION 6416m. 346.655 (2) (b) of the statutes is amended to read:

346.655 **(2)** (b) If the forfeiture is imposed by a municipal court, the court shall transmit the amount to the treasurer of the county, city, town or village, and that treasurer shall make payment of 15% of the amount to the ~~state treasurer~~ secretary of administration as provided in s. 66.12 (1) (b). The treasurer of the city, town or village shall transmit the remaining 85% of the amount to the treasurer of the county.

SECTION 6416s. 346.655 (3) of the statutes is amended to read:

346.655 **(3)** All moneys collected from the driver improvement surcharge that are transmitted to the county treasurer under sub. (2) (a) or (b), except the amounts that the county treasurer is required to transmit to the ~~state treasurer~~ secretary of administration under sub. (2) (a) or (b), shall be retained by the county treasurer and disbursed to the county department under s. 51.42 for services under s. 51.42 for drivers referred through assessment.

SECTION 6416v. 347.40 (2) of the statutes is amended to read:

347.40 **(2)** No person shall operate on a highway any school bus having a passenger–carrying capacity of ~~10~~ 16 or more persons ~~including~~ in addition to the operator unless such bus is equipped with at least one mirror which is 7 inches in diameter so located as to enable the operator to see a reflection of the road from the entire front bumper forward to a point where direct observation is possible.

SECTION 6418g. 350.115 (1) (c) of the statutes is amended to read:

350.115 **(1)** (c) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the snowmobile registration restitution payment prescribed in this section. If the deposit is forfeited, the amount of the snowmobile registration restitution payment shall be transmitted to the ~~state treasurer~~ secretary of administration under par. (d). If the deposit is returned, the snowmobile registration restitution payment shall also be returned.

SECTION 6418r. 350.115 (1) (d) of the statutes is amended to read:

350.115 **(1)** (d) The clerk of the court shall collect and transmit to the county treasurer the snowmobile registration restitution payment and other amounts required under s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b).

SECTION 6419. 350.12 (4) (a) (intro.) of the statutes is amended to read:

350.12 **(4)** (a) *Enforcement, administration and related costs.* (intro.) The moneys appropriated from s. 20.370 (3) (aq), ~~(4) (ft)~~ (5) (es) and ~~(is)~~ (mw) and (8) (dq) may be used for the following:

SECTION 6420. 350.12 (4) (a) 4. of the statutes is amended to read:

350.12 **(4)** (a) 4. An amount necessary to pay the cost of law enforcement aids to counties as appropriated under s. 20.370 ~~(4) (ft)~~ (5) (es). On or before June 1, a county shall file with the department on forms prescribed by the department a detailed statement of the costs incurred by the county in the enforcement of this chapter during the preceding May 1 to April 30. The department shall audit the statements and determine the county's net costs for enforcement of this chapter. The department shall compute the state aids on the basis of 100% of these net costs and shall pay these aids on or before October 1. If the state aids payable to counties exceed the moneys available for such purpose, the department shall prorate the payments.

SECTION 6421. 350.12 (4) (b) (intro.) of the statutes is amended to read:

350.12 **(4)** (b) *Trail aids and related costs.* (intro.) The moneys appropriated under s. 20.370 (1) (mq) and ~~(4) (bs)~~ (5) (cr) and ~~(bt)~~ (cs) shall be used for development and maintenance, the cooperative snowmobile sign program, major reconstruction or rehabilitation to improve bridges on existing approved trails, trail rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas and distributed as follows:

SECTION 6430. 350.12 (4) (bg) of the statutes is amended to read:

350.12 **(4)** (bg) *Supplemental trail aid payments.* Of the moneys appropriated under s. 20.370 ~~(4) (bt)~~ (5) (cs), the department shall make available in fiscal year

1992–93 and each fiscal year thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make payments to the department or a county under par. (bm) for trail maintenance costs incurred in the previous fiscal year that exceed the maximum specified under par. (b) 1. before expending any of the amount for the other purposes specified in par. (b).

SECTION 6434g. 350.12 (4) (br) of the statutes is amended to read:

350.12 **(4)** (br) (title) *Supplemental trail aid payments; ~~proration~~ insufficient funding*. If the aid that is payable to counties and to the department under par. (bm) exceeds the moneys available under par. (bg), the department ~~shall~~ may prorate the payments or may request the joint committee on finance to take action under s. 13.101. The requirement of a finding of emergency under s. 13.101 (3) (a) 1. does not apply to such a request.

SECTION 6435. 350.12 (4) (c) of the statutes is amended to read:

350.12 **(4)** (c) *Lapses*. Any moneys appropriated under s. 20.370 (1) (mq), (3) (aq), ~~(4) (is)~~ (5) (mw) or (8) (dq) that lapse at the end of the fiscal year or that lapse after the end of the fiscal year because of the liquidation of an encumbrance shall revert to the snowmobile account in the conservation fund.

SECTION 6446. 409.403 (3) of the statutes is amended to read:

409.403 **(3)** A continuation statement may be filed by the secured party within 6 months prior to the expiration of the 5–year period specified in sub. (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with s. 409.405 (2), including payment of the

required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for 5 years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in sub. (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if the officer has retained a microfilm or other photographic record or an optical disk or electronic copy. In other cases a lapsed statement may not be destroyed until after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if the officer physically destroys the financing statements of a period more than 5 years past, those which have been continued by a continuation statement or which are still effective under sub. (6) shall be retained.

SECTION 6447. 409.403 (4) of the statutes is amended to read:

409.403 **(4)** Except as provided in sub. (7), a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof, or an optical disk or electronic copy thereof, for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

SECTION 6456. 409.404 (2) of the statutes is amended to read:

409.404 **(2)** On presentation to the filing officer of a termination statement the officer must note it in the index. If the officer has received the termination statement

in duplicate, the officer shall return one copy of the termination statement to the secured party stamped to show the time of receipt. If the filing officer has a microfilm, other photographic record or optical disk or electronic copy of the financing statement, and of any related continuation statement, statement of assignment and statement of release, the officer may remove the originals from the files at any time after receipt of the termination statement, or if the officer has no such record, the officer may remove them from the files at any time after one year after receipt of the termination statement.

SECTION 6461. 409.407 (2) (c) of the statutes is created to read:

409.407 **(2)** (c) For providing any service under par. (a) or (b) in an expeditious manner, the secretary of state may charge and collect an expedited service fee of $25 in addition to any fee required under par. (a) or (b). Only one expedited service fee may be charged for multiple identical certificates if the certificates are requested at the same time and issued at the same time.

SECTION 6463. 409.409 of the statutes is amended to read:

409.409 Storage of records. Whenever in this chapter a filing officer is required to mark, index or file any financing statement, termination statement, continuation statement, statement of assignment or statement of release, the officer may destroy the original statement after a microfilm or other photographic copy or an optical disk or electronic copy has been prepared and filed for retention.

SECTION 6466. 422.501 (2) (b) 8. of the statutes is amended to read:

422.501 **(2)** (b) 8. A person registered as a mortgage banker, loan originator or loan solicitor under s. ~~440.72~~ 224.72 if the person is acting within the course and scope of that registration.

SECTION 6468. 422.505 (1) (e) of the statutes is amended to read:

422.505 **(1)** (e) A conspicuous statement, in not less than 8–point boldface type, as follows: "THIS CREDIT SERVICES ORGANIZATION IS REGISTERED BY THE ~~OFFICE OF THE COMMISSIONER OF BANKING, P.O. BOX 7876, MADISON, WISCONSIN 53707~~ DIVISION OF BANKING at .... (insert address)."

SECTION 6469. 426.103 of the statutes is amended to read:

426.103 Administrator. "Administrator" means the ~~commissioner~~ division of banking ~~(s. 220.02)~~.

SECTION 6470. 426.104 (2) (intro.) of the statutes is amended to read:

426.104 **(2)** (intro.) The administrator shall report annually on practices in consumer transactions, on the use of consumer credit in the state, on problems attending the collection of debts, on the problems of persons of limited means in consumer transactions, and on the operation of chs. 421 to 427. For the purpose of making the report, the administrator may conduct research and make appropriate studies. The report shall be included in the report of the ~~commissioner~~ division of banking under s. 220.14 and shall include:

SECTION 6470m. 426.104 (4) (ab) of the statutes is created to read:

426.104 **(4)** (ab) 1. Upon the request of any person, the administrator shall review any act, practice, procedure or form that has been submitted to the administrator in writing to determine whether the act, practice, procedure or form is consistent with chs. 421 to 427.

2. The administrator may charge the person making a request under subd. 1. for necessary expenses incurred in conducting the review, except the administrator may not charge any of the following persons:

a. A person registered under s. 426.201.

b. A trade organization, if a majority of the members of the trade organization are registered under s. 426.201.

3. Any charge assessed under subd. 2. shall be paid within 30 days after the date on which the administrator assesses the charge.

SECTION 6471b. Subchapter II (title) of chapter 426 [precedes 426.201] of the statutes is amended to read:

CHAPTER 426

SUBCHAPTER II

~~NOTIFICATION~~ REGISTRATION

AND FEES

SECTION 6471d. 426.201 (title) of the statutes is repealed and recreated to read:

426.201 (title) **Registration.**

SECTION 6471e. 426.201 (1) (intro.) of the statutes is amended to read:

426.201 **(1)** (intro.) ~~This subchapter applies~~ The registration requirements of this section apply to persons who do any of the following in this state:

SECTION 6471g. 426.201 (1) (a) of the statutes is amended to read:

426.201 **(1)** (a) Make or solicit consumer credit transactions ~~in which a finance charge at a rate in excess of that permitted under s. 138.05, 1977 stats., is imposed as part of the initial transaction, or modifications thereof~~, except a person who engages in consumer credit transactions solely through honoring credit cards issued by 3rd parties not related to such person~~; or~~.

SECTION 6471h. 426.201 (2) of the statutes is amended to read:

426.201 **(2)** Each person subject to ~~this subchapter~~ the registration requirements under sub. (1) shall file ~~notification~~ a registration statement with the administrator within 30 days after commencing business in this state, and

thereafter, on or before ~~December 1~~ February 28 of each year. The ~~notification~~ registration statement shall ~~state~~ include all of the following information:

(a) ~~Name~~ The name of the person~~;~~.

(b) ~~Name in~~ The name under which the person transacts business ~~is transacted~~ if different from par. (a)~~;~~.

(c) ~~Address of~~ The address of the person's principal office, which may be outside this state~~;~~.

(d) ~~Address~~ The addresses of all of the person's offices or retail stores, if any, in this state~~;~~.

(e) If consumer transactions or other business subject to this chapter are made otherwise than at an office or retail store in this state, a brief description of the manner in which they are made~~;~~.

(f) ~~Address~~ The address of the person's designated agent upon whom service of process may be made in this state~~; and~~.

(g) Such other similar information as the administrator may ~~from time to time~~ require to effectuate the purposes and policies of chs. 421 to 427.

SECTION 6471j. 426.201 (2) (fm) of the statutes is created to read:

426.201 **(2)** (fm) The average monthly outstanding balance of all consumer credit transactions held by the person for the reporting period for which the registration statement is filed. In this paragraph, "average monthly outstanding balance" and "reporting period" have the meanings given under s. 426.202 (1m) (a).

SECTION 6471L. 426.201 (3) of the statutes is amended to read:

426.201 **(3)** The administrator shall adopt rules governing the filing of changes, additions or modifications of the ~~notification~~ registration statement required by this

section, and shall adopt rules pertaining to form, verification and similar matters pertaining to the ~~notification~~ registration.

SECTION 6471n. 426.202 (1) of the statutes is repealed.

SECTION 6471p. 426.202 (1m) of the statutes is created to read:

426.202 **(1m)** AMOUNT OF REGISTRATION FEE. (a) *Definitions.* In this subsection:

1. "Average outstanding monthly balance" means, for any person during any reporting period, the amount calculated as follows:

a. Determining the outstanding balance of all consumer credit transactions that the person has entered into and that originated in this state, as of the last day of each month during the reporting period.

b. Adding the outstanding balance for each month in the reporting period.

c. Dividing the sum determined under subd. 1. b. by the number of months in the reporting period during which the person had outstanding consumer credit transactions.

2. "Reporting period" means, for any registration statement, the last full calendar year preceding the date on which the registration statement is due.

(b) *Registration fee requirement.* Any person required to register under s. 426.201 shall pay a registration fee to the administrator when the person files the registration statement required under s. 426.201, except that a person is not required to pay a registration fee under this section if the person's average outstanding monthly balance for that reporting period does not exceed $250,000.

(c) *Amount of registration fee.* The amount of the registration fee shall be determined in accordance with rates set by the administrator, subject to the maximum and minimum fees under pars. (d) and (e). In setting these rates, the administrator shall consider the costs of administering chs. 421 to 427, including the

costs of enforcement, education and seeking voluntary compliance with chs. 421 to 427. Subject to pars. (d) and (e), the registration fee for a person shall be based on the person's average monthly outstanding balance during the reporting period.

(d) *Minimum fee.* Any person required to pay a registration fee under par. (b) shall pay a registration fee of at least $25 per reporting period.

(e) *Maximum fees.* Any person required to pay a registration statement under this section may not be required to pay a registration fee that exceeds any of the following:

1. Per reporting period, $1,500.

2. For the reporting period, 0.005% of the average monthly outstanding balance.

SECTION 6471q. 426.202 (2) of the statutes is repealed.

SECTION 6471t. 426.202 (3) of the statutes is repealed.

SECTION 6471v. 426.202 (4) of the statutes is amended to read:

426.202 **(4)** (title) SUBMISSION OF DATA FOR CALCULATING THE AMOUNT OF FEE. A person required to ~~file notification~~ register under s. 426.201 shall submit such financial and other data as the administrator may require which will support the computation of the amount of the fee.

SECTION 6471x. 426.202 (5) (title) of the statutes is created to read:

426.202 **(5)** (title) RECOVERY OF FEES.

SECTION 6471y. 426.203 of the statutes is created to read:

426.203 Penalties. Whoever fails to comply with the registration requirements under s. 426.201 or fails to pay a fee required under s. 426.202 may be required to forfeit not more than $50. Each day that this failure continues constitutes a separate offense. Forfeitures received by the administrator under this

section shall be credited to the appropriation account under s. 20.124 (1) (h) and may be expended from the account only for consumer or merchant education programs.

SECTION 6471z. 426.203 of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

426.203 Penalties. Whoever fails to comply with the registration requirements under s. 426.201 or fails to pay a fee required under s. 426.202 may be required to forfeit not more than $50. Each day that this failure continues constitutes a separate offense. Forfeitures received by the administrator under this section shall be credited to the appropriation account under s. ~~20.124~~ 20.144 (1) (h) and may be expended from the account only for consumer or merchant education programs.

SECTION 6472m. 440.05 (intro.) of the statutes is amended to read:

440.05 Standard fees. (intro.) The following standard fees apply to all initial credentials, except as provided in ss. ~~440.41~~ 440.42, 440.43, 440.44, 440.51, 442.06, 444.03, 444.05, 444.11, 449.17, 449.18 and 459.46:

SECTION 6473. 440.05 (1) (a) of the statutes is amended to read:

440.05 **(1)** (a) Initial credential: ~~$34~~ $39. Each applicant for an initial credential shall pay the initial credential fee to the department when the application materials for the initial credential are submitted to the department.

SECTION 6474. 440.05 (2) of the statutes is amended to read:

440.05 **(2)** Reciprocal credential: ~~$50~~, including any credential described in s. 440.01 (2) (d) and any credential that permits temporary practice in this state in whole or in part because the person holds a credential in another jurisdiction: The applicable credential renewal fee under s. 440.08 (2) (a) and, if an examination is required, an examination fee under sub. (1).

SECTION 6475. 440.05 (6) of the statutes is amended to read:

440.05 **(6)** Apprentice, journeyman, student or other temporary credential ~~or limited permit~~, granted pending completion of education, apprenticeship or examination requirements: $10.

SECTION 6476. 440.05 (7) of the statutes is amended to read:

440.05 **(7)** Replacement of lost credential, name or address change on credential, issuance of duplicate credential or transfer of credential: ~~$5~~ $10.

SECTION 6477. 440.055 of the statutes is created to read:

440.055 Credit card payments. (1) The department may accept payment by credit card of a fee that is required to be paid to the department under chs. 440 to 480.

(2) If the department permits the payment of a fee with use of a credit card under sub. (1), the department shall charge a credit card service charge for each transaction. The credit card service charge shall be in addition to the fee that is being paid with the credit card and shall be sufficient to pay the costs to the department for providing this service to persons who request it, including the cost of any services for which the department contracts under sub. (3).

(3) The department may contract for services relating to the payment of fees by credit card under this section.

SECTION 6478. 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 **(2)** (a) (intro.) Except as provided in par. (b) and in ss. 440.42, ~~440.43, 440.44,~~ 440.51, 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 449.17, 449.18 and 459.46, the renewal dates and renewal fees for credentials are as follows:

SECTION 6479. 440.08 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

440.08 **(2)** (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 449.17, 449.18 and 459.46, the renewal dates and renewal fees for credentials are as follows:

SECTION 6480. 440.08 (2) (a) 1. of the statutes is amended to read:

440.08 **(2)** (a) 1. Accountant, certified public: January 1 of each even–numbered year; ~~$44~~ $47.

SECTION 6481. 440.08 (2) (a) 2. of the statutes is amended to read:

440.08 **(2)** (a) 2. Accountant, public: January 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6482. 440.08 (2) (a) 3. of the statutes is amended to read:

440.08 **(2)** (a) 3. Accounting corporation or partnership: January 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6483. 440.08 (2) (a) 4. of the statutes is amended to read:

440.08 **(2)** (a) 4. Acupuncturist: July 1 of each odd–numbered year; ~~$36~~ $95.

SECTION 6484. 440.08 (2) (a) 4m. of the statutes is created to read:

440.08 **(2)** (a) 4m. Advanced practice nurse prescriber: October 1 of each even–numbered year; $41.

SECTION 6485. 440.08 (2) (a) 5. of the statutes is amended to read:

440.08 **(2)** (a) 5. Aesthetician: July 1 of each odd–numbered year; ~~$54~~ $70.

SECTION 6486. 440.08 (2) (a) 6. of the statutes is amended to read:

440.08 **(2)** (a) 6. Aesthetics establishment: July 1 of each odd–numbered year; ~~$111~~ $116.

SECTION 6487. 440.08 (2) (a) 7. of the statutes is amended to read:

440.08 **(2)** (a) 7. Aesthetics instructor: July 1 of each odd–numbered year; ~~$85~~ $117.

SECTION 6488. 440.08 (2) (a) 8. of the statutes is amended to read:

440.08 **(2)** (a) 8. Aesthetics school: July 1 of each odd–numbered year; ~~$36~~ $74.

SECTION 6489. 440.08 (2) (a) 9. of the statutes is amended to read:

440.08 **(2)** (a) 9. Aesthetics specialty school: July 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6490. 440.08 (2) (a) 11. of the statutes is amended to read:

440.08 **(2)** (a) 11. Appraiser, real estate, certified general: January 1 of each even–numbered year; ~~$58~~ $82.

SECTION 6491. 440.08 (2) (a) 11m. of the statutes is amended to read:

440.08 **(2)** (a) 11m. Appraiser, real estate, certified residential: January 1 of each even–numbered year; ~~$49~~ $82.

SECTION 6492. 440.08 (2) (a) 12. of the statutes is amended to read:

440.08 **(2)** (a) 12. Appraiser, real estate, licensed: January 1 of each even–numbered year; ~~$57~~ $49.

SECTION 6493. 440.08 (2) (a) 13. of the statutes is amended to read:

440.08 **(2)** (a) 13. Architect: August 1 of each even–numbered year; ~~$40~~ $46.

SECTION 6494. 440.08 (2) (a) 14. of the statutes is amended to read:

440.08 **(2)** (a) 14. Architectural or engineering corporation: February 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6495. 440.08 (2) (a) 14g. of the statutes is amended to read:

440.08 **(2)** (a) 14g. Auction company: January 1 of each odd–numbered year; ~~$37~~ $41.

SECTION 6496. 440.08 (2) (a) 14r. of the statutes is amended to read:

440.08 **(2)** (a) 14r. Auctioneer: January 1 of each odd–numbered year; ~~$37~~ $41.

SECTION 6497. 440.08 (2) (a) 15. of the statutes is amended to read:

440.08 **(2)** (a) 15. Audiologist: February 1 of each odd–numbered year; ~~$59~~ $41.

SECTION 6498. 440.08 (2) (a) 16. of the statutes is amended to read:

440.08 **(2)** (a) 16. Barbering or cosmetology establishment: July 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6499. 440.08 (2) (a) 17. of the statutes is amended to read:

440.08 **(2)** (a) 17. Barbering or cosmetology instructor: July 1 of each odd–numbered year; ~~$101~~ $83.

SECTION 6500. 440.08 (2) (a) 18. of the statutes is amended to read:

440.08 **(2)** (a) 18. Barbering or cosmetology manager: July 1 of each odd–numbered year; ~~$40~~ $52.

SECTION 6501. 440.08 (2) (a) 19. of the statutes is amended to read:

440.08 **(2)** (a) 19. Barbering or cosmetology school: July 1 of each odd–numbered year; ~~$100~~ $78.

SECTION 6502. 440.08 (2) (a) 20. of the statutes is amended to read:

440.08 **(2)** (a) 20. Barber or cosmetologist: July 1 of each odd–numbered year; ~~$42~~ $48.

SECTION 6503. 440.08 (2) (a) 21. of the statutes is amended to read:

440.08 **(2)** (a) 21. Cemetery authority: January 1 of each odd–numbered year; ~~$271~~ $372.

SECTION 6504. 440.08 (2) (a) 22. of the statutes is amended to read:

440.08 **(2)** (a) 22. Cemetery preneed seller: January 1 of each odd–numbered year; ~~$44~~ $59.

SECTION 6505. 440.08 (2) (a) 23. of the statutes is amended to read:

440.08 **(2)** (a) 23. Cemetery salesperson: January 1 of each odd–numbered year; ~~$42~~ $65.

SECTION 6506. 440.08 (2) (a) 23m. of the statutes is created to read:

440.08 **(2)** (a) 23m. Charitable organization: August 1 of each year; $15.

SECTION 6507. 440.08 (2) (a) 24. of the statutes is amended to read:

440.08 **(2)** (a) 24. Chiropractor: January 1 of each odd–numbered year; ~~$106~~ $151.

SECTION 6508. 440.08 (2) (a) 25. of the statutes is amended to read:

440.08 **(2)** (a) 25. Dental hygienist: October 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6509. 440.08 (2) (a) 26. of the statutes is amended to read:

440.08 **(2)** (a) 26. Dentist: October 1 of each odd–numbered year; ~~$67~~ $96.

SECTION 6510. 440.08 (2) (a) 27. of the statutes is amended to read:

440.08 **(2)** (a) 27. Designer of engineering systems: February 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6511. 440.08 (2) (a) 27m. of the statutes, as affected by 1993 Wisconsin Act 443, is amended to read:

440.08 **(2)** (a) 27m. Dietitian: November 1 of each even–numbered year; ~~$36~~ $41. This subdivision does not apply after June 30, 1999.

SECTION 6512. 440.08 (2) (a) 28. of the statutes is amended to read:

440.08 **(2)** (a) 28. Drug distributor: June 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6513. 440.08 (2) (a) 29. of the statutes is amended to read:

440.08 **(2)** (a) 29. Drug manufacturer: June 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6514. 440.08 (2) (a) 30. of the statutes is amended to read:

440.08 **(2)** (a) 30. Electrologist: July 1 of each odd–numbered year; ~~$50~~ $56.

SECTION 6515. 440.08 (2) (a) 31. of the statutes is amended to read:

440.08 **(2)** (a) 31. Electrology establishment: July 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6516. 440.08 (2) (a) 32. of the statutes is amended to read:

440.08 **(2)** (a) 32. Electrology instructor: July 1 of each odd–numbered year; ~~$107~~ $73.

SECTION 6517. 440.08 (2) (a) 33. of the statutes is amended to read:

440.08 **(2)** (a) 33. Electrology school: July 1 of each odd–numbered year; ~~$107~~ $63.

SECTION 6518. 440.08 (2) (a) 34. of the statutes is amended to read:

440.08 **(2)** (a) 34. Electrology specialty school: July 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6519. 440.08 (2) (a) 35. of the statutes is amended to read:

440.08 **(2)** (a) 35. Engineer, professional: August 1 of each even–numbered year; ~~$36~~ $43.

SECTION 6520. 440.08 (2) (a) 35m. of the statutes is created to read:

440.08 **(2)** (a) 35m. Fund–raising counsel: September 1 of each even–numbered year; $41.

SECTION 6521. 440.08 (2) (a) 36. of the statutes is amended to read:

440.08 **(2)** (a) 36. Funeral director: January 1 of each even–numbered year; ~~$80~~ $94.

SECTION 6522. 440.08 (2) (a) 37. of the statutes is amended to read:

440.08 **(2)** (a) 37. Funeral establishment: June 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6523. 440.08 (2) (a) 37m. of the statutes is amended to read:

440.08 **(2)** (a) 37m. Geologist, professional: August 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6524. 440.08 (2) (a) 38. of the statutes is amended to read:

440.08 **(2)** (a) 38. Hearing instrument specialist: February 1 of each even–numbered year; ~~$179~~ $287.

SECTION 6525. 440.08 (2) (a) 38m. of the statutes is amended to read:

440.08 **(2)** (a) 38m. Landscape architect: August 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6526. 440.08 (2) (a) 39. of the statutes is amended to read:

440.08 **(2)** (a) 39. Land surveyor: February 1 of each even–numbered year; ~~$54~~ $73.

SECTION 6527m. 440.08 (2) (a) 40. of the statutes is renumbered 224.72 (8) (c) 1. and amended to read:

224.72 **(8)** (c) 1. Loan originator: January 1 of each odd–numbered year; ~~$155~~ $94.

SECTION 6528m. 440.08 (2) (a) 41. of the statutes is renumbered 224.72 (8) (c) 2. and amended to read:

224.72 **(8)** (c) 2. Loan solicitor: January 1 of each odd–numbered year; ~~$210~~ $105.

SECTION 6529. 440.08 (2) (a) 42. of the statutes is amended to read:

440.08 **(2)** (a) 42. Manicuring establishment: July 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6530. 440.08 (2) (a) 43. of the statutes is amended to read:

440.08 **(2)** (a) 43. Manicuring instructor: July 1 of each odd–numbered year; ~~$90~~ $138.

SECTION 6531. 440.08 (2) (a) 44. of the statutes is amended to read:

440.08 **(2)** (a) 44. Manicuring school: July 1 of each odd–numbered year; ~~$102~~ $85.

SECTION 6532. 440.08 (2) (a) 45. of the statutes is amended to read:

440.08 **(2)** (a) 45. Manicuring specialty school: July 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6533. 440.08 (2) (a) 46. of the statutes is amended to read:

440.08 **(2)** (a) 46. Manicurist: July 1 of each odd–numbered year; ~~$42~~ $52.

SECTION 6534. 440.08 (2) (a) 46m. of the statutes is amended to read:

440.08 **(2)** (a) 46m. Marriage and family therapist: July 1 of each odd–numbered year; ~~$36~~ $63.

SECTION 6535m. 440.08 (2) (a) 47. of the statutes is renumbered 224.72 (8) (c) 3. and amended to read:

224.72 **(8)** (c) 3. Mortgage banker: January 1 of each odd–numbered year; ~~$330~~ $486.

SECTION 6536. 440.08 (2) (a) 48. of the statutes is amended to read:

440.08 **(2)** (a) 48. Nurse, licensed practical: May 1 of each odd–numbered year; ~~$40~~ $49.

SECTION 6537. 440.08 (2) (a) 49. of the statutes is amended to read:

440.08 **(2)** (a) 49. Nurse, registered: March 1 of each even–numbered year; ~~$40~~ $46.

SECTION 6538. 440.08 (2) (a) 50. of the statutes is amended to read:

440.08 **(2)** (a) 50. Nurse–midwife: March 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6539. 440.08 (2) (a) 51. of the statutes is amended to read:

440.08 **(2)** (a) 51. Nursing home administrator: July 1 of each even–numbered year; ~~$63~~ $114.

SECTION 6540. 440.08 (2) (a) 52. of the statutes is amended to read:

440.08 **(2)** (a) 52. Occupational therapist: November 1 of each odd–numbered year; ~~$37~~ $42.

SECTION 6541. 440.08 (2) (a) 53. of the statutes is amended to read:

440.08 **(2)** (a) 53. Occupational therapy assistant: November 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6542. 440.08 (2) (a) 54. of the statutes is amended to read:

440.08 **(2)** (a) 54. Optometrist: January 1 of each even–numbered year; ~~$66~~ $69.

SECTION 6543. 440.08 (2) (a) 55. of the statutes is amended to read:

440.08 **(2)** (a) 55. Pharmacist: June 1 of each even–numbered year; ~~$78~~ $76.

SECTION 6544. 440.08 (2) (a) 56. of the statutes is amended to read:

440.08 **(2)** (a) 56. Pharmacy: June 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6545. 440.08 (2) (a) 57. of the statutes is amended to read:

440.08 **(2)** (a) 57. Physical therapist: November 1 of each odd–numbered year; ~~$40~~ $45.

SECTION 6546. 440.08 (2) (a) 58. of the statutes is amended to read:

440.08 **(2)** (a) 58. Physician: November 1 of each odd–numbered year; ~~$111~~ $102.

SECTION 6547. 440.08 (2) (a) 59. of the statutes is amended to read:

440.08 **(2)** (a) 59. Physician assistant: November 1 of each odd–numbered year; ~~$36~~ $48.

SECTION 6548. 440.08 (2) (a) 60. of the statutes is amended to read:

440.08 **(2)** (a) 60. Podiatrist: November 1 of each odd–numbered year; ~~$79~~ $187.

SECTION 6549. 440.08 (2) (a) 61. of the statutes is amended to read:

440.08 **(2)** (a) 61. Private detective: September 1 of each even–numbered year; ~~$120~~ $212.

SECTION 6550. 440.08 (2) (a) 62. of the statutes is amended to read:

440.08 **(2)** (a) 62. Private detective agency: September 1 of each even–numbered year; ~~$36~~ $41.

SECTION 6551. 440.08 (2) (a) 63. of the statutes is amended to read:

440.08 **(2)** (a) 63. Private practice school psychologist: October 1 of each odd–numbered year; ~~$36~~ $65.

SECTION 6552. 440.08 (2) (a) 63m. of the statutes is amended to read:

440.08 **(2)** (a) 63m. Professional counselor: July 1 of each odd–numbered year; ~~$36~~ $53.

SECTION 6553. 440.08 (2) (a) 63t. of the statutes is created to read:

440.08 **(2)** (a) 63t. Professional fund–raiser: September 1 of each even–numbered year; $41.

SECTION 6554. 440.08 (2) (a) 64. of the statutes is amended to read:

440.08 **(2)** (a) 64. Psychologist: October 1 of each odd–numbered year; ~~$82~~ $124.

SECTION 6555. 440.08 (2) (a) 65. of the statutes is amended to read:

440.08 **(2)** (a) 65. Real estate broker: January 1 of each odd–numbered year; ~~$74~~ $106.

SECTION 6556. 440.08 (2) (a) 66. of the statutes is amended to read:

440.08 **(2)** (a) 66. Real estate corporation ~~or partnership~~: January 1 of each odd–numbered year; ~~$46~~ $72.

SECTION 6557. 440.08 (2) (a) 66m. of the statutes is created to read:

440.08 **(2)** (a) 66m. Real estate partnership: January 1 of each odd–numbered year; $69.

SECTION 6558. 440.08 (2) (a) 67. of the statutes is amended to read:

440.08 **(2)** (a) 67. Real estate salesperson: January 1 of each odd–numbered year; ~~$55~~ $70.

SECTION 6559. 440.08 (2) (a) 68. of the statutes is amended to read:

440.08 **(2)** (a) 68. Respiratory care practitioner: November 1 of each odd–numbered year; ~~$38~~ $42.

SECTION 6560. 440.08 (2) (a) 68d. of the statutes is amended to read:

440.08 **(2)** (a) 68d. Social worker: July 1 of each odd–numbered year; ~~$36~~ $43.

SECTION 6561. 440.08 (2) (a) 68h. of the statutes is amended to read:

440.08 **(2)** (a) 68h. Social worker, advanced practice: July 1 of each odd–numbered year; ~~$36~~ $47.

SECTION 6562. 440.08 (2) (a) 68p. of the statutes is amended to read:

440.08 **(2)** (a) 68p. Social worker, independent: July 1 of each odd–numbered year; ~~$36~~ $41.

SECTION 6563. 440.08 (2) (a) 68t. of the statutes is amended to read:

440.08 **(2)** (a) 68t. Social worker, independent clinical: July 1 of each odd–numbered year; ~~$36~~ $50.

SECTION 6565. 440.08 (2) (a) 68v. of the statutes is amended to read:

440.08 **(2)** (a) 68v. Speech–language pathologist: February 1 of each odd–numbered year; ~~$41~~ $46.

SECTION 6566. 440.08 (2) (a) 69. of the statutes is amended to read:

440.08 **(2)** (a) 69. Time–share salesperson: January 1 of each odd–numbered year; ~~$36~~ $102.

SECTION 6567. 440.08 (2) (a) 70. of the statutes is amended to read:

440.08 **(2)** (a) 70. Veterinarian: January 1 of each even–numbered year; ~~$67~~ $80.

SECTION 6571m. 440.08 (3) (a) (intro.) and 2. of the statutes are consolidated, renumbered 440.08 (3) (a) and amended to read:

440.08 **(3)** (a) Except as provided in rules promulgated under par. (b), if the department does not receive an application to renew a credential before its renewal date, the holder of the credential may restore the credential by payment of the applicable renewal fee specified in sub. (2) (a) and by payment of ~~the following amount: 2. If the application is received by the department 30 days or more after the renewal date,~~ a late renewal fee of $25.

SECTION 6572. 440.08 (3) (a) 1. of the statutes is repealed.

SECTION 6577. 440.23 (1) of the statutes is amended to read:

440.23 **(1)** If the holder of a credential pays a fee required under s. 440.05 (1) or (6), 440.08, 440.42 (1), ~~440.43 (1), 440.44 (1),~~ 444.03, 444.05, 444.11 or 459.46 (2) (b) by check and the check is not paid by the bank upon which the check is drawn, the department may cancel the credential on or after the 60th day after the department receives the notice from the bank, subject to sub. (2).

SECTION 6578. 440.23 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

440.23 **(1)** If the holder of a credential pays a fee required under s. 440.05 (1) or (6), 440.08, 444.03, 444.05, 444.11 or 459.46 (2) (b) by check and the check is not paid by the bank upon which the check is drawn, the department may cancel the credential on or after the 60th day after the department receives the notice from the bank, subject to sub. (2).

SECTION 6579. 440.42 (1) (b) 2g. and 2r. of the statutes are created to read:

440.42 **(1)** (b) 2g. Submits to the department an annual financial report for the most recently completed fiscal year of the charitable organization, if the charitable organization received contributions in excess of $5,000 but not more than $100,000 during its most recently completed fiscal year.

2r. Submits to the department an audited financial statement for the most recently completed fiscal year of the charitable organization, if the charitable organization received contributions in excess of $100,000 during its most recently completed fiscal year.

SECTION 6580. 440.42 (1) (c) of the statutes is amended to read:

440.42 **(1)** (c) The department shall issue a certificate of registration to each charitable organization that is registered under this subsection. ~~Certificates issued under this paragraph expire 6 months after the end of the charitable organization's most recently completed fiscal year.~~ Renewal applications shall be submitted to the department, on a form provided by the department, on or before the expiration date ~~of the certificate~~ specified in s. 440.08 (2) (a) and shall include a registration statement that complies with sub. (2) and ~~a $15 renewal fee~~ the renewal fee specified in s. 440.08 (2) (a).

SECTION 6581. 440.42 (2) (d) and (e) of the statutes are repealed.

SECTION 6582. 440.43 (1) (title) of the statutes is amended to read:

440.43 **(1)** (title) ~~ANNUAL REGISTRATION~~ REGISTRATION REQUIREMENT.

SECTION 6583. 440.43 (1) (c) of the statutes is amended to read:

440.43 **(1)** (c) The department shall issue a certificate of registration to each fund–raising counsel that is registered under this subsection. ~~Certificates issued under this paragraph expire on September 1.~~ Renewal applications shall be

submitted to the department, on a form provided by the department, on or before the date specified ~~by the department~~ in s. 440.08 (2) (a) and shall include ~~a $50~~ the renewal fee specified in s. 440.08 (2) (a) and evidence satisfactory to the department that the fund–raising counsel maintains a bond that is approved under sub. (2).

SECTION 6584. 440.44 (1) (title) of the statutes is amended to read:

440.44 **(1)** (title) ~~ANNUAL REGISTRATION~~ REGISTRATION REQUIREMENT.

SECTION 6585. 440.44 (1) (c) of the statutes is amended to read:

440.44 **(1)** (c) The department shall issue a certificate of registration to each professional fund–raiser that is registered under this subsection. ~~Certificates issued under this paragraph expire on September 1.~~ Renewal applications shall be submitted to the department, on a form provided by the department, on or before the date specified ~~by the department~~ in s. 440.08 (2) (a) and shall include ~~a $50~~ the renewal fee specified in s. 440.08 (2) (a) and evidence satisfactory to the department that the professional fund–raiser maintains a bond that is approved under sub. (2).

SECTION 6587. 440.61 (2) of the statutes is amended to read:

440.61 **(2)** Schools operated by the department of health and social services or the department of corrections.

SECTION 6589. Subchapter VI (title) of chapter 440 [precedes 440.71] of the statutes is renumbered subchapter II (title) of chapter 224 [precedes 224.70].

SECTION 6590. 440.71 of the statutes is renumbered 224.71.

SECTION 6591. 440.72 (title), (1), (1m), (2), (3) and (4) of the statutes are renumbered 224.72 (title), (1), (1m), (2), (3) and (4), and 224.72 (2) (intro.), as renumbered, is amended to read:

224.72 **(2)** APPLYING FOR REGISTRATION. (intro.) A person desiring to act as a mortgage banker, loan originator or loan solicitor shall apply for a certificate of

registration to the department on forms prescribed by the department and shall pay the fee specified under ~~s. 440.05 (1)~~ sub. (8) (a). An application shall satisfy all of the following:

SECTION 6592. 440.72 (5) of the statutes is renumbered 224.72 (5) and amended to read:

224.72 **(5)** COMPLETION OF REGISTRATION. (a) *Loan originator and loan solicitor.* Upon receiving a properly completed application for registration as a loan originator or loan solicitor and the fee specified in ~~s. 440.05 (1)~~ sub. (8) (a), the department shall issue to the applicant a certificate of registration as a loan originator or loan solicitor.

(b) *Mortgage banker.* 1. Upon receiving a properly completed application for registration as a mortgage banker, the fee specified in ~~s. 440.05 (6)~~ sub. (8) (b) and satisfactory evidence of compliance with sub. (4), the department shall issue to the applicant a temporary certificate of registration as a mortgage banker. A temporary certificate of registration is valid for 6 months after the date of issuance.

2. If within 6 months after the date of issuance of a temporary certificate of registration under subd. 1. the holder of the temporary certificate of registration notifies the department that he or she is acting as a mortgage banker and pays to the department the fee specified in ~~s. 440.05 (1)~~ sub. (8) (a), the department shall issue to the person a certificate of registration as a mortgage banker.

SECTION 6593. 440.72 (7) of the statutes is renumbered 224.72 (7) and amended to read:

224.72 **(7)** RENEWAL OF REGISTRATION. A loan originator, loan solicitor or mortgage banker shall renew a certificate of registration by submitting to the department a renewal application and the applicable renewal fee specified under ~~s.440.08 (2) (a)~~ sub. (8) (c) on or before the applicable renewal date specified under

~~s.440.08 (2) (a)~~ sub. (8) (c). An applicant for renewal of a certificate of registration as a mortgage banker shall, as part of the application, refile a bond that satisfies sub. (4) (b) or resubmit evidence that satisfies sub. (4) (a) or (c).

SECTION 6594. 440.73 of the statutes is renumbered 224.73, and 224.73 (1) and (3), as renumbered, are amended to read:

224.73 **(1)** RESPONSIBILITY FOR LOAN ORIGINATOR. A mortgage banker is responsible for, and shall supervise the acts of, a loan originator who registers under s. ~~440.72~~ 224.72 (3) as an employe of the mortgage banker or a loan originator or any other person who otherwise acts on behalf of the mortgage banker.

(3) TRANSFER BY LOAN ORIGINATOR. A registered loan originator may at any time apply, on forms prescribed and provided by the department, to transfer employment to another registered mortgage banker. The fee for transfer is specified under s. ~~440.05 (7)~~ 224.72 (8) (d) and is payable when the loan originator files the application.

SECTION 6595. 440.74 of the statutes is renumbered 224.74.

SECTION 6596. 440.75 of the statutes is renumbered 224.75.

SECTION 6597. 440.76 of the statutes is renumbered 224.76.

SECTION 6598. 440.77 (title) and (1) of the statutes are renumbered 224.77 (title) and (1), and 224.77 (1) (f) and (g), as renumbered, are amended to read:

224.77 **(1)** (f) Accepted a commission, money or other thing of value for performing an act as a loan originator unless the payment is from a mortgage banker who is registered under s. ~~440.72~~ 224.72 (3) as employing the loan originator.

(g) As a loan originator, represented or attempted to represent a mortgage banker other than the mortgage banker who is registered under s. ~~440.72~~ 224.72 (3) as employing the loan originator.

SECTION 6599. 440.77 (2), (3) and (4) of the statutes are renumbered 224.77 (2), (3) and (4).

SECTION 6600. 440.77 (5) of the statutes is renumbered 224.77 (5), and 224.77 (5) (b), as renumbered, is amended to read:

224.77 **(5)** (b) *Other penalties.* The penalty under par. (a) may be imposed in addition to any penalty imposed under s. 66.432, ~~101.22 or 440.80~~ 106.04 or 224.80.

SECTION 6601. 440.78 of the statutes is renumbered 224.78.

SECTION 6602. 440.80 of the statutes is renumbered 224.80, and 224.80 (1) and (2) (intro.), as renumbered, are amended to read:

224.80 **(1)** PENALTIES. A person who violates s. ~~440.72~~ 224.72 (1m) may be fined not more than $1,000 or imprisoned for not more than 6 months or both. The district attorney of the county where the violation occurs shall enforce the penalty under this subsection on behalf of the state.

(2) PRIVATE CAUSE OF ACTION. (intro.) A person who is aggrieved by an act which is committed by a mortgage banker, loan originator or loan solicitor and which is described in s. ~~440.77~~ 224.77 (1) may recover all of the following in a private action:

SECTION 6603. 440.81 of the statutes is renumbered 224.81.

SECTION 6604. 440.82 of the statutes is renumbered 224.82.

SECTION 6605. 440.92 (2) (d) of the statutes is amended to read:

440.92 **(2)** (d) A preneed seller may not sell any undeveloped space unless the plans for the construction of the mausoleum have been submitted to the department of ~~industry, labor and human relations~~ development for approval under s. 157.12 (2) (a) and the preneed sales contract includes the following language in not less than 10–point boldface type: "THE PLANS FOR CONSTRUCTING THE MAUSOLEUM SPACE HAVE BEEN SUBMITTED TO THE DEPARTMENT OF ~~INDUSTRY,~~

~~LABOR AND HUMAN RELATIONS~~ DEVELOPMENT FOR APPROVAL. THE SELLER IS RESPONSIBLE FOR ALL COSTS REQUIRED TO OBTAIN APPROVAL OF THE PLANS BY THE DEPARTMENT OF ~~INDUSTRY, LABOR AND HUMAN RELATIONS~~ DEVELOPMENT, COMPLETE THE CONSTRUCTION, AND OBTAIN CERTIFICATION OF THE CONSTRUCTION BY THE DEPARTMENT OF ~~INDUSTRY, LABOR AND HUMAN RELATIONS~~ DEVELOPMENT."

SECTION 6606. 443.09 (5) of the statutes is amended to read:

443.09 **(5)** Written or written and oral examinations shall be held at such time and place as the examining board determines. The scope of the examinations and the methods of procedure shall be prescribed by the examining board with special reference to the applicant's ability to design and supervise architectural, landscape architectural, geological or engineering work, which shall promote the public welfare and ensure the safety of life, health and property. The architect and professional engineering examination or examinations shall include questions which require applicants to demonstrate knowledge of the design needs of people with physical disabilities and of the relevant statutes and codes. Such questions shall be developed by the examining board in consultation with the department of ~~industry, labor and human relations~~ development. The examination for candidates under s. 443.04 (1) (c) shall be the principles and practice examination which requires the applicant to demonstrate the ability to apply engineering principles and judgment to problems in general engineering disciplines and to demonstrate knowledge of the design needs of people with physical disabilities and the relevant statutes, rules and regulations. A candidate failing an examination may, upon application and payment of the required reexamination fee, be examined again by the examining board. No

restrictions may be placed on the number of times an unsuccessful candidate may be reexamined, except that after failure of 3 reexaminations, the examining board may require a one–year waiting period before further reexamination.

SECTION 6608e. 448.03 (3) (a) of the statutes is renumbered 448.03 (3) (a) (intro.) and amended to read:

448.03 **(3)** (a) (intro.) No person ~~not possessing the degree of doctor of medicine~~ may use or assume the title "doctor of medicine" or append to the person's name the letters "M.D.". ~~.~~ unless one of the following applies:

SECTION 6608m. 448.03 (3) (a) 1. of the statutes is created to read:

448.03 **(3)** (a) 1. The person possesses the degree of doctor of medicine.

SECTION 6608s. 448.03 (3) (a) 2. of the statutes is created to read:

448.03 **(3)** (a) 2. The person is licensed as a physician under this subchapter because the person satisfied the degree requirement of s. 448.05 (2) by possessing a medical degree that was conferred by a medical school recognized and listed as such by the World Health Organization of the United Nations.

SECTION 6611. 452.01 (3) (g) of the statutes is amended to read:

452.01 **(3)** (g) A person registered as a mortgage banker under s. ~~440.72~~ 224.72 who does not engage in activities described under sub. (2).

SECTION 6611m. 452.06 (1) of the statutes is amended to read:

452.06 **(1)** ~~The~~ At the commencement of each gubernatorial term of office, the secretary shall create a council on forms under s. 15.04 (1) (c) which shall meet on a regular basis, be chaired by a member of the board and report to the board and the secretary. Any proposed change in a form relating to real estate practice shall be referred to the council on forms for review before the form is approved.

SECTION 6612. 452.12 (6) (a) of the statutes is amended to read:

452.12 **(6)** (a) Any licensee, except a time–share salesperson registered under s. 452.025, may apply for registration as an inactive licensee on or before the license renewal date. This paragraph does not apply after October 31, 1995.

SECTION 6613. 452.12 (6) (d) of the statutes is amended to read:

452.12 **(6)** (d) ~~Upon~~ If an inactive licensee files an application for reinstatement before January 1, 1996, the department shall reinstate ~~an~~ the inactive licensee's original license in accordance with the requirements for late renewal under s. 440.08 (3).

SECTION 6614. 452.12 (6) (e) and (f) of the statutes are created to read:

452.12 **(6)** (e) Beginning on January 1, 1996, the department shall reinstate an inactive licensee's original license as follows:

1. If a person has registered as an inactive licensee before November 1, 1990, the department shall reinstate the person's original license if that person applies to the department for reinstatement of his or her original license, pays the fees specified under s. 440.05 (1) (a) and (b), passes an examination under s. 452.09 (3) and completes the education requirements established by the department under par. (f).

2. If a person has registered as an inactive licensee on or after November 1, 1990, the department shall reinstate the person's original license if that person applies to the department for reinstatement of his or her original license, pays the renewal fee specified under s. 440.08 (2) (a) for the original license and completes 12 hours of continuing education as established by the department under par. (f). A person who is eligible for reinstatement of his or her original license under this subdivision shall complete the requirements for reinstatement under this subdivision before January 1, 1996, or within 5 years after the date on which the person registered as an inactive licensee, whichever is later.

3. If a person who is eligible for reinstatement of his or her original license under subd. 2. does not complete the requirements for reinstatement within the time specified under subd. 2., the department shall reinstate the original license of that person if he or she meets the requirements specified under subd. 1.

(f) The department shall promulgate rules establishing the education requirements that applicants for reinstatement of original licenses under par. (e) must satisfy.

SECTION 6615. 452.17 (4) (b) of the statutes is amended to read:

452.17 **(4)** (b) This penalty may be imposed in addition to any penalty imposed under this chapter or s. 66.432 or ~~101.22~~ 106.04.

SECTION 6616. 452.23 (1) of the statutes is amended to read:

452.23 **(1)** A broker or salesperson may not disclose to any person in connection with the sale, exchange, purchase or rental of real property information, the disclosure of which constitutes unlawful discrimination in housing under s. ~~101.22~~ 106.04 or unlawful discrimination based on handicap under 42 USC 3604, 3605, 3606 or 3617.

SECTION 6618. 456.01 (2) of the statutes is amended to read:

456.01 **(2)** "Nursing home" has the meaning provided in s. 50.01 (3), plus includes all public medical institutions under ss. ~~49.14, 49.16 and 49.171~~ 49.70, 49.71 and 49.72.

SECTION 6619. 457.08 (1) (intro.) of the statutes is amended to read:

457.08 **(1)** SOCIAL WORKER CERTIFICATE. (intro.) The social worker section shall grant a social worker certificate to an individual who qualifies under s. 457.09 (5) (d) or to any individual who does all of the following:

SECTION 6620. 457.09 of the statutes is created to read:

457.09 Social worker training certificate. (1) The social worker section shall grant a social worker training certificate to any individual who does all of the following:

(a) Submits an application for the certificate to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (6).

(c) Submits evidence satisfactory to the social worker section that he or she has a bachelor's degree from an accredited college or university in psychology, sociology, criminal justice or another human service program approved by the section.

(d) Submits a statement to the social worker section that he or she is seeking to attain social worker degree equivalency under sub. (4) while he or she holds a social worker training certificate.

(2) (a) A social worker training certificate authorizes the holder to use the title specified in s. 457.04 (1) during the period in which the certificate is valid.

(b) A social worker training certificate holder is a social worker certified under this chapter for purposes of any law governing social workers certified under this chapter.

(3) (a) Except as provided in par. (b), a social worker training certificate is valid for 24 months.

(b) A social worker training certificate shall expire on the date on which the certificate holder receives the results of the examination that he or she has taken under sub. (5) (a) if that date occurs before the end of the period specified in par. (a).

(c) A social worker training certificate may not be renewed.

(4) During the period in which a social worker training certificate is valid, the certificate holder shall do all of the following:

(a) Seek to attain social worker degree equivalency by completing courses relating to all of the following in a social work program or other human services program at an accredited college or university:

1. Social welfare policy and services.

2. Social work practice methods with individuals, families, small groups, communities, organizations and social institutions.

3. Human behavior in the social environment, including human growth and development and social systems theory.

(b) Complete one of the following:

1. A human services internship that involves at least 400 hours of direct practice with clients and that is supervised by a social worker certified under this chapter who has a bachelor's or master's degree in social work.

2. One year of social work employment that involves direct practice with clients and that is supervised by a social worker certified under this chapter who has a bachelor's or master's degree in social work.

(4m) (a) The social worker section shall determine whether a course, internship or employment satisfies the requirements under sub. (4) and whether a social worker training certificate holder has attained social worker degree equivalency.

(b) Notwithstanding sub. (4), for the purpose of determining whether a social worker training certificate holder has attained social worker degree equivalency under sub. (4), the section shall apply course work or internships that the certificate holder completed, or employment that the certificate holder held, as part of the program leading to the degree that he or she specified to satisfy the requirement in

sub. (1) (c) if the course work, internship or employment satisfies the requirements in sub. (4).

(5) (a) A social worker training certificate holder may take the national social work examination at any time after he or she completes the requirements under sub. (4).

(b) If a social worker training certificate holder passes the examination specified under par. (a), he or she shall be permitted to take an examination approved by the social worker section that tests knowledge of state law relating to social work.

(c) If an individual fails an examination specified under par. (a) or (b), he or she may retake the examination. The social worker section may not place any restrictions on the number of times an individual may retake the examinations specified under pars. (a) and (b).

(d) The social worker section shall grant a social worker certificate to an individual who has held a social worker training certificate and who passes the examinations specified under pars. (a) and (b).

SECTION 6620m. 480.24 (2) (h) of the statutes is repealed and recreated to read:

480.24 **(2)** (h) Failed to obtain a permit under s. 77.52 (9).

SECTION 6621. 551.02 (3) (h) of the statutes is amended to read:

551.02 **(3)** (h) Other persons not within the intent of this subsection whom the ~~commissioner~~ division by rule or order designates.

SECTION 6622. 551.02 (4) of the statutes is amended to read:

551.02 **(4)** ~~"Commissioner"~~ "Division" means the ~~commissioner~~ division of securities.

SECTION 6623. 551.02 (7) (f) of the statutes is amended to read:

551.02 **(7)** (f) Other persons not within the intent of this subsection whom the ~~commissioner~~ division by rule or order designates.

SECTION 6624. 551.02 (12) of the statutes is amended to read:

551.02 **(12)** "Securities act of 1933", "securities exchange act of 1934", "investment company act of 1940", "investment advisers act of 1940" and "internal revenue code" mean the federal statutes of those names as amended on January 1, 1970, including such later amendments as the ~~commissioner~~ division determines are not inconsistent with the purpose of this chapter.

SECTION 6625. 551.22 (1) (a) of the statutes is amended to read:

551.22 **(1)** (a) Any security, including a revenue obligation, issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing; but any revenue obligation payable from payments to be made in respect of property or money used under a lease, sale or loan arrangement by or for a nongovernmental industrial or commercial enterprise is exempted only as provided under par. (b). A security, other than a security issued or guaranteed by the United States or an agency or corporate instrumentality of the United States and other than a revenue obligation, is exempt under this subsection only if the issuer's financial statements are prepared according to generally accepted accounting principles or guidelines which the ~~commissioner~~ division designates by rule.

SECTION 6626. 551.22 (1) (b) (intro.) of the statutes is amended to read:

551.22 **(1)** (b) (intro.) Unless subject to a letter of credit of a bank, savings bank or savings and loan association as provided in this paragraph, a revenue obligation of an issuer specified under par. (a) that is payable from payments to be made in

respect of property or money used under a lease, sale or loan arrangement by or for a nongovernmental industrial or commercial enterprise is exempted subject to rules adopted by the ~~commissioner~~ division. A revenue obligation is exempt from any filing under the rules of the ~~commissioner~~ division if it is the subject of an irrevocable letter of credit from a bank, savings bank or savings and loan association in favor of holders of the revenue obligations providing for payment of all principal of the revenue obligations and all accrued and unpaid interest to the date of an event of default on the revenue obligations, and the letter of credit is accompanied by an opinion of counsel stating:

SECTION 6627. 551.22 (7) of the statutes is amended to read:

551.22 **(7)** Any security listed, or approved for listing upon notice of issuance, on the New York stock exchange, the American stock exchange, or a securities exchange designated by rule of the ~~commissioner~~ division; any security designated, or approved for designation upon notice of issuance, as a national market system security by the national association of securities dealers, inc., subject to rules that the ~~commissioner~~ division may promulgate under this subsection; any security of the same issuer which is of senior or substantially equal rank to the security listed, designated or approved for listing or designation, except that if the security is any preferred stock or debt security the security is not exempt unless the issuer satisfies s. 551.235 (5) (d); any security called for by subscription rights or warrants so listed, approved or designated; or any warrant or right to purchase or subscribe to any of the foregoing.

SECTION 6628. 551.22 (8) of the statutes is amended to read:

551.22 **(8)** Any security issued to its members by a domestic corporation organized and operated not for private profit but exclusively for religious,

educational, benevolent, charitable, fraternal, social, athletic or reformatory purposes; and any evidences of debt issued by any such corporation to nonmembers in compliance with rules adopted by the ~~commissioner~~ division.

SECTION 6629. 551.22 (9) of the statutes is amended to read:

551.22 **(9)** Any commercial paper meeting the requirements established by rule of the ~~commissioner~~ division and which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within 9 months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal.

SECTION 6630. 551.22 (10) of the statutes is amended to read:

551.22 **(10)** Any investment contract or other security issued in connection with an employe's stock purchase, savings, pension, profit sharing or similar benefit plan if, in the case of plans which are not qualified under section 401 of the internal revenue code and which provide for contribution by employes, there is filed with the ~~commissioner~~ division prior to any offer or sale a notice specifying the terms of the plan and any additional information required under s. 551.24 (6), and the ~~commissioner~~ division does not by order disallow the exemption within 10 days after the date of filing the notice or, if additional information is required under s. 551.24 (6), within 10 days after the date of filing that information.

SECTION 6631. 551.22 (14) of the statutes is amended to read:

551.22 **(14)** Any security issued by a licensed broker–dealer to its officers, partners or employes, subject to rules adopted by the ~~commissioner~~ division.

SECTION 6632. 551.22 (17) of the statutes is amended to read:

551.22 **(17)** Any security as to which the ~~commissioner~~ division by rule or order finds that registration is not necessary or appropriate for the protection of investors.

SECTION 6633. 551.23 (2) of the statutes is amended to read:

551.23 **(2)** Any nonissuer transaction effected by or through a licensed broker–dealer pursuant to an unsolicited order or offer to purchase; but the ~~commissioner~~ division may by rule require that the records of the broker–dealer confirm that the order or offer to purchase was unsolicited.

SECTION 6634. 551.23 (3) (c) of the statutes is amended to read:

551.23 **(3)** (c) Securities of the same class have been registered under the securities act of 1933 and there is filed with the ~~commissioner~~ division prior to any offer or sale a notice of the proposed sale, other information as the ~~commissioner~~ division by rule requires and any additional information required under s. 551.24 (6), and the ~~commissioner~~ division does not by order disallow the exemption within 10 days after the date of filing the notice or, if additional information is required under s. 551.24 (6), within 10 days after the date of filing that information; or

SECTION 6635. 551.23 (3) (d) of the statutes is amended to read:

551.23 **(3)** (d) The issuer or applicant files with the ~~commissioner~~ division such information, and an undertaking to file such reports, as the ~~commissioner~~ division by rule requires and any additional information required under s. 551.24 (6), and the ~~commissioner~~ division does not by order disallow the exemption within 10 days after the date of filing such information required by rule or, if additional information is required under s. 551.24 (6), within 10 days after the date of filing that information.

SECTION 6636. 551.23 (8) (f) of the statutes is amended to read:

551.23 **(8)** (f) Any financial institution or institutional investor designated by rule or order of the ~~commissioner~~ division.

SECTION 6637. 551.23 (8) (g) of the statutes is amended to read:

551.23 **(8)** (g) An individual accredited investor, as defined by rule of the ~~commissioner~~ division, if the issuer reasonably believes immediately before the sale that the individual accredited investor, either alone or with the individual accredited investor's representative, has such knowledge and experience in financial and business matters as to be capable of evaluating the merits and risks of the prospective investment.

SECTION 6638. 551.23 (9) of the statutes is amended to read:

551.23 **(9)** Any offer or sale of a preorganization subscription, if no commission or other remuneration is paid or given directly or indirectly for soliciting any subscriber in this state and no advertising is published or circulated unless it has been permitted by the ~~commissioner~~ division, and if the subscription is not binding and no payment is made by any subscriber until the securities subscribed for may legally be sold.

SECTION 6639. 551.23 (10) of the statutes is amended to read:

551.23 **(10)** Any offer or sale of its securities by an issuer having its principal office in this state, if the aggregate number of persons holding directly or indirectly all of the issuer's securities, after the securities to be issued are sold, does not exceed 15, exclusive of persons under sub. (8), if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state, except to broker–dealers and agents licensed in this state, and if no advertising is published unless it has been permitted by the ~~commissioner~~ division.

SECTION 6640. 551.23 (11) (b) of the statutes is amended to read:

551.23 **(11)** (b) The ~~commissioner~~ division may by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further

condition this exemption, or increase or decrease the number of offerees permitted, or waive the conditions in par. (a), and may require reports of sales under this exemption.

SECTION 6641. 551.23 (12) of the statutes is amended to read:

551.23 **(12)** Any transaction pursuant to an offer to existing security holders of the issuer, other than an entity designated in s. 551.52 (1) (b), or of a corporation which, prior to the offer, owned substantially all of the voting stock of the issuer or whose controlling persons organized the issuer for the purpose of the offer, if no commission or other remuneration other than a standby commission is paid or given directly or indirectly for soliciting any security holder in this state, and if, prior to any offer or sale, the issuer files a notice specifying the terms of the offer, all other information which the ~~commissioner~~ division by rule requires and any additional information required under s. 551.24 (6), and the ~~commissioner~~ division does not by order disallow the exemption within 10 days after the date of filing the notice or, if additional information is required under s. 551.24 (6), within 10 days after the date of filing that information. In this subsection, "security holder" includes a person who at the time of the transaction is a holder of convertible securities or nontransferable warrants or a holder of transferable warrants that are exercisable within not more than 90 days of their issuance but does not include a person who at the time of the transaction is a holder of only transferable warrants that are exercisable for more than 90 days after their issuance.

SECTION 6642. 551.23 (15) (intro.) of the statutes is amended to read:

551.23 **(15)** (intro.) Any offer or sale of an evidence of debt issued by a corporation organized and operated not for private profit but exclusively for religious, educational, benevolent or charitable purposes if the security qualifies

under this exemption, and if there has been filed with the ~~commissioner~~ division prior to any offer or sale a notice identifying the security and the basis of its qualification under this exemption together with any further information as the ~~commissioner~~ division by rule or order requires, and any additional information required under s. 551.24 (6), and if the ~~commissioner~~ division does not by order disallow the exemption within 10 days after the date of filing the notice or, if additional information is required under s. 551.24 (6), within 10 days after the date of filing that information. The security qualifies under this exemption if the issuer and any predecessor have not defaulted within the current fiscal year or the 3 preceding fiscal years in any fixed interest or principal obligation; and the issuer complies with rules of the ~~commissioner~~ division with respect to trust indentures and the use of a prospectus; and the security qualifies under either of the following:

SECTION 6643. 551.23 (15) (a) of the statutes is amended to read:

551.23 **(15)** (a) The issuer and its predecessors have not been in existence for 3 years, and the securities proposed to be sold are secured by a mortgage or deed of trust upon land and buildings which is or will become a first lien at or prior to the issuance of such evidences of debt or provision satisfactory to the ~~commissioner~~ division is made for impounding the proceeds from their sale until such first lien is established, and the total amount of such securities does not exceed 50% of the then fair market value of the land and buildings included in such mortgage or deed of trust, less the amount of any unpaid special assessment taxes; or

SECTION 6644. 551.23 (18) of the statutes is amended to read:

551.23 **(18)** Any other transaction as to which the ~~commissioner~~ division by rule or order finds that registration is not necessary or appropriate for the protection of investors.

SECTION 6645. 551.23 (19) (c) 2. a. of the statutes is amended to read:

551.23 **(19)** (c) 2. a. Any disqualification under this paragraph involving a broker–dealer or agent is waived if the broker–dealer or agent is or continues to be licensed in this state as a broker–dealer or agent after notifying the ~~commissioner~~ division of the act or event causing disqualification.

SECTION 6646. 551.23 (19) (c) 2. b. of the statutes is amended to read:

551.23 **(19)** (c) 2. b. The ~~commissioner~~ division may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

SECTION 6647. 551.23 (19) (d) of the statutes is amended to read:

551.23 **(19)** (d) Not later than the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under par. (a), there is filed with the ~~commissioner~~ division a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the securities act of 1933, a completed Form D as prescribed by Rule 503 of Regulation D under the securities act of 1933, and a fee of $200. Material amendments to the offering document shall be filed with the ~~commissioner~~ division not later than the date of their first use in this state.

SECTION 6648. 551.23 (19) (f) of the statutes is amended to read:

551.23 **(19)** (f) The ~~commissioner~~ division may, by order, increase the number of purchasers or waive any other conditions of the exemption under par. (a) for a particular offering. The ~~commissioner~~ division shall not require the filing of advertising used in connection with offers or sales in reliance on the exemption. The exemption may be revoked by order of the ~~commissioner~~ division, but only if the

offering constitutes or would constitute a violation of s. 551.31 and notice thereof has been received by the issuer, or constitutes or would constitute a violation of s. 551.41.

SECTION 6649. 551.235 (intro.) of the statutes is amended to read:

551.235 Seasoned issuer exempt transactions. (intro.) A registration exemption is available for any offer or sale of securities that meets all of the following conditions or that meets all of the following conditions other than any condition or conditions waived by the ~~commissioner~~ division upon a showing of good cause:

SECTION 6650. 551.235 (6) (a) (intro.) of the statutes is amended to read:

551.235 **(6)** (a) *Filing requirements.* (intro.) The issuer or applicant files all of the following with the ~~commissioner~~ division:

SECTION 6651. 551.235 (6) (a) 5. of the statutes is amended to read:

551.235 **(6)** (a) 5. An undertaking, signed by a person authorized by the issuer or applicant, to file promptly with the ~~commissioner~~ division all pre–effective amendments to the federal registration statement for the securities, to notify promptly the ~~commissioner~~ division by telephone or wire of the date and time when the federal registration statement becomes effective and to file promptly with the ~~commissioner~~ division 2 copies of the final prospectus.

SECTION 6652. 551.235 (6) (b) of the statutes is amended to read:

551.235 **(6)** (b) *Time for filing.* The documents and fee prescribed in par. (a) are filed with the ~~commissioner~~ division not later than the earlier of the date of the first use of the preliminary or final offering document in this state or the first sale in this state.

SECTION 6653. 551.24 (1) of the statutes is amended to read:

551.24 **(1)** The ~~commissioner~~ division may by order deny or revoke any exemption under s. 551.22, 551.23 or 551.235 with respect to a specified security or transaction.

SECTION 6654. 551.24 (2) of the statutes is amended to read:

551.24 **(2)** If the public interest and the protection of investors so require, the ~~commissioner~~ division may by order summarily deny or revoke any exemption under s. 551.22, 551.23 or 551.235 with respect to a specified security or transaction. Upon entry of the order, the ~~commissioner~~ division shall serve upon all named parties a copy of the order and notify the parties of their right to request a hearing.

SECTION 6655. 551.24 (4) (intro.) of the statutes is amended to read:

551.24 **(4)** (intro.) A person who offers or sells a security pursuant to an exemption under s. 551.22, 551.23 or 551.235 after the exemption is denied or revoked by an order of the ~~commissioner~~ division does not violate s. 551.21 (1) if:

SECTION 6656. 551.24 (6) of the statutes is amended to read:

551.24 **(6)** With respect to an exemption under s. 551.22 or 551.23 that is perfected if a notice or other information is filed with the ~~commissioner~~ division and the ~~commissioner~~ division does not disallow the exemption within a specified period after the filing, the ~~commissioner~~ division may, within 10 days after the filing date of the notice or other information, require that additional information reasonably related to the offering be filed. If the ~~commissioner~~ division requires additional information, the date by which the ~~commissioner~~ division may disallow the exemption is 10 days after the date of filing that information.

SECTION 6657. 551.25 (2) (b) of the statutes is amended to read:

551.25 **(2)** (b) If the ~~commissioner~~ division by rule or otherwise requires, a copy of the articles of incorporation and bylaws or their substantial equivalents currently

in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

SECTION 6658. 551.25 (2) (c) of the statutes is amended to read:

551.25 **(2)** (c) If the ~~commissioner~~ division requires, any other information, or copies of any documents, filed under the securities act of 1933; and

SECTION 6659. 551.25 (2) (d) of the statutes is amended to read:

551.25 **(2)** (d) An undertaking to forward all future amendments to the federal prospectus, other than an amendment which merely delays the effective date of the registration statement, not later than the first business day after they are forwarded to or filed with the securities and exchange commission, or such longer period as the ~~commissioner~~ division permits.

SECTION 6660. 551.25 (3) (a) 2. of the statutes is amended to read:

551.25 **(3)** (a) 2. The registration statement has been on file with the ~~commissioner~~ division for at least 10 days.

SECTION 6661. 551.25 (3) (a) 3. of the statutes is amended to read:

551.25 **(3)** (a) 3. A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for 2 full business days or such shorter period as the ~~commissioner~~ division permits, and the offering is made within these limitations.

SECTION 6662. 551.25 (3) (b) of the statutes is amended to read:

551.25 **(3)** (b) The registrant shall promptly notify the ~~commissioner~~ division by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a post–effective amendment containing the information and

documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices and other matters dependent upon the offering price. Upon failure to receive the required notification and post–effective amendment with respect to the price amendment, the ~~commissioner~~ division may enter a stop order, without notice or hearing, retroactively denying effectiveness to the registration statement or suspending its effectiveness until compliance with this subsection is effected, if the ~~commissioner~~ division promptly notifies the registrant by telephone or telegram of the issuance of the order. If the registrant proves compliance with the requirements of this subsection as to notice and post–effective amendment, the stop order shall be vacated. The ~~commissioner~~ division may by rule or otherwise waive any of the conditions specified in par. (a). If the federal registration statement becomes effective before all the conditions in this subsection are satisfied and they are not waived, the registration statement automatically becomes effective as soon as all the conditions are satisfied. If the registrant advises the ~~commissioner~~ division of the date when the federal registration statement is expected to become effective, the ~~commissioner~~ division shall promptly advise the registrant by telephone or telegram, at the registrant's expense, whether all the conditions are satisfied and whether the ~~commissioner~~ division then contemplates the institution of a proceeding under s. 551.28; but this advice by the ~~commissioner~~ division does not preclude the institution of such a proceeding at any time.

SECTION 6663. 551.26 (2) of the statutes is amended to read:

551.26 **(2)** A registration statement under this section shall contain the information specified in s. 551.27 (2), shall be accompanied by the consent to service

of process required by s. 551.65 (1), and shall contain such further information and be accompanied by such further documents as the ~~commissioner~~ division by rule or otherwise requires. For this purpose the ~~commissioner~~ division may classify issuers and types of securities.

SECTION 6664. 551.26 (3) of the statutes is amended to read:

551.26 **(3)** Registration under this section becomes effective when the ~~commissioner~~ division so orders. If a registration statement has been on file for at least 30 days and all information required by the ~~commissioner~~ division has been furnished, the person filing the statement may at any time file a written request that the ~~commissioner~~ division take action within 10 days following the filing of such request. If a request is filed, and the ~~commissioner~~ division takes no action within the period, the registration becomes effective at the end of the 10–day period.

SECTION 6665. 551.26 (4) of the statutes is amended to read:

551.26 **(4)** The ~~commissioner~~ division may by rule or order require as a condition of registration under this section that a prospectus containing any designated part of the information contained in the registration statement or filed with it be sent or given to each person to whom an offer is made before or concurrently with the first written offer made to the person, otherwise than by means of a public advertisement, by or for the account of the issuer or any other person on whose behalf the offering is made, or by any underwriter or broker–dealer who is offering part of an unsold allotment or subscription taken by him or her as a participant in the distribution; or the confirmation of any sale made by or for the account of any person; or the payment pursuant to any sale; or the delivery of the security pursuant to any sale; whichever first occurs.

SECTION 6666. 551.27 (1) of the statutes is amended to read:

551.27 **(1)** A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made or a licensed broker–dealer, but the ~~commissioner~~ division may in specific cases require that it be executed by the issuer.

SECTION 6667. 551.27 (4) of the statutes is amended to read:

551.27 **(4)** The ~~commissioner~~ division may by rule or otherwise permit the omission of any item of information or document from any registration statement.

SECTION 6668. 551.27 (5) of the statutes is amended to read:

551.27 **(5)** The ~~commissioner~~ division may by rule or order require as a condition of registration, and at the expense of the applicant or registrant, that a report by an accountant, engineer, appraiser or other professional person be filed. The ~~commissioner~~ division may also designate one of the ~~commissioner's~~ division's employes to make an examination of the business and records of an issuer of securities for which a registration statement has been filed by qualification or coordination, at the expense of the applicant or registrant.

SECTION 6669. 551.27 (7) of the statutes is amended to read:

551.27 **(7)** The ~~commissioner~~ division may by rule or order require as a condition of registration that any security issued within the past 3 years or to be issued to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be deposited in escrow; or that the proceeds from the sale of the registered security in this state be impounded until the issuer receives a specified amount from the sale of the security either in this state or elsewhere; or the ~~commissioner~~ division may impose both such requirements. The ~~commissioner~~ division may by rule or order determine the conditions of any escrow or impounding required hereunder, but the ~~commissioner~~ division may not reject a depository solely because of location in another state.

SECTION 6670. 551.27 (8) of the statutes is amended to read:

551.27 **(8)** The ~~commissioner~~ division may by rule require that securities of designated classes shall be issued under a trust indenture containing such provisions as the ~~commissioner~~ division determines.

SECTION 6671. 551.27 (9) of the statutes is amended to read:

551.27 **(9)** The ~~commissioner~~ division may by rule or order require as a condition of registration that any security registered be sold only on a specified form of subscription or sale contract, and that a signed or conformed copy of each contract be filed with the ~~commissioner~~ division or preserved for any period up to 3 years.

SECTION 6672. 551.27 (10) of the statutes is amended to read:

551.27 **(10)** The ~~commissioner~~ division may by rule or order impose other conditions under which a security registered by qualification or coordination may be sold, if these conditions are reasonable and in the public interest.

SECTION 6673. 551.27 (11) of the statutes is amended to read:

551.27 **(11)** A registration statement is effective for one year from its effective date unless extended by rule or order of the ~~commissioner~~ division. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any transaction by or on behalf of a person not the issuer and not in control of the issuer or controlled by the issuer or under common control with the issuer, so long as the registration statement is effective, unless otherwise prescribed by order. A registration statement may not be withdrawn after its effective date if any of the securities registered have been sold in this state, unless permitted by rule or order of the ~~commissioner~~ division. No registration statement is effective during the time a stop order is in effect under s. 551.28.

SECTION 6674. 551.27 (12) of the statutes is amended to read:

551.27 **(12)** During the effective period of a registration statement, the ~~commissioner~~ division may by rule or order require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering. If any of the securities registered have been sold in the state, the ~~commissioner~~ division may by rule or order extend the period for filing the reports for an additional period not exceeding 2 years from the date the registration became effective or the date of its last amendment or extension.

SECTION 6675. 551.27 (14) of the statutes is amended to read:

551.27 **(14)** A registration statement relating to securities issued by any class of financial institutions, which the ~~commissioner~~ division by rule determines, may be amended after its effective date so as to increase the specified amount of securities proposed to be offered. The amendment becomes effective when the ~~commissioner~~ division so orders.

SECTION 6676. 551.27 (15) of the statutes is amended to read:

551.27 **(15)** No warrant or right to purchase or subscribe to another security and no security convertible into another security shall be registered unless it appears to the ~~commissioner~~ division that both the warrant or right or convertible security and the securities deliverable on the exercise of the warrant or right or conversion privilege comply with this chapter.

SECTION 6677. 551.28 (1) (intro.) of the statutes is amended to read:

551.28 **(1)** (intro.) The ~~commissioner~~ division may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if the ~~commissioner~~ division finds that the order is in the public interest and that:

SECTION 6678. 551.28 (1) (c) of the statutes is amended to read:

551.28 **(1)** (c) The securities are the subject of an administrative stop order or similar order or a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering, but the ~~commissioner~~ division may not institute a proceeding against an effective registration statement under this paragraph more than one year from the date of the order or injunction relied on, and the ~~commissioner~~ division may not enter an order under this paragraph on the basis of an order or injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

SECTION 6679. 551.28 (1) (g) of the statutes is amended to read:

551.28 **(1)** (g) The applicant or registrant has failed to pay the proper filing fee; but the ~~commissioner~~ division may enter only a denial order under this paragraph and the ~~commissioner~~ division shall vacate any such order when the deficiency has been corrected;

SECTION 6680. 551.28 (2) of the statutes is amended to read:

551.28 **(2)** The ~~commissioner~~ division may not institute a stop order proceeding against an effective registration statement on the basis of a fact or transaction known to the ~~commissioner~~ division when the registration statement became effective unless the proceeding is instituted within 180 days after the effective date.

SECTION 6681. 551.28 (3) of the statutes is amended to read:

551.28 **(3)** In a proceeding for registration by qualification, the applicant or registrant has the burden of satisfying the requirements of sub. (1). In a proceeding for registration by coordination, the ~~commissioner~~ division has the burden of establishing the existence of one of the causes enumerated in sub. (1).

SECTION 6682. 551.28 (4) of the statutes is amended to read:

551.28 **(4)** If the public interest and the protection of investors so require, the ~~commissioner~~ division may, by order, summarily deny, postpone, suspend or revoke the effectiveness of the registration statement. Upon the entry of the order, the ~~commissioner~~ division shall serve upon all named parties a copy of the order and notify the parties of their right to request a hearing.

SECTION 6683. 551.28 (6) of the statutes is amended to read:

551.28 **(6)** The ~~commissioner~~ division may vacate or modify a stop order if the ~~commissioner~~ division finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

SECTION 6684. 551.28 (7) of the statutes is amended to read:

551.28 **(7)** Subsection (1) (e) and (f) does not apply to the issuance or sale of securities to any person who meets investor financial suitability standards if all material information in connection with the issuance or sale is disclosed to all purchasers. A purchaser shall affirm in writing that the person purchasing securities meets the investor financial suitability standards. The ~~commissioner~~ division shall promulgate rules that establish investor financial suitability standards relating to minimum net worth and to minimum net worth and minimum annual income.

SECTION 6685. 551.31 (2) (b) 2. of the statutes is amended to read:

551.31 **(2)** (b) 2. More than one broker–dealer or more than one issuer, or both, if an application that complies with par. (c) is filed with the ~~commissioner~~ division and the ~~commissioner~~ division, in writing, permits the representation.

SECTION 6686. 551.31 (2) (c) of the statutes is amended to read:

551.31 **(2)** (c) The ~~commissioner~~ division shall by rule specify the required contents and form of an application filed under par. (b) 2.

SECTION 6687. 551.31 (2) (d) of the statutes is amended to read:

551.31 **(2)** (d) When an agent terminates employment with a broker–dealer or issuer, or terminates those activities which make that individual an agent, or transfers employment between licensed broker–dealers, the agent, the broker–dealer or the issuer shall promptly file a notice in accordance with rules adopted by the ~~commissioner~~ division.

SECTION 6688. 551.31 (4) of the statutes is amended to read:

551.31 **(4)** Every license expires one year from its effective date unless renewed, or unless the license is limited or extended for not more than 6 months by rule or order for the purpose of administering the licensing statutes in this chapter. The ~~commissioner~~ division by rule or order may prepare an initial schedule for license renewals so that subsequent renewals of licenses effective January 1, 1970, may be staggered by calendar months. For this purpose the ~~commissioner~~ division may adjust the license fee proportionately. No license is effective after its expiration, and expiration of a license for which a renewal application has not been filed is deemed an application for withdrawal under s. 551.34 (6).

SECTION 6689. 551.31 (5) of the statutes is amended to read:

551.31 **(5)** A bank, savings institution or trust company not licensed as a broker–dealer may execute orders for the purchase or sale of securities as agent for the purchaser or seller thereof in accordance with rules adopted by the ~~commissioner~~ division.

SECTION 6690. 551.31 (7) (b) of the statutes is amended to read:

551.31 **(7)** (b) An application to amend the agent's license to name each additional limited partnership or investment company as the agent's employer is filed with and approved by the ~~commissioner~~ division before the agent makes any offers or sales in this state on behalf of the additional limited partnership or investment company.

SECTION 6691. 551.32 (1) (a) of the statutes is amended to read:

551.32 **(1)** (a) A broker–dealer, agent or investment adviser may obtain an initial or renewal license by filing with the ~~commissioner~~ division, or an organization which the ~~commissioner~~ division by rule designates, an application together with a consent to service of process under s. 551.65 (1).

SECTION 6692. 551.32 (1) (b) of the statutes is amended to read:

551.32 **(1)** (b) An application under par. (a) shall contain whatever information the ~~commissioner~~ division by rule requires concerning the applicant's form and place of organization, proposed method of doing business and financial condition, the qualifications and experience of the applicant, including, in the case of a broker–dealer or investment adviser, the qualifications and experience of any partner, officer, director or controlling person, any injunction or administrative order or conviction of a misdemeanor involving securities and any conviction of a felony, and any other matters which the ~~commissioner~~ division determines are relevant to the application. The ~~commissioner~~ division may by rule or order require an applicant for an initial license to publish an announcement of the application in one or more specified newspapers published in this state.

SECTION 6693. 551.32 (1) (c) (intro.) of the statutes is amended to read:

551.32 **(1)** (c) (intro.) Licensing under this subchapter is effective 30 days after an application is filed, other than for an application for license as an agent for an

issuer of securities exempted under s. 551.23 (10) or (19) in which case licensing is effective 10 business days after the application is filed or such earlier time as the ~~commissioner~~ division permits, except:

SECTION 6694. 551.32 (1) (c) 2. of the statutes is amended to read:

551.32 **(1)** (c) 2. If the ~~commissioner~~ division makes a written request for additional information relevant to the application within 30 days after the application is filed, the licensing is effective 30 days after the information is filed;

SECTION 6695. 551.32 (1) (c) 4. of the statutes is amended to read:

551.32 **(1)** (c) 4. The ~~commissioner~~ division may by rule or order specify an earlier effective date.

SECTION 6696. 551.32 (1) (d) of the statutes is amended to read:

551.32 **(1)** (d) The ~~commissioner~~ division shall cooperate with other securities administrators and regulatory authorities to simplify and coordinate license application and renewal procedures.

SECTION 6697. 551.32 (2) of the statutes is amended to read:

551.32 **(2)** Before action on an application the ~~commissioner~~ division may designate an employe to make an examination of the books, records and affairs of the applicant at the applicant's expense.

SECTION 6698. 551.32 (4) of the statutes is amended to read:

551.32 **(4)** The ~~commissioner~~ division may by rule prescribe standards of qualification with respect to training, experience and knowledge of the securities business and provide for an examination, which may be written or oral or both, to be taken by any class of or all applicants, as well as persons who represent or will represent an investment adviser, and the ~~commissioner~~ division may by order

require an examination of a licensed broker–dealer, agent or investment adviser for due cause.

SECTION 6699. 551.32 (5) of the statutes is amended to read:

551.32 **(5)** The ~~commissioner~~ division may by rule require a minimum capital for broker–dealers and investment advisers and establish limitations on aggregate indebtedness of broker–dealers in relation to net capital.

SECTION 6700. 551.32 (6) of the statutes is amended to read:

551.32 **(6)** The ~~commissioner~~ division may by rule require the furnishing of surety bonds by broker–dealers and investment advisers and all bonds so required shall provide for suit thereon by injured customers or clients, but no bond may be required of any licensee whose net capital exceeds the amount prescribed by rule for this purpose.

SECTION 6701. 551.32 (7) of the statutes is amended to read:

551.32 **(7)** The ~~commissioner~~ division may by rule or order impose other conditions or limitations in connection with the issuance of licenses under this chapter as the ~~commissioner~~ division deems appropriate in the public interest or for the protection of investors.

SECTION 6702. 551.33 (1) of the statutes is amended to read:

551.33 **(1)** Every licensed broker–dealer, agent and investment adviser shall make and keep all accounts, correspondence, memoranda, papers, books and other records which the ~~commissioner~~ division by rule prescribes. All records required shall be preserved for 3 years unless the ~~commissioner~~ division by rule prescribes otherwise for particular types of records. All required records shall be kept within this state or shall, at the request of the ~~commissioner~~ division, be made available at

any time for examination by the ~~commissioner~~ division either in the principal office of the licensee or by production of exact copies thereof in this state.

SECTION 6703. 551.33 (2) of the statutes is amended to read:

551.33 **(2)** Every licensed broker–dealer and investment adviser shall file such reports as the ~~commissioner~~ division by rule prescribes.

SECTION 6704. 551.33 (3) of the statutes is amended to read:

551.33 **(3)** If the information contained in any application for license or other document filed with the ~~commissioner~~ division or an organization designated under s. 551.32 (1) (a) is or becomes inaccurate or incomplete in any material respect, the licensee shall promptly file a correcting amendment.

SECTION 6705. 551.33 (4) of the statutes is amended to read:

551.33 **(4)** The ~~commissioner~~ division shall make periodic examinations, within or without this state, of the business and records of each licensed broker–dealer and investment adviser, at such times and in such scope as the ~~commissioner~~ division determines. The examinations may be made without prior notice to the broker–dealer or investment adviser. The expense reasonably attributable to any such examination shall be paid by the broker–dealer or investment adviser whose business is examined, but the expense so payable shall not exceed an amount which the ~~commissioner~~ division by rule prescribes. For the purpose of avoiding unnecessary duplication of examinations, the ~~commissioner~~ division, insofar as it is practicable in administering this subsection, may cooperate with securities administrators of other states, the securities and exchange commission, and any national securities exchange or national securities association registered under the securities exchange act of 1934. The ~~commissioner~~ division shall not make public the information obtained in the course of examinations, except

when the ~~commissioner's~~ division's duty under this chapter requires the ~~commissioner~~ division to take action regarding any broker–dealer or investment adviser or to make the information available to one of the organizations specified in this subsection, or except when called as a witness in any criminal or civil proceeding.

SECTION 6706. 551.33 (5) of the statutes is amended to read:

551.33 **(5)** The ~~commissioner~~ division may by rule prohibit unreasonable charges, profits, commissions or other compensation of broker–dealers and investment advisers.

SECTION 6707. 551.33 (6) of the statutes is amended to read:

551.33 **(6)** The ~~commissioner~~ division may by rule establish standards for the conduct of business by broker–dealers, agents, investment advisers and clearing corporations as defined in s. 408.102 (1) (c).

SECTION 6708. 551.34 (1) (intro.) of the statutes is amended to read:

551.34 **(1)** (intro.) The ~~commissioner~~ division may by order deny an application for, or postpone the effective date of, a license or suspend or revoke any license or may censure the licensee, if the ~~commissioner~~ division finds that the order is in the public interest and that the applicant or licensee or, in the case of a broker–dealer or investment adviser, any partner, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker–dealer or investment adviser:

SECTION 6709. 551.34 (1) (e) of the statutes is amended to read:

551.34 **(1)** (e) Is the subject of an order of the ~~commissioner~~ division denying an application or suspending or revoking a license as a broker–dealer, agent or investment adviser;

SECTION 6710. 551.34 (1) (f) of the statutes is amended to read:

551.34 **(1)** (f) Is the subject of an order entered within the past 5 years by the securities administrator of any other state or by the securities and exchange commission denying, suspending or revoking the person's registration or license as a broker–dealer, agent or investment adviser, or is the subject of an order of the securities and exchange commission or of a securities exchange or association registered under the securities exchange act of 1934 suspending or expelling such person from a securities exchange or association or forbidding the association or affiliation of the person with a broker–dealer or investment adviser, or is the subject of a U.S. postal service fraud order. The ~~commissioner~~ division may not institute a revocation or suspension proceeding under this paragraph more than one year from the date of the order relied on, and the ~~commissioner~~ division may not enter an order under this paragraph on the basis of an order under another state law or federal law unless the order was based on facts which would currently constitute a ground for an order under this section;

SECTION 6711. 551.34 (1) (k) of the statutes is amended to read:

551.34 **(1)** (k) Has failed to pay the proper filing fee, but the ~~commissioner~~ division shall vacate any such order when the deficiency has been corrected;

SECTION 6712. 551.34 (1) (m) of the statutes is amended to read:

551.34 **(1)** (m) Has made any material misrepresentation to or withheld or concealed any material fact from the ~~commissioner or any of his or her representatives~~ division, or has refused to furnish information reasonably requested by the ~~commissioner~~ division; or

SECTION 6713. 551.34 (2) of the statutes is amended to read:

551.34 **(2)** The enumeration of the causes stated in sub. (1) shall not be exclusive and the ~~commissioner~~ division may deny an application or suspend or

revoke any license or censure any licensee for any cause whether similar to or different from these causes when necessary or appropriate in the public interest or for the protection of investors.

SECTION 6714. 551.34 (3) of the statutes is amended to read:

551.34 **(3)** The ~~commissioner~~ division may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to the ~~commissioner~~ division when the license was issued unless the proceeding is instituted within 180 days following issuance of the license.

SECTION 6715. 551.34 (4) of the statutes is amended to read:

551.34 **(4)** If the public interest or the protection of investors so requires, the ~~commissioner~~ division may by order summarily deny or suspend a license or postpone the effective date of a license. Upon the entry of the order, the ~~commissioner~~ division shall serve upon all named parties a copy of the order and notify the parties of their right to request a hearing.

SECTION 6716. 551.34 (5) of the statutes is amended to read:

551.34 **(5)** If the ~~commissioner~~ division finds that any licensee or applicant is no longer in existence or has ceased to do business as a broker–dealer, agent or investment adviser, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator or guardian, or cannot be located after reasonable search, the ~~commissioner~~ division may on order issued summarily revoke the license or deny the application.

SECTION 6717. 551.34 (6) of the statutes is amended to read:

551.34 **(6)** Withdrawal from the status of a licensed broker–dealer, agent or investment adviser becomes effective 30 days after receipt by the ~~commissioner~~ division or by an organization designated by rule of the ~~commissioner~~ division under

s. 551.32 (1) (a) of an application to withdraw or within such shorter period as the ~~commissioner~~ division determines, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 30 days after the application is filed. If a proceeding is pending or instituted, withdrawal becomes effective at such time and upon such conditions as the ~~commissioner~~ division by order determines. If no proceeding is pending or instituted and withdrawal automatically becomes effective, the ~~commissioner~~ division may institute a revocation or suspension proceeding for the grounds specified under sub. (1) (b), (g), (m) or (n) within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which the license was in effect.

SECTION 6718. 551.43 of the statutes is amended to read:

551.43 Broker–dealer activities. It is unlawful for a broker–dealer to effect in this state any transaction in, or to induce the purchase or sale of, any security by means of any manipulative, deceptive or other fraudulent device or contrivance, including any fictitious quotation. The ~~commissioner~~ division may by rule define the terms "manipulative, deceptive or other fraudulent device or contrivance".

SECTION 6719. 551.44 of the statutes is amended to read:

551.44 Advisory activities. It is unlawful for any person who receives any consideration from another person primarily for advising the other person as to the value of securities or their purchase or sale, whether through the issuance of analyses or reports or otherwise, in this state, to employ any device, scheme or artifice to defraud the other person; or engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon the other person; or take or have custody of any securities or funds of any client unless the adviser is

licensed as a broker–dealer under this chapter. The ~~commissioner~~ division may adopt rules defining the terms used in this section.

SECTION 6720. 551.51 (1) of the statutes is amended to read:

551.51 **(1)** This chapter shall be administered by the ~~commissioner of securities. The commissioner shall appoint a deputy commissioner, subject to s. 15.04 (2) and (3). The commissioner may designate the deputy commissioner or any employe to perform any duty or exercise any power or function assigned to the commissioner when he or she is absent from the office~~ division.

SECTION 6721. 551.51 (2) of the statutes is amended to read:

551.51 **(2)** It is unlawful for the ~~commissioner~~ division or any officers or employes of the ~~office of the commissioner~~ division to use for personal benefit any information which is filed with or obtained by the ~~commissioner~~ division or an organization designated under s. 551.32 (1) (a) and which is not generally available to the public. Nothing in this chapter authorizes the ~~commissioner~~ division or any officers or employes of the ~~office of the commissioner~~ division to disclose any confidential information except among themselves or to other securities administrators or regulatory authorities or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the ~~commissioner~~ division or any officers or employes of the ~~office of the commissioner~~ division.

SECTION 6722. 551.52 (1) (b) (intro.) of the statutes is amended to read:

551.52 **(1)** (b) (intro.) An indefinite amount of securities shall be registered under a registration statement relating to redeemable securities issued by an

open–end management company or a face amount certificate company, as defined in the investment company act of 1940, and the applicant shall pay the fee under par. (a). The registrant also shall, within 60 days after the end of each fiscal year during which its registration statement is effective and within 60 days after the registration is terminated, file a report on a form prescribed by rule of the ~~commissioner~~ division in which the registrant does any of the following:

SECTION 6723. 551.52 (3) of the statutes is amended to read:

551.52 **(3)** The expenses reasonably attributable to the examination of any matter arising under this chapter shall be charged to the applicant, registrant or licensee involved, but the expenses so charged shall not exceed such maximum amounts as the ~~commissioner~~ division by rule prescribes.

SECTION 6724. 551.52 (4) of the statutes is amended to read:

551.52 **(4)** The ~~commissioner~~ division may by rule require the payment of prescribed fees for delinquent or materially deficient filings of information or documents required under this chapter to be filed with the ~~commissioner~~ division or an organization designated under s. 551.32 (1) (a).

SECTION 6725. 551.53 (1) (b) of the statutes is amended to read:

551.53 **(1)** (b) That has not been filed with the ~~commissioner~~ division not later than the date of publication or circulation, except as the ~~commissioner~~ division may otherwise provide by rule or order.

SECTION 6726. 551.53 (2) of the statutes is amended to read:

551.53 **(2)** The ~~commissioner~~ division may by rule or order prohibit the publication, circulation or use of any advertising deemed false or misleading.

SECTION 6727. 551.54 of the statutes is amended to read:

551.54 Misleading filings. It is unlawful for any person to make or cause to be made, in any document filed with the ~~commissioner~~ division or filed under s. 551.32 (1) (a) with an organization designated by the ~~commissioner~~ division or in any proceeding under this chapter, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect or, in connection with such statement, to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

SECTION 6728. 551.55 of the statutes is amended to read:

551.55 Unlawful representations. Neither the fact that a registration statement or an application for a license has been filed nor the fact that a security is effectively registered or a person is licensed constitutes a finding by the ~~commissioner~~ division that any document filed under this chapter is true, complete and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the ~~commissioner~~ division has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer or client any representation inconsistent with the foregoing.

SECTION 6729. 551.56 (1) (intro.) of the statutes is amended to read:

551.56 **(1)** (intro.) The ~~commissioner~~ division may:

SECTION 6730. 551.56 (1) (b) of the statutes is amended to read:

551.56 **(1)** (b) Require or permit any person to file a statement in writing, under oath or otherwise as the ~~commissioner~~ division determines, as to all the facts and circumstances concerning the matter being investigated;

SECTION 6731. 551.56 (2) of the statutes is amended to read:

551.56 **(2)** For the purpose of any investigation, hearing or proceeding under this chapter, the ~~commissioner~~ division or any officer designated by the ~~commissioner~~ division may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the ~~commissioner~~ division deems relevant or material to the inquiry. Failure to obey a subpoena or give evidence may be dealt with in accordance with s. 885.12.

SECTION 6732. 551.56 (3) (a) of the statutes is amended to read:

551.56 **(3)** (a) No person is excused from attending and testifying or from producing any document or record before the ~~commissioner~~ division, or in obedience to the subpoena of the ~~commissioner~~ division or any officer designated by the ~~commissioner~~ division, or in any proceeding instituted by the ~~commissioner~~ division, on the ground that the testimony or evidence required of the person may tend to incriminate him or her or subject the person to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of his or her testimony or evidence, after claiming his or her privilege against self–incrimination, except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

SECTION 6733. 551.57 of the statutes is amended to read:

551.57 Injunctions. Whenever it appears to the ~~commissioner~~ division that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order hereunder, the ~~commissioner~~ division may bring an action in the name of the state in the circuit court of the appropriate county to enjoin the acts or practices and to enforce compliance with this chapter or

any rule or order hereunder, or the ~~commissioner~~ division may refer the matter to the attorney general or the district attorney of the appropriate county. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order, or may appoint a receiver for the defendant or the defendant's assets, or may order rescission of any sales or purchases of securities determined to be unlawful under this chapter or any rule or order hereunder. The court may not require the ~~commissioner~~ division to post a bond.

SECTION 6734. 551.58 (2) of the statutes is amended to read:

551.58 **(2)** The ~~commissioner~~ division may refer such evidence as is available concerning violations of this chapter or of any rule or order under this chapter to the attorney general or the district attorney of the appropriate county, who may, with or without any reference, institute the appropriate criminal proceedings under this chapter. If referred to a district attorney, the district attorney shall, within 90 days, file with the ~~commissioner~~ division a statement concerning any action taken or, if no action has been taken, the reasons therefor.

SECTION 6735. 551.59 (6) (a) of the statutes is amended to read:

551.59 **(6)** (a) No purchaser may commence an action under this section if, before suit is commenced, the purchaser has received a written offer stating the respect in which liability under this section may have arisen and fairly advising the purchaser of his or her rights; offering to repurchase the security for cash payable on delivery of the security equal to the consideration paid, together with interest at the legal rate under s. 138.04 from the date of payment, less the amount of any income received thereon or, if the purchaser no longer owns the security, offering to pay the purchaser upon acceptance of the offer an amount in cash equal to the damages computed in accordance with sub. (1); and stating that the offer may be

accepted by the purchaser at any time within a specified period of not less than 30 days after the date of receipt thereof or such shorter period as the ~~commissioner~~ division may by rule prescribe; and the purchaser has failed to accept such offer in writing within the specified period.

SECTION 6736. 551.59 (6) (c) of the statutes is amended to read:

551.59 **(6)** (c) Offers shall be in the form and contain the information the ~~commissioner~~ division by rule prescribes. Every offer under this subsection shall be delivered to the offeree or sent by certified mail addressed to the offeree at the offeree's last–known address. If an offer is not performed in accordance with its terms, suit by the offeree under this section shall be permitted without regard to this subsection.

SECTION 6737. 551.60 (title) of the statutes is amended to read:

551.60 (title) **Miscellaneous powers ~~of commissioner~~.**

SECTION 6738. 551.60 (1) of the statutes is amended to read:

551.60 **(1)** The ~~commissioner~~ division may by rule or order require any issuer of securities registered or exempted by order of the ~~commissioner~~ division under this chapter or predecessor laws to file with the ~~commissioner~~ division and distribute to its security holders in this state at least annually specified financial or other information concerning the issuer.

SECTION 6739. 551.60 (2) (a) of the statutes is amended to read:

551.60 **(2)** (a) If the ~~commissioner~~ division has reason to believe that any offer or sale of an unregistered security is, has been or would be unfair, inequitable or fraudulent to offerees or purchasers, the ~~commissioner~~ division may by order summarily prohibit further offers or sales of such security in this state until it is registered under this chapter.

SECTION 6740. 551.60 (2) (b) of the statutes is amended to read:

551.60 **(2)** (b) If the ~~commissioner~~ division has reason to believe that any security is being or has been offered or sold in this state by any unlicensed person in violation of this chapter or any rule or order hereunder, the ~~commissioner~~ division may by order summarily prohibit such person from further offers or sales of securities in this state until licensed under this chapter.

SECTION 6741. 551.60 (2) (c) of the statutes is amended to read:

551.60 **(2)** (c) If the ~~commissioner~~ division has reason to believe that any unlicensed person is transacting or has transacted business in this state as an investment adviser in violation of this chapter or any rule or order promulgated under this chapter, the ~~commissioner~~ division may by order summarily prohibit such person from further engaging in such activity in this state until licensed under this chapter.

SECTION 6742. 551.60 (3) of the statutes is amended to read:

551.60 **(3)** If the public interest and the protection of investors so require, the ~~commissioner~~ division may by order summarily suspend all trading in this state by broker–dealers and agents in any security for any period specified. No broker–dealer or agent may effect any transaction in, or induce or attempt to induce the purchase or sale of, any security in this state in which trading is so suspended, except in performance of a contract previously entered into. At any time after the issuance of an order under this subsection, any interested person may in writing request that the suspension of trading be vacated. Upon the receipt of a written request, the matter shall be noticed for hearing and a hearing shall be held in the manner provided in s. 551.61 (2). After the hearing, the ~~commissioner~~ division may order the suspension to be continued until modified or vacated by further order upon a finding

that trading in the security will be unfair or inequitable or will tend to work a fraud upon the purchasers or sellers of the security. Otherwise, the ~~commissioner~~ division shall vacate the suspension of trading and no further order may be entered under this subsection with respect to the same security in the absence of changed circumstances justifying an order.

SECTION 6743. 551.60 (4) of the statutes is amended to read:

551.60 **(4)** Every corporation, partnership or association having its principal office in this state or whose securities have been registered under this chapter or predecessor laws shall, within 20 days after receipt of written request from the ~~commissioner~~ division made in connection with any investigation under s. 551.56 (1), furnish the ~~commissioner~~ division with a list of all or part of its security holders as the ~~commissioner~~ division requests, showing the amount of securities held by each security holder and the date of issuance of such securities and information reasonably related thereto, signed by the president, secretary or partner of the issuer or a person occupying a similar status or performing similar functions.

SECTION 6744. 551.60 (5) of the statutes is amended to read:

551.60 **(5)** The ~~commissioner~~ division may take such action as is authorized under 7 USC 13a–2, as amended.

SECTION 6745. 551.605 (1) (a) (intro.) of the statutes is amended to read:

551.605 **(1)** (a) (intro.) The ~~commissioner~~ division or any officer designated by the ~~commissioner~~ division may impose an administrative assessment in the amount provided in par. (b) on any person who is subject to an order that is issued under s. 551.24, 551.28, 551.34, 551.53, 551.60 or 551.63 (1) and (2) in any of the following circumstances:

SECTION 6746. 551.605 (1) (a) 1. of the statutes is amended to read:

551.605 **(1)** (a) 1. Following a hearing under s. 551.61 if the notice delivered to all interested parties includes notice of the ~~commissioner's~~ division's authority to impose an administrative assessment under this subsection.

SECTION 6747. 551.605 (1) (c) of the statutes is amended to read:

551.605 **(1)** (c) The ~~commissioner~~ division shall include any administrative assessment imposed under this subsection in the order issued under any of the sections referred to in par. (a) in the manner described in par. (a) 1. or 2.

SECTION 6748. 551.605 (1) (d) of the statutes is amended to read:

551.605 **(1)** (d) Upon the request of the ~~commissioner~~ division, the department of justice may bring a civil action in the circuit court for Dane county to compel payment of any unpaid administrative assessment, unless payment of the administrative assessment is stayed under s. 227.54.

SECTION 6749. 551.605 (2) of the statutes is amended to read:

551.605 **(2)** INVESTOR EDUCATION. All moneys collected from the administrative assessment under sub. (1) shall be credited to the appropriation under s. ~~20.185 (1) (h)~~ 20.144 (1) (i). Subject to s. ~~20.185 (1) (h)~~ 20.144 (1) (i), the ~~commissioner~~ division shall use moneys credited to that appropriation to provide information to residents of this state about investments in securities to help investors and potential investors evaluate their investment decisions, protect themselves from unfair, inequitable or fraudulent offerings, choose their broker–dealers, agents or investment advisers more carefully, be alert for false or misleading advertising or other harmful practices, and know their rights as investors.

SECTION 6750. 551.61 (1) of the statutes is amended to read:

551.61 **(1)** No order, other than an order issued summarily subject to sub. (2), may be entered by the ~~commissioner~~ division under s. 551.24, 551.28, 551.34 or

551.53 (2) without appropriate prior notice to all interested parties, opportunity for a hearing and, except as provided by s. 551.34 (7), written findings of fact and conclusions of law.

SECTION 6751. 551.61 (2) of the statutes is amended to read:

551.61 **(2)** Within 30 days after the ~~commissioner~~ division has issued an order summarily, an interested party may file a written request with the ~~commissioner~~ division for a hearing in respect to any matters determined by the order, except a party may file a request for a hearing regarding an order issued under s. 551.60 (3) at any time. Within 10 days after an interested person files a written request with the ~~commissioner~~ division for a hearing, the matter shall be noticed for hearing, and a hearing shall be held within 60 days after notice, unless extended by the ~~commissioner~~ division for good cause. During the pendency of any hearing requested under this subsection, the order issued summarily shall remain in effect unless vacated or modified by the ~~commissioner~~ division.

SECTION 6752. 551.61 (3) of the statutes is amended to read:

551.61 **(3)** After a hearing, the ~~commissioner~~ division may issue a final order as appropriate. The final order may affirm, vacate or modify an order issued summarily in effect during the pendency of the hearing as appropriate, or may include such other sanctions as are provided for under s. 551.24, 551.28 or 551.34. An order issued summarily against a party becomes a final order if the party fails to request a hearing under sub. (2) or if the party defaults after requesting a hearing.

SECTION 6753. 551.61 (5) of the statutes is amended to read:

551.61 **(5)** Orders of the ~~commissioner~~ division are subject to judicial review under ch. 227 but orders originally entered without a hearing may be reviewed only

if the party seeking review has requested a hearing within the time provided by sub. (2).

SECTION 6754. 551.62 (1) of the statutes is amended to read:

551.62 **(1)** No permanent or temporary injunction, stay, restraining order or other order shall issue in any proceeding under s. 551.56 or 551.61 suspending or staying any order of the ~~commissioner~~ division, except upon application to the circuit court of the appropriate county, notice of which shall be given to the ~~commissioner~~ division and other parties to the proceeding, and except after opportunity for hearing thereon. No permanent or temporary injunction, stay, restraining order or other order shall issue in any other proceeding or action, in any court, which shall have the effect of delaying or preventing any such order from becoming effective, unless the parties to the proceeding before the ~~commissioner~~ division are also parties to the court proceeding or action, and except after notice and opportunity for hearing thereon.

SECTION 6755. 551.62 (2) of the statutes is amended to read:

551.62 **(2)** No permanent or temporary injunction, stay, restraining order or other order shall issue in any proceeding under s. 551.56 or 551.61 or in any other proceeding or action, in any court, suspending or staying any order of the ~~commissioner~~ division or having the effect of delaying or preventing any such order from becoming effective, unless an undertaking is entered into on the part of the petitioner or plaintiff, with a surety and in the sum the court or the presiding judge thereof directs or approves to the effect that the petitioner or plaintiff will pay all damages which any party sustains by the suspension or stay of the order or the delay or prevention of the order from becoming effective, and to such other effect as the court or judge directs, and no order or judgment in any proceeding or action shall be

stayed on appeal therefrom unless a like undertaking is entered into by the petitioner or plaintiff in addition to the undertaking under s. 808.07.

SECTION 6756. 551.63 (1) of the statutes is amended to read:

551.63 **(1)** The ~~commissioner~~ division may make, amend and rescind any rules, forms and orders that are necessary to carry out this chapter, including rules and forms governing registration statements, applications and reports, and defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with this chapter. For the purpose of rules and forms, the ~~commissioner~~ division may classify securities, persons and matters within the ~~commissioner's~~ division's jurisdiction, and prescribe different requirements for different classes. Rules shall be made and published in accordance with ch. 227.

SECTION 6757. 551.63 (2) of the statutes is amended to read:

551.63 **(2)** No rule, form or order may be made, amended or rescinded unless the ~~commissioner~~ division finds that the action is necessary or appropriate in the public interest and for the protection of investors. In prescribing rules and forms the ~~commissioner~~ division may cooperate with the securities administrators of other states and the securities and exchange commission with a view to achieving maximum uniformity in the form and content of registration statements, applications and reports wherever practicable.

SECTION 6758. 551.63 (3) of the statutes is amended to read:

551.63 **(3)** The ~~commissioner~~ division may by rule or order prescribe the form and content of financial statements required under this chapter, the circumstances under which consolidated financial statements shall be filed, and whether any required financial statements shall be certified by independent or certified public

accountants. All financial statements shall be prepared in accordance with generally accepted accounting practices unless otherwise permitted by rule or order.

SECTION 6759. 551.63 (4) of the statutes is amended to read:

551.63 **(4)** No provision of this chapter imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form or order of the ~~commissioner~~ division, notwithstanding that the rule, form or order may later be amended or rescinded or be determined to be invalid for any reason.

SECTION 6760. 551.64 (1) of the statutes is amended to read:

551.64 **(1)** A document is filed when it is received by the ~~commissioner~~ division or, if authorized under s. 551.32 (1) (a), an organization designated by the ~~commissioner~~ division.

SECTION 6761. 551.64 (2) of the statutes is amended to read:

551.64 **(2)** The ~~commissioner~~ division shall keep a register of all licenses and registration statements which are or have ever been effective under this chapter and predecessor laws and all denial, suspension or revocation orders which have been entered under this chapter and predecessor laws. The register shall be open for public inspection.

SECTION 6762. 551.64 (3) of the statutes is amended to read:

551.64 **(3)** The information contained in or filed with any registration statement, application or report shall be made available to the public in accordance with rules adopted by the ~~commissioner~~ division.

SECTION 6763. 551.64 (4) of the statutes is amended to read:

551.64 **(4)** The ~~commissioner~~ division upon request shall furnish to any person at a reasonable charge photostatic or other copies, certified ~~under the commissioner's seal of office,~~ by the division if certification is requested, of any entry in the register

or any order or other document on file ~~in the commissioner's office~~ with the division. Any copy so certified is admissible in evidence under s. 889.18.

SECTION 6764. 551.64 (5) of the statutes is amended to read:

551.64 **(5)** The ~~commissioner~~ division may honor requests from interested persons for interpretative opinions.

SECTION 6765. 551.65 (1) of the statutes is amended to read:

551.65 **(1)** Every applicant for license or registration under this chapter and every issuer which proposes to offer a security in this state through any person acting as agent shall file with the ~~commissioner~~ division or, if applying for a license, with the organization designated by the ~~commissioner~~ division under s. 551.32 (1) (a), an irrevocable consent appointing the ~~commissioner or the commissioner's successor in office~~ division to be his or her attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or her or a successor, executor or administrator which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same validity as if served personally on the person filing the consent. The consent shall be in the form the ~~commissioner~~ division by rule prescribes. The consent need not be filed by a person who has filed a consent in connection with a previous registration or license which is then in effect. Service may be made by leaving a copy of the process ~~in~~ at the office of the ~~commissioner~~ division, but it is not effective unless the plaintiff, who may be the ~~commissioner~~ division in a suit, action or proceeding instituted by the ~~commissioner~~ division, promptly sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at the person's last address on file with the ~~commissioner~~ division, and the plaintiff's affidavit of compliance with this

subsection is filed in the case on or before the return day of the process, or within such time as the court allows.

SECTION 6766. 551.65 (2) of the statutes is amended to read:

551.65 **(2)** When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this chapter or any rule or order under this chapter, and the person has not filed a consent to service of process under sub. (1) and personal jurisdiction over the person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to the person's appointment of the ~~commissioner~~ division to be his or her attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against the person or the person's successor, executor or administrator which arises out of that conduct and which is brought under this chapter or any rule or order under this chapter, with the same validity as if served on him or her personally. Service may be made by leaving a copy of the process ~~in~~ at the office of the ~~commissioner~~ division, but it is not effective unless the plaintiff, who may be the ~~commissioner~~ division in a suit, action or proceeding instituted by the ~~commissioner~~ division, promptly sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at the person's last–known address or takes other steps which are reasonably calculated to give actual notice; and the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process or within such time as the court allows.

SECTION 6767. 551.65 (3) of the statutes is amended to read:

551.65 **(3)** When process is served under this section the court, or the ~~commissioner~~ division in a proceeding before the ~~commissioner~~ division, shall order

such continuance as is necessary to afford the defendant or respondent reasonable opportunity to defend.

SECTION 6768. 552.01 (1) of the statutes is amended to read:

552.01 **(1)** ~~"Commissioner"~~ "Division" means the ~~commissioner~~ division of securities.

SECTION 6769. 552.01 (2) of the statutes is amended to read:

552.01 **(2)** "Equity security" means any shares of stock or similar securities, or any securities convertible into such securities, or carrying any warrant or right to subscribe to or purchase such securities, or any such warrant or right, or any other security which, for the protection of investors, is deemed an equity security pursuant to rule of the ~~commissioner~~ division.

SECTION 6770. 552.03 (1) (intro.) of the statutes is amended to read:

552.03 **(1)** (intro.) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a target company, is directly or indirectly a beneficial owner of more than 5% of any class of the outstanding equity securities of the issuer shall, within 10 days after such acquisition, file with the ~~commissioner~~ division on a form prescribed by the ~~commissioner~~ division a statement containing the following information and such additional information as the ~~commissioner~~ division by rule prescribes:

SECTION 6771. 552.03 (3) of the statutes is amended to read:

552.03 **(3)** Any person may file with the ~~commissioner~~ division, in lieu of the statement prescribed in sub. (1) and unless otherwise ordered by the ~~commissioner~~ division, a statement containing the person's name and address, the number of shares or units of any equity security of the target company which are beneficially owned directly or indirectly by the person and each of the person's associates, the

date of their acquisition and such other information as the ~~commissioner~~ division may by rule prescribe, if the person certifies that such securities were acquired by the person in the ordinary course of the person's business and not for the purpose or having the effect of changing or influencing the control of the issuer nor in connection with or as a participant in any transaction having such purpose or effect, and that the person does not intend to make a take–over offer involving the target company.

SECTION 6772. 552.03 (4) of the statutes is amended to read:

552.03 **(4)** If any material change occurs in the facts set forth in the statement, the person filing the statement shall, within 10 days thereafter, file with the ~~commissioner~~ division an amendment describing the change, in accordance with rules adopted by the ~~commissioner~~ division.

SECTION 6773. 552.03 (5) of the statutes is amended to read:

552.03 **(5)** Each person required to file any statement or amendment thereto with the ~~commissioner~~ division under this section shall send a signed copy of such statement or amendment by certified mail to the target company at its principal office not later than the date of filing.

SECTION 6774. 552.03 (6) of the statutes is amended to read:

552.03 **(6)** No person required to file any ownership statement under this section, who is delinquent in the filing of such statement, may file a registration statement relating to a proposed take–over offer for a period of 60 days after the date of filing of the ownership statement, except as may be permitted by order of the ~~commissioner~~ division.

SECTION 6775. 552.05 (1) of the statutes is amended to read:

552.05 **(1)** It is unlawful for any person to make a take–over offer involving a target company in this state, or to acquire any equity securities of a target company

pursuant to the offer, unless the offer is effective under this chapter or is exempted by rule or order of the ~~commissioner~~ division. The ~~commissioner~~ division may by an exemption order, with or without petition of the offeror, permit a take–over offer to be made without prior registration under this chapter if the offeror's purchase of any securities tendered incident to the offer is conditioned upon subsequent registration under this chapter. The ~~commissioner~~ division may hold a hearing under sub. (4) with respect to the registration of a take–over offer which is subject to an exemption order. Before a take–over offer becomes effective under this chapter, the offeror shall file with the ~~commissioner~~ division a registration statement containing the information prescribed in sub. (2), and send a copy of the registration statement by certified mail to the target company at its principal office and publicly disclose the material terms of the proposed offer, not later than the date of filing of the registration statement.

SECTION 6776. 552.05 (2) (intro.) of the statutes is amended to read:

552.05 **(2)** (intro.) The registration statement shall be filed on forms prescribed by the ~~commissioner~~ division, and shall be accompanied by a consent by the offeror to service of process specified in s. 551.65 (1) and the filing fee specified in s. 552.15 (1), and shall contain the following information and such additional information as the commissioner by rule prescribes:

SECTION 6777. 552.05 (3) of the statutes is amended to read:

552.05 **(3)** The ~~commissioner~~ division may require the offeror to file any other documents, exhibits and information that the ~~commissioner~~ division deems material to the take–over offer, and the ~~commissioner~~ division may permit the omission of any of the information specified in sub. (2) if the ~~commissioner~~ division determines that such information is not required for the protection of offerees. The ~~commissioner~~

division may by order summarily delay the effective date of the offer if the ~~commissioner~~ division determines that the registration statement does not contain all of the information specified in sub. (2) or does not provide full disclosure to offerees of all material information concerning the offer.

SECTION 6778. 552.05 (4) of the statutes is amended to read:

552.05 **(4)** A take–over offer becomes effective 10 days after the date of filing the registration statement with the ~~commissioner~~ division unless delayed by order, or unless prior thereto the ~~commissioner~~ division calls a hearing with respect to the offer. The ~~commissioner~~ division may call a hearing if it is necessary or appropriate for the protection of offerees in this state. Within 5 days after the filing of the registration statement, the target company, acting through its board of directors, may petition the ~~commissioner~~ division to hold a hearing with respect to the take–over offer, except that the target company may not request a hearing if it has requested a hearing with respect to the take–over offer under a law of any other state similar to this chapter. The petition shall set forth the specific basis asserted under sub. (5) for denying, delaying or requiring amendment of the registration statement. Within 72 hours after the petition is filed the ~~commissioner~~ division shall either call a hearing or notify the target company in writing or by telephone or telegraph why a hearing was not called. If a hearing is called by the ~~commissioner~~ division and the target company subsequently requests a hearing with respect to the take–over offer under a law of another state similar to this chapter the ~~commissioner~~ division shall dismiss any hearing proceedings under this chapter. If a hearing is called, the offer is not effective until registered by order of the ~~commissioner~~ division, except that the ~~commissioner~~ division may issue an exemption order permitting a conditional take–over offer under sub. (1) to commence.

SECTION 6779. 552.05 (5) of the statutes is amended to read:

552.05 **(5)** Any hearing called by the ~~commissioner~~ division under this section shall be held within 20 days of the date of filing of the registration statement under sub. (1), and any determination made following the hearing shall be made within 30 days after the filing, unless extended by order of the ~~commissioner~~ division for the convenience of the parties or for the protection of offerees in this state, but an extension may not exceed offering period limitations relating to take–over offers prescribed by the securities exchange act of 1934 or rules and regulations under that act, if the take–over offer is subject to the securities exchange act of 1934. If, following the hearing, the ~~commissioner~~ division finds that the take–over offer fails to provide for full and fair disclosure to offerees of all material information concerning the offer, the offer will not be made to all stockholders on substantially equal terms, the offer is in violation of ch. 551 or this chapter or the offeror is delinquent in the filing of an ownership information statement or has filed an ownership information statement that contains a false statement of a material fact or omits to state a material fact necessary to make the statements made not misleading, the ~~commissioner~~ division may, by order, deny registration of the offer, prohibit the offeror from filing a registration statement relating to a proposed take–over offer involving the target company for a period of up to 180 days or permit the take–over offer to be amended and by order register the amended take–over offer.

SECTION 6780. 552.05 (6) of the statutes is amended to read:

552.05 **(6)** If the ~~commissioner~~ division does not enter an order denying or postponing registration under sub. (5), the ~~commissioner~~ division shall, by order, register the take–over offer or amended take–over offer. Registration of the take–over offer is not approval of the take–over offer by the ~~commissioner~~ division.

SECTION 6781. 552.07 (1) of the statutes is amended to read:

552.07 **(1)** Copies of all advertisements, circulars, letters or other materials published by the offeror or the target company, soliciting or requesting the acceptance or rejection of the take–over offer, shall be filed with the ~~commissioner~~ division and sent to the target company or offeror, respectively, not later than the time copies of such solicitation materials are first published or used or sent to security holders of the target company.

SECTION 6782. 552.07 (2) of the statutes is amended to read:

552.07 **(2)** Solicitation materials used in connection with a take–over offer shall not contain any false statement of a material fact or omit to state a material fact necessary to make the statements therein not misleading. The ~~commissioner~~ division may by rule or order prohibit the use of any solicitation materials deemed false or misleading.

SECTION 6783. 552.08 of the statutes is amended to read:

552.08 Comity. The registration and filing requirements of ss. 552.05 and 552.07 do not apply to a take–over offer subject to this chapter if the ~~commissioner~~ division determines by order that another jurisdiction has statutes or rules which are applicable to the take–over offer and are being applied which afford protection to security holders located in this state substantially equal to the protection afforded security holders by this chapter. The issuance of an order under this section does not prohibit the ~~commissioner~~ division from participating in any proceeding in the other jurisdiction to the extent necessary to protect security holders in this state.

SECTION 6784. 552.09 (5) of the statutes is amended to read:

552.09 **(5)** Acquisition by or through a broker–dealer acting on behalf of an offeror or a target company of any equity security of the target company in connection

with a take–over offer unless the broker–dealer files with the ~~commissioner~~ division such information as the ~~commissioner~~ division requires and to the extent permitted by rule or order by the ~~commissioner~~ division, or unless the broker–dealer did not know and in the exercise of reasonable care could not have known that the person for whom it acted was an offeror or a target company or that the acquisition was in connection with a take–over offer.

SECTION 6785. 552.11 (2) of the statutes is amended to read:

552.11 **(2)** An offeror shall provide that any equity securities of a target company subject to s. 552.05 deposited or tendered pursuant to a registered take–over offer may be withdrawn by or on behalf of any offeree at any time within 7 days from the date the offer has become effective under this chapter and after 60 days from the date the offer has become effective under this chapter, except as the ~~commissioner~~ division may otherwise prescribe by rule or order for the protection of investors. In any offer permitted to commence by an exemption order under s. 552.05 (1), the offeror shall provide that any equity securities tendered or deposited pursuant to the conditional offer will be purchased by the offeror only in the event a subsequent registration of the offer occurs under this chapter.

SECTION 6786. 552.11 (5) of the statutes is amended to read:

552.11 **(5)** No offeror may make a take–over offer involving a target company subject to s. 552.05, or acquire any equity securities of the target company pursuant to the offer, at any time when an administrative or injunctive proceeding has been brought by the ~~commissioner~~ division against the offeror for violation of this chapter that has not been finally determined.

SECTION 6787. 552.11 (6) of the statutes is amended to read:

552.11 **(6)** No offeror may acquire, remove or exercise control, directly or indirectly, over any assets located in this state of a target company subject to s. 552.05 unless the take–over offer is effective or exempt under this chapter, except as permitted by order of the ~~commissioner~~ division.

SECTION 6788. 552.13 (1) of the statutes is amended to read:

552.13 **(1)** This chapter shall be administered by the ~~commissioner of securities, who~~ division, which may exercise all powers granted to the ~~commissioner~~ division under ch. 551 which are not inconsistent with this chapter.

SECTION 6789. 552.13 (2) of the statutes is amended to read:

552.13 **(2)** The ~~commissioner~~ division may adopt rules necessary to carry out the purposes of this chapter, including rules defining fraudulent or deceptive practices and other terms used in this chapter.

SECTION 6790. 552.13 (3) of the statutes is amended to read:

552.13 **(3)** The ~~commissioner~~ division may by rule or order exempt from any provisions of this chapter take–over offers that the ~~commissioner~~ division determines are not made for the purpose or do not have the effect of changing or influencing the control of a target company or where compliance with this chapter is not necessary for the protection of offerees in this state, and may exempt any person from the filing of statements under this chapter.

SECTION 6791. 552.13 (4) of the statutes is amended to read:

552.13 **(4)** The ~~commissioner~~ division may by order direct any person to file any statement provided for in this chapter if it appears that such person is required to file such statement and is delinquent in the filing of such statement.

SECTION 6792. 552.15 (1) of the statutes is amended to read:

552.15 **(1)** The ~~commissioner~~ division shall charge a filing fee of $100 for a registration statement filed by an offeror and $100 for a request for hearing filed by a target company.

SECTION 6793. 552.15 (3) of the statutes is amended to read:

552.15 **(3)** The expenses reasonably attributable to the examination of solicitation materials shall be charged to the person filing them, but the expenses so charged shall not exceed such maximum amounts as the ~~commissioner~~ division by rule prescribes.

SECTION 6794. 552.17 of the statutes is amended to read:

552.17 Injunctions. Whenever it appears that any person, including a controlling person of an offeror or target company, has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order under this chapter, the ~~commissioner~~ division may bring an action in the name of the state in the circuit court of the appropriate county to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order under this chapter, or may refer the matter to the attorney general or the district attorney of the appropriate county. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order, may order rescission of any sales or purchases of securities determined to be unlawful under this chapter or any rule or order under this chapter or may grant other appropriate relief. The court may not require the ~~commissioner~~ division to post a bond.

SECTION 6795. 552.19 (2) of the statutes is amended to read:

552.19 **(2)** The ~~commissioner~~ division may refer such evidence as is available concerning violations of this chapter or of any rule or order under this chapter to the attorney general or the district attorney of the appropriate county who may, with or

without any reference, institute the appropriate criminal proceedings under this chapter. If referred to a district attorney, the district attorney shall, within 90 days, file with the ~~commissioner~~ division a statement concerning any action taken or, if no action has been taken, the reasons therefor.

SECTION 6796. 552.23 (1) of the statutes is amended to read:

552.23 **(1)** If the target company is an insurance company subject to regulation by the commissioner of insurance, a banking corporation subject to regulation by the ~~commissioner~~ division of banking, a savings bank or savings and loan association subject to regulation by the ~~commissioner~~ division of savings and loan, ~~or a public service corporation~~ or a company subject to regulation by the public service commission, the department of transportation or the office of the commissioner of railroads, the ~~commissioner~~ division of securities shall promptly furnish a copy of the registration statement filed under this chapter to the regulatory agency having supervision of the target company. Any hearing under this chapter involving any such target company shall be held jointly with the regulatory agency having supervision, and any determination following the hearing shall be made jointly with that regulatory agency.

SECTION 6797. 553.03 (3) of the statutes is amended to read:

553.03 **(3)** ~~"Commissioner"~~ "Division" means the ~~commissioner~~ division of securities.

SECTION 6798. 553.03 (5m) (a) of the statutes is amended to read:

553.03 **(5m)** (a) The purchase or agreement to purchase goods at a bona fide wholesale price. The ~~commissioner~~ division may issue rules defining wholesale transactions exempt under this paragraph.

SECTION 6799. 553.03 (5m) (d) of the statutes is amended to read:

553.03 **(5m)** (d) Any other consideration which the ~~commissioner~~ division by rule excludes from "franchise fee".

SECTION 6800. 553.03 (9) of the statutes is amended to read:

553.03 **(9)** "Order" means every direction or determination of the ~~commissioner~~ division designated an order and made in writing ~~over the signature and seal of~~ by the ~~commissioner~~ division, except a rule as defined under s. 227.01 (13).

SECTION 6801. 553.22 (1) (intro.) of the statutes is amended to read:

553.22 **(1)** EXEMPTION. (intro.) A franchisor may obtain an exemption for one year from registering an offer to sell or a sale of a franchise under s. 553.21 if the franchisor satisfies all of the following conditions other than any condition waived by the ~~commissioner~~ division:

SECTION 6802. 553.22 (1) (c) of the statutes is amended to read:

553.22 **(1)** (c) Discloses in writing the information prescribed by rule of the ~~commissioner~~ division to each prospective franchisee at least 10 business days prior to the execution by the prospective franchisee of any binding franchise or other agreement or at least 10 business days prior to the receipt of any consideration, whichever first occurs.

SECTION 6803. 553.22 (1) (d) of the statutes is amended to read:

553.22 **(1)** (d) Files with the ~~commissioner~~ division at least 10 days before any offer or sale of a franchise in this state that relies on the exemption under this subsection a notice consisting of a copy of the information to be distributed to each prospective franchisee under par. (c), together with the consent to service of process as specified in s. 553.27 (10), the fee prescribed by rule of the ~~commissioner~~ division and any additional information required under s. 553.24 (6).

SECTION 6804. 553.22 (2) of the statutes is amended to read:

553.22 **(2)** EFFECTIVE DATE. The ~~commissioner~~ division may, by order, disallow the exemption within 10 days after the date on which the information required under sub. (1) is filed or, if additional information is required under s. 553.24 (6), within 10 days after the date on which that information is filed. If the ~~commissioner~~ division does not disallow the exemption within the applicable time period, the exemption takes effect on the day after the time period expires.

SECTION 6805. 553.22 (3) (intro.) of the statutes is amended to read:

553.22 **(3)** EXTENSION. (intro.) The exemption under sub. (1) may be extended for additional one–year periods if the franchisor files all of the following with the ~~commissioner~~ division before the one–year exemption period, or an extension of the exemption period, expires or before a date set by the ~~commissioner~~ division if the ~~commissioner~~ division permits the franchisor to file for an extension after the expiration of the franchisor's previous exemption period:

SECTION 6806. 553.22 (3) (a) of the statutes is amended to read:

553.22 **(3)** (a) A copy of either the franchisor's current offering circular prepared in the form required by rule of the ~~commissioner~~ division under s. 553.27 (4) for offering circulars used in connection with a registered franchise or the franchisor's current disclosure document prepared in the form required by 16 CFR 436.

SECTION 6807. 553.22 (3) (d) of the statutes is amended to read:

553.22 **(3)** (d) The fee prescribed by rule of the ~~commissioner~~ division.

SECTION 6808. 553.235 (2) (b) of the statutes is amended to read:

553.235 **(2)** (b) The ~~commissioner~~ division may, by rule or order, withdraw or further condition the availability of the exemption under sub. (1).

SECTION 6809. 553.24 (1) of the statutes is amended to read:

553.24 **(1)** The ~~commissioner~~ division may by order deny or revoke any exemption under s. 553.22, 553.23, 553.235 or 553.25 with respect to the offer or sale of a franchise for any of the grounds specified in s. 553.28 (1).

SECTION 6810. 553.24 (2) of the statutes is amended to read:

553.24 **(2)** If the public interest and the protection of investors so require, the ~~commissioner~~ division may, by order, summarily deny or revoke any exemption under s. 553.22, 553.23, 553.235 or 553.25 with respect to the offer or sale of a franchise.

SECTION 6811. 553.24 (4) (intro.) of the statutes is amended to read:

553.24 **(4)** (intro.) A person who offers or sells a franchise pursuant to an exemption under s. 553.22, 553.23, 553.235 or 553.25 after the exemption is denied or revoked by an order of the ~~commissioner~~ division does not violate s. 553.21 if:

SECTION 6812. 553.24 (6) of the statutes is amended to read:

553.24 **(6)** Within 10 days after the filing date of the information required under s. 553.22 or an application for an exemption under s. 553.25, the ~~commissioner~~ division may require that additional information be filed if the ~~commissioner~~ division determines that the information is reasonably necessary to establish an exemption under s. 553.22 or 553.25. If the ~~commissioner~~ division requires additional information, the exemption is not effective until 10 days after the additional information is filed with the ~~commissioner~~ division, unless a shorter period is permitted by the ~~commissioner~~ division.

SECTION 6813. 553.25 of the statutes is amended to read:

553.25 (title) **Exemption by ~~commissioner~~ division.** The ~~commissioner~~ division may by rule or order exempt from registration under s. 553.21 any offer or

sale of a franchise if registration is not necessary or appropriate in the public interest or for the protection of investors.

SECTION 6814. 553.26 (intro.) of the statutes is amended to read:

553.26 Application for registration. (intro.) The application for registration of an offer shall be filed with the ~~commissioner~~ division and shall contain the following:

SECTION 6815. 553.26 (4) of the statutes is amended to read:

553.26 **(4)** Such information concerning the identity and business experience of persons affiliated with the franchisor, as the ~~commissioner~~ division may by rule prescribe.

SECTION 6816. 553.26 (7) (intro.) of the statutes is amended to read:

553.26 **(7)** (intro.) A recent financial statement of the franchisor, together with a statement of any material changes in the financial condition of the franchisor from the date thereof. The ~~commissioner~~ division may by rule or order prescribe:

SECTION 6817. 553.26 (18) of the statutes is amended to read:

553.26 **(18)** A statement of the number of franchises presently operating and proposed to be sold, as may be required by rule of the ~~commissioner~~ division.

SECTION 6818. 553.26 (20) of the statutes is amended to read:

553.26 **(20)** Other information related to the application as the ~~commissioner~~ division may reasonably require.

SECTION 6819. 553.27 (2) of the statutes is amended to read:

553.27 **(2)** If the ~~commissioner~~ division finds that the applicant has failed to demonstrate that adequate financial arrangements have been made to fulfill obligations to provide real estate, improvements, equipment, inventory, training or other items included in the offering, the ~~commissioner~~ division may by rule or order

require the escrow of franchise fees and other funds paid by the franchisee or subfranchisor until no later than the time of opening of the franchise business, or, at the option of the franchisor, the furnishing of a surety bond as provided by rule of the ~~commissioner~~ division, if the ~~commissioner~~ division finds that such requirement is necessary and appropriate to protect prospective franchisees or subfranchisors.

SECTION 6820. 553.27 (3) of the statutes is amended to read:

553.27 **(3)** The application for registration shall be accompanied by a proposed offering prospectus, which shall contain the material information set forth in the application for registration, as specified by rule of the ~~commissioner~~ division, and such additional disclosures as the ~~commissioner~~ division may require. The prospectus shall recite in bold type of not less than 10–point type that registration does not constitute approval recommendation or indorsement by the ~~commissioner~~ division.

SECTION 6821. 553.27 (4) of the statutes is amended to read:

553.27 **(4)** No franchise subject to registration under this chapter may be sold in this state unless a copy of the offering circular in the form prescribed by rule of the ~~commissioner~~ division is provided to the prospective franchisee at least 10 business days prior to the execution by the prospective franchisee of any binding franchise or other agreement or at least 10 business days prior to the receipt of any consideration, whichever first occurs.

SECTION 6822. 553.27 (6) of the statutes is amended to read:

553.27 **(6)** The ~~commissioner~~ division may accept and act upon the opinions, appraisals and reports of any engineers, appraisers or other experts which may be presented by an applicant or any interested party, on any question of fact concerning or affecting the franchises proposed to be offered and sold. In lieu of, or in addition

to, such opinions, appraisals and reports, the ~~commissioner~~ division may have any or all matters concerning or affecting such franchises investigated, appraised, passed upon and certified to the ~~commissioner~~ division by engineers, appraisers or other experts selected by the ~~commissioner~~ division.

SECTION 6823. 553.27 (7) of the statutes is amended to read:

553.27 **(7)** Any document filed under this chapter or ch. 551 may be incorporated by reference in a subsequent application filed under this chapter if it was filed within 2 years prior to the filing of such application, or is otherwise available in the files of the ~~commissioner~~ division, to the extent that the document is currently accurate.

SECTION 6824. 553.27 (8) of the statutes is amended to read:

553.27 **(8)** The registration statement shall consist of a circular containing those items required by s. 553.26 to be disclosed to investors together with other documents which the ~~commissioner~~ division by rule prescribes.

SECTION 6825. 553.27 (9) of the statutes is amended to read:

553.27 **(9)** Neither the fact that an application for registration under this chapter has been filed, nor the fact that such registration has become effective constitutes a finding by the ~~commissioner~~ division that any document filed under this chapter is true, complete or not misleading. Neither any such fact nor the fact that an exemption is available for a transaction means that the ~~commissioner~~ division has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, franchise or transaction. No person may make or cause to be made to any prospective purchaser or offeree any representation inconsistent with this subsection.

SECTION 6826. 553.27 (10) of the statutes is amended to read:

553.27 **(10)** Every applicant for registration of an offer to sell franchises under this chapter shall file with the ~~commissioner~~ division, in such form as the ~~commissioner~~ division by rule prescribes, an irrevocable consent appointing the ~~commissioner or the commissioner's successor in office~~ division to be the applicant's attorney to receive service of any lawful process in any civil action against the applicant or the applicant's successor, executor or administrator, which arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed a consent in connection with a previous registration under this chapter need not file another. Service may be made by leaving a copy of the process in the office of the ~~commissioner~~ division but it is not effective unless the plaintiff, who may be the ~~commissioner~~ division in an action instituted by the ~~commissioner~~ division, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his or her last address on file with the ~~commissioner~~ division, and the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

SECTION 6827. 553.27 (11) (a) of the statutes is amended to read:

553.27 **(11)** (a) A registrant may withdraw a registration statement, registration renewal statement or an amendment to the registration statement, and an applicant may withdraw an application for registration or an amendment to the application, if the registrant or applicant files with the ~~commissioner~~ division a written request for withdrawal. Except as provided in par. (b), withdrawal is effective at 12 midnight of the day on which the withdrawal request is filed with the ~~commissioner~~ division.

SECTION 6828. 553.27 (11) (b) of the statutes is amended to read:

553.27 **(11)** (b) Withdrawal is effective at the time and upon the conditions set by the ~~commissioner~~ division by order if a proceeding to deny effectiveness to, or to postpone, suspend or revoke effectiveness of, the registration statement is pending when the request for withdrawal is filed or is begun within 30 days after the request for withdrawal is filed.

SECTION 6829. 553.28 (1) (intro.) of the statutes is amended to read:

553.28 **(1)** (intro.) The ~~commissioner~~ division may issue an order denying effectiveness to, or postponing, suspending or revoking effectiveness of, any registration statement if the ~~commissioner~~ division finds any of the following:

SECTION 6830. 553.28 (1) (a) of the statutes is amended to read:

553.28 **(1)** (a) That there has been a failure to comply with this chapter or the rules of the ~~commissioner~~ division pertaining thereto.

SECTION 6831. 553.28 (1) (e) of the statutes is amended to read:

553.28 **(1)** (e) That the applicant or registrant has failed to pay the proper filing fee; but the ~~commissioner~~ division may enter only a denial order under this paragraph and the ~~commissioner~~ division shall vacate any such order when the deficiency has been corrected.

SECTION 6832. 553.28 (2) of the statutes is amended to read:

553.28 **(2)** If the public interest and the protection of investors so require, the ~~commissioner~~ division may by order summarily deny, postpone, suspend or revoke the effectiveness of the registration.

SECTION 6833. 553.28 (3) of the statutes is amended to read:

553.28 **(3)** The ~~commissioner~~ division may vacate or modify an order entered under s. 553.24 or this section if the ~~commissioner~~ division finds that the conditions

which prompted its entry have changed or that it is otherwise in the public interest to do so.

SECTION 6834. 553.29 (1) (a) of the statutes is amended to read:

553.29 **(1)** (a) Except as provided in par. (b), if no order under s. 553.24, 553.28 or 553.60 is in effect, registration of the offer of franchises becomes effective at 12 midnight of the 15th business day after the filing of the application for registration or the last amendment thereto, or at such earlier time as the ~~commissioner~~ division determines.

SECTION 6835. 553.29 (1) (b) of the statutes is amended to read:

553.29 **(1)** (b) If the ~~commissioner~~ division requires the submission of additional information under s. 553.26 (20) before the registration of the offer of franchises becomes effective under par. (a) and if no order under s. 553.24, 553.28 or 553.60 is in effect, the registration becomes effective at 12 midnight of the 15th business day after the additional information is filed with the ~~commissioner~~ division, or at such earlier time as the ~~commissioner~~ division determines.

SECTION 6836. 553.29 (2) of the statutes is amended to read:

553.29 **(2)** A franchise offering shall be duly registered for a period of one year from the effective date of the registration, unless the ~~commissioner~~ division by order or rule specifies a different period.

SECTION 6837. 553.29 (3) of the statutes is amended to read:

553.29 **(3)** Registration of franchises shall be by order of the ~~commissioner~~ division, but the failure to issue an order shall not delay the effectiveness of a registration statement meeting the requirements of s. 553.26.

SECTION 6838. 553.30 (1) of the statutes is amended to read:

553.30 **(1)** The registration statement may be renewed for additional periods of one year each, unless the ~~commissioner~~ division by rule or order specifies a different period, by submitting to the ~~commissioner~~ division a registration renewal statement no later than 15 business days prior to the expiration of the registration unless such period is waived by order of the ~~commissioner~~ division. If no order under this chapter is in effect, renewal of the registration statement becomes effective on the day on which the prior registration statement expires or at such earlier time as the ~~commissioner~~ division determines.

SECTION 6839. 553.30 (2) of the statutes is amended to read:

553.30 **(2)** The registration renewal statement shall be in the form and content prescribed by the ~~commissioner~~ division, and shall be accompanied by 2 copies of the proposed offering prospectus.

SECTION 6840. 553.31 (1) of the statutes is amended to read:

553.31 **(1)** Except as provided in sub. (3), a franchisor shall within 30 days after the happening of any material event affecting a registered franchise notify the ~~commissioner~~ division in writing, by an application to amend the registration statement, of any material change in the information contained in the application as originally submitted, amended or renewed. The ~~commissioner~~ division may by rule further define what shall be considered a material change for such purposes, and the circumstances under which a revised offering prospectus must accompany such application.

SECTION 6841. 553.31 (2) of the statutes is amended to read:

553.31 **(2)** An amendment to an application filed after the effective date of the registration of the sale of franchises, if the amendment is approved by the

~~commissioner~~ division, is effective on the date the ~~commissioner~~ division determines, having due regard for the public interest or the protection of franchisees.

SECTION 6842. 553.41 (1) of the statutes is amended to read:

553.41 **(1)** No person may make or cause to be made, in any document filed with the ~~commissioner~~ division or in any proceeding under this chapter, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect or, in connection with any statement required to be made under s. 553.31 (1), omit to state a material fact necessary in order to make the statement made, in the light of the circumstances under which they are made, not misleading.

SECTION 6843. 553.41 (2) of the statutes is amended to read:

553.41 **(2)** No person may violate any order of the ~~commissioner~~ division or condition therein of which the person has notice.

SECTION 6844. 553.41 (5) of the statutes is amended to read:

553.41 **(5)** No person may wilfully represent to any prospective purchaser or seller of a franchise in this state that the filing of a franchise registration application or the registration of a franchise constitutes a finding by the ~~commissioner~~ division that any document filed under this chapter is true, complete, and not misleading, or in relation to an exemption or exception, that the ~~commissioner~~ division has passed in any way upon the merits of any franchise or wilfully represent in a similar manner that a franchise is registered or exempted when in fact, such is not the case.

SECTION 6845. 553.51 (4) of the statutes is amended to read:

553.51 **(4)** No action may be maintained to enforce any liability under this section unless brought before the expiration of 3 years after the act or transaction constituting the violation upon which the liability is based or 90 days after delivery

to the franchisee of a written notice disclosing any violation of s. 553.21 or 553.41, which notice shall be approved as to form by the ~~commissioner~~ division, whichever first expires.

SECTION 6846. 553.53 (1) of the statutes is amended to read:

553.53 **(1)** No person may publish, distribute or use in this state any advertisement offering to sell or to purchase a franchise unless 2 true copies of the advertisement have been filed ~~in the office of the commissioner~~ with the division at least 5 days prior to the first publication, distribution or use thereof or such shorter period as the ~~commissioner~~ division by rule or order may allow, or unless the advertisement has been exempted from this section by rule of the ~~commissioner~~ division.

SECTION 6847. 553.53 (2) of the statutes is amended to read:

553.53 **(2)** The ~~commissioner~~ division may by rule or order prohibit the use of advertising deemed false, fraudulent, misleading or deceptive.

SECTION 6848. 553.54 (1) of the statutes is amended to read:

553.54 **(1)** The department of justice or any district attorney, upon informing the department of justice, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any act or practice constituting a violation of this chapter or any rule or order hereunder. The ~~commissioner~~ division may refer such evidence as is available concerning any violation to the district attorney of the county in which the violation occurred or to the attorney general who may institute proceedings under this section.

SECTION 6849. 553.54 (3) of the statutes is amended to read:

553.54 **(3)** The department of justice may subpoena persons, administer oaths, take testimony, require the production of books and other documents and may

request the ~~commissioner~~ division to exercise the ~~commissioner's~~ division's authority under s. 553.55 to aid in the investigation of alleged violations of this chapter. If a person fails to obey any subpoena issued by the department of justice, that person may be coerced under s. 885.12, except that no person shall be required to furnish any testimony or evidence under this subsection which might tend to incriminate that person.

SECTION 6850. 553.54 (4) of the statutes is amended to read:

553.54 **(4)** In lieu of instituting or continuing an action pursuant to this section, the ~~commissioner~~ division or the department of justice may accept a written assurance of discontinuance of any act or practice alleged to be a violation of this chapter from the person who has engaged in such act or practice. The acceptance of such assurance by either the ~~commissioner~~ division or the department of justice shall be deemed acceptance by other state officials if the terms of the assurance so provide. An assurance entered into pursuant to this subsection shall not be considered evidence of a violation of this chapter, however, a violation of such an assurance constitutes a violation of this chapter and shall be subject to all penalties and remedies provided therefor.

SECTION 6851. 553.55 (1) of the statutes is amended to read:

553.55 **(1)** The ~~commissioner~~ division may make such public or private investigations within or outside of this state as the ~~commissioner~~ division deems necessary to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder, and publish information concerning the violation of this chapter or any rule or order hereunder.

SECTION 6852. 553.55 (2) of the statutes is amended to read:

553.55 **(2)** For the purpose of any investigation or proceeding under this chapter, the ~~commissioner~~ division or any officer designated by the ~~commissioner~~ division may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the ~~commissioner~~ division deems relevant or material to the inquiry. Failure to obey a subpoena or give evidence may be dealt with under s. 885.12.

SECTION 6853. 553.55 (3) (a) of the statutes is amended to read:

553.55 **(3)** (a) No person is excused from attending and testifying or from producing any document or record before the ~~commissioner~~ division, or in obedience to the subpoena of the ~~commissioner~~ division or any officer designated by the ~~commissioner~~ division, or in any proceeding instituted by the ~~commissioner~~ division, on the ground that the testimony or evidence required of the person may tend to incriminate the person or subject the person to a penalty or forfeiture. No individual may be prosecuted or subjected to any penalty or forfeiture for or on account of his or her testimony or evidence, after claiming his or her privilege against self–incrimination, except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

SECTION 6854. 553.56 (1) of the statutes is amended to read:

553.56 **(1)** Except as provided by sub. (2), no order may be entered by the ~~commissioner~~ division under s. 553.24, 553.28 or 553.53 (2) without appropriate prior notice to all interested parties, opportunity for hearing and written findings of fact and conclusions of law.

SECTION 6855. 553.56 (2) of the statutes is amended to read:

553.56 **(2)** Within 30 days after the ~~commissioner~~ division has issued an order summarily, an interested party may apply to the ~~commissioner~~ division for a hearing in respect to any matters determined by the order. Within 10 days after an interested party files a written request with the ~~commissioner~~ division for a hearing the matter shall be noticed for a hearing, and a hearing shall be held within 60 days after notice unless extended by the ~~commissioner~~ division for good cause. During the pendency of any hearing requested under this subsection, the order issued summarily shall remain in effect unless vacated or modified by the ~~commissioner~~ division.

SECTION 6856. 553.56 (3) of the statutes is amended to read:

553.56 **(3)** After a hearing, the ~~commissioner~~ division may issue a final order as appropriate. The final order may affirm, vacate or modify an order issued summarily in effect during the pendency of the hearing as appropriate, or may include such other sanctions as are provided for under s. 553.24 or 553.28. An order issued summarily against a party becomes a final order if the party fails to request a hearing under sub. (2) or if the party defaults after requesting a hearing.

SECTION 6857. 553.56 (5) of the statutes is amended to read:

553.56 **(5)** Orders and other official acts of the ~~commissioner~~ division are subject to judicial review under ch. 227 but orders originally entered without a hearing under s. 553.24, 553.28 or 553.60 may be reviewed only if the party seeking review has requested a hearing within the time provided by sub. (2).

SECTION 6858. 553.57 of the statutes is amended to read:

553.57 Enforcement of criminal penalties. The ~~commissioner~~ division may refer such evidence as is available concerning any violation of this chapter or of any rule or order hereunder to the district attorney of the county in which the

violation occurred, or to the attorney general, who may, with or without any reference, institute the appropriate criminal proceedings under this chapter.

SECTION 6859. 553.58 (1) of the statutes is amended to read:

553.58 **(1)** The ~~commissioner~~ division may make, amend and rescind any rules, forms and orders that are necessary to carry out this chapter, including rules and forms governing registration statements, applications and reports, defining any terms, whether or not used in this chapter, insofar as the definitions are not inconsistent with this chapter. The ~~commissioner~~ division may define by rule false, fraudulent or deceptive practices in the offer and sale of franchises. The ~~commissioner~~ division may also adopt rules with regard to advertising utilized in connection with exempt sales under s. 553.22, 553.23 or 553.235 and which need not be filed under s. 553.53. For the purpose of rules and forms, the ~~commissioner~~ division may classify franchises, persons and matters within the ~~commissioner's~~ division's jurisdiction, and prescribe different requirements for different classes. Rules shall be made and published and all administrative procedures, including hearings under s. 553.56 and issuance of orders, shall be in accordance with ch. 227.

SECTION 6860. 553.58 (2) of the statutes is amended to read:

553.58 **(2)** No rule, form or order may be made, amended or rescinded unless the ~~commissioner~~ division finds that the action is necessary or appropriate in the public interest or for the protection of investors. In adopting rules and forms the ~~commissioner~~ division may cooperate with official administrators of other states.

SECTION 6861. 553.58 (3) of the statutes is amended to read:

553.58 **(3)** The ~~commissioner~~ division may by rule or order prescribe the form and content of financial statements required under this chapter, the circumstances under which consolidated financial statements shall be filed, and whether any

required financial statements shall be certified by independent or certified public accountants. All financial statements shall be prepared in accordance with generally accepted accounting practices unless otherwise permitted by rule or order.

SECTION 6862. 553.58 (4) of the statutes is amended to read:

553.58 **(4)** No provision of this chapter imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form or order of the ~~commissioner~~ division, notwithstanding that the rule, form or order may later be amended or rescinded or be determined to be invalid for any reason.

SECTION 6863. 553.58 (5) of the statutes is amended to read:

553.58 **(5)** All orders shall take effect when made and filed or at such later time as the ~~commissioner~~ division prescribes, and the ~~commissioner~~ division shall, upon making and filing such order, forthwith deliver personally or by mail a copy thereof to every person to whom such order relates at the person's last–known address as it appears on the records of the ~~office of the commissioner~~ division and that delivery shall constitute notice thereof.

SECTION 6864. 553.60 of the statutes is amended to read:

553.60 (title) **Miscellaneous powers ~~of the commissioner~~.** The ~~commissioner~~ division may by order summarily prohibit offers or sales of a franchise subject to s. 553.21 (1) which are being or have been made in this state, unless the offer or sale of the franchise is registered or exempted from registration under this chapter.

SECTION 6865. 553.605 (1) (a) (intro.) of the statutes is amended to read:

553.605 **(1)** (a) (intro.) The ~~commissioner~~ division or any officer designated by the ~~commissioner~~ division may impose an administrative assessment in the amount provided in par. (b) on any person who is subject to an order that is issued under s.

553.24, 553.28, 553.53, 553.58 (1) and (2) or 553.60 in any of the following circumstances:

SECTION 6866. 553.605 (1) (a) 1. of the statutes is amended to read:

553.605 **(1)** (a) 1. Following a hearing under s. 553.56 if the notice delivered to all interested parties includes notice of the ~~commissioner's~~ division's authority to impose an administrative assessment under this subsection.

SECTION 6867. 553.605 (1) (c) of the statutes is amended to read:

553.605 **(1)** (c) The ~~commissioner~~ division shall include any administrative assessment imposed under this subsection in the order issued under any of the sections referred to in par. (a) in the manner described in par. (a) 1. or 2.

SECTION 6868. 553.605 (1) (d) of the statutes is amended to read:

553.605 **(1)** (d) Upon the request of the ~~commissioner~~ division, the department of justice may bring a civil action in the circuit court for Dane county to compel payment of any unpaid administrative assessment, unless payment of the administrative assessment is stayed under s. 227.54.

SECTION 6869. 553.605 (2) of the statutes is amended to read:

553.605 **(2)** INVESTOR EDUCATION. All moneys collected from the administrative assessment under sub. (1) shall be credited to the appropriation under s. ~~20.185 (1) (h)~~ 20.144 (1) (i). Subject to s. ~~20.185 (1) (h)~~ 20.144 (1) (i), the ~~commissioner~~ division shall use moneys credited to that appropriation to provide information to residents of this state about franchise investments to help investors and potential investors evaluate their investment decisions, protect themselves from false, fraudulent or deceptive practices in connection with the offer, sale or purchase of a franchise, be alert for false or misleading advertising or other harmful practices, and know their rights as investors.

SECTION 6870. 553.71 (1) of the statutes is amended to read:

553.71 **(1)** This chapter shall be administered by the ~~commissioner of securities~~ division and by the department of justice when exercising its authority under s. 553.54.

SECTION 6871. 553.71 (2) of the statutes is amended to read:

553.71 **(2)** It is unlawful for the ~~commissioner~~ division or any of the ~~commissioner's~~ division's officers or employes to use for personal benefit any information which is filed with or obtained by the ~~commissioner~~ division and which is not generally available to the public. Nothing in this chapter authorizes the ~~commissioner~~ division or any of the ~~commissioner's~~ division's officers or employes to disclose any confidential information except among themselves or to other securities administrators or regulatory authorities or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the ~~commissioner~~ division or any of the ~~commissioner's~~ division's officers or employes.

SECTION 6872. 553.72 (intro.) of the statutes is amended to read:

553.72 Fees and expenses. (intro.) The ~~commissioner~~ division shall charge and collect the fees fixed by this section.

SECTION 6873. 553.72 (2) of the statutes is amended to read:

553.72 **(2)** The ~~commissioner~~ division may by rule require the payment of prescribed fees for delinquent or materially deficient filings of information or documents required to be filed with the ~~commissioner~~ division under this chapter.

SECTION 6874. 553.72 (3) of the statutes is amended to read:

553.72 **(3)** The expenses reasonably attributable to the examination of any matter arising under this chapter shall be charged to the applicant or registrant involved, but the expenses so charged shall not exceed such maximum amounts as the ~~commissioner~~ division by rule prescribes.

SECTION 6875. 553.73 of the statutes is amended to read:

553.73 Service of process. When any person, including any nonresident of this state, engages in conduct prohibited or made actionable by this chapter or any rule or order under this chapter, whether or not the person has filed a consent to service of process under s. 553.27 (10), and personal jurisdiction over the person cannot otherwise be obtained in this state, that conduct shall be considered equivalent to the person's appointment of the ~~commissioner or the commissioner's successor in office~~ division to be the person's attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against the person or the person's successor, executor or administrator which grows out of that conduct and which is brought under this law or any rule or order under this chapter, with the same force and validity as if served on the person personally. Service may be made by leaving a copy of the process ~~in~~ at the office of the ~~commissioner~~ division, but it is not effective unless the plaintiff, who may be the ~~commissioner~~ division in a suit, action or proceeding instituted by the ~~commissioner~~ division, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his or her last–known address or takes other steps which are reasonably calculated to give actual notice, and the plaintiff's affidavit of compliance with this section is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

SECTION 6876. 553.74 (1) of the statutes is amended to read:

553.74 **(1)** All applications, reports and other papers and documents filed with the ~~commissioner~~ division under this chapter shall be open to public inspection in accordance with rules adopted by the ~~commissioner~~ division. The ~~commissioner~~ division may publish any information filed with or obtained by the ~~commissioner~~ division, if, in the judgment of the ~~commissioner~~ division, such action is in the public interest. No provision of this chapter authorizes the ~~commissioner~~ division or any of the ~~commissioner's assistants, clerks or deputies~~ division's employes to disclose any information withheld from public inspection except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter or to other federal or state regulatory agencies. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the ~~commissioner~~ division or any of the ~~commissioner's assistants, clerks or deputies~~ division's employes.

SECTION 6877. 553.74 (2) of the statutes is amended to read:

553.74 **(2)** It is unlawful for the ~~commissioner~~ division or any of the ~~commissioner's assistants, clerks or deputies or~~ division's employes to use for personal benefit any information which is filed with or obtained by the ~~commissioner~~ division and which is not then generally available to the public.

SECTION 6878. 553.75 (1) of the statutes is amended to read:

553.75 **(1)** A document is filed when it is received by the ~~commissioner~~ division.

SECTION 6879. 553.75 (2) of the statutes is amended to read:

553.75 **(2)** The ~~commissioner~~ division shall keep a register of all filings which are or have ever been effective under this chapter and predecessor laws and all

denial, suspension or revocation orders which have been entered under this chapter. The register shall be open for public inspection.

SECTION 6880. 553.75 (3) of the statutes is amended to read:

553.75 **(3)** The information contained in or filed with any registration statement, application or report shall be made available to the public in accordance with rules adopted by the ~~commissioner~~ division.

SECTION 6881. 553.75 (4) of the statutes is amended to read:

553.75 **(4)** The ~~commissioner~~ division upon request shall furnish to any person at a reasonable charge photostatic or other copies, certified ~~under the commissioner's seal of office,~~ by the division if certification is requested, of any entry in the register or any order or other document on file ~~in the commissioner's office~~ with the division. Any copy so certified is admissible in evidence under s. 889.18.

SECTION 6882. 553.75 (5) of the statutes is amended to read:

553.75 **(5)** The ~~commissioner~~ division may honor requests from interested persons for interpretative opinions.

SECTION 6883. 553.78 of the statutes is amended to read:

553.78 Preemption. This chapter shall not preempt the administration of ch. 96, 100, 125, 133, 168 or 218. False, fraudulent and deceptive practices in connection with the offer, purchase or sale of a franchise defined by rule of the ~~commissioner~~ division under s. 553.58 (1) may also constitute unfair methods of competition in business or unfair trade practices in business under s. 100.20 (1) or fraudulent advertising under s. 100.18.

SECTION 6884. 560.01 (1) of the statutes is amended to read:

560.01 **(1)** PURPOSES. The functions of the department are of an advocacy, regulatory, consultative, advisory, informational, coordinative and promotional

nature. Through research, planning, consultation and through promotion of the development and maximum wise use of the natural and human resources of the state, it shall foster the growth and diversification of the economy of the state. It shall serve as the central agency and clearinghouse for developmental activities concerning the economy of the state. It shall make recommendations to the governor for the purpose of guiding a coordinated and economically efficient development of the state and shall seek closer cooperation and coordination between units of state government, educational institutions, local governments, local planning agencies, including regional planning commissions, and business and industry to foster and encourage a pattern of community development and of state–local and business relationships so that the economy of the state may continue to develop fully and meet citizen and community needs. It shall make continuing studies of the problems affecting economic and community development and recommendations for relieving those problems, and function in any other reasonable manner that will accomplish the stated purposes of this chapter. The department may also coordinate training for local government officials provided by state agencies including, but not limited to, the university of Wisconsin–extension and the technical college system.

SECTION 6885. 560.01 (2) of the statutes is renumbered 560.01 (2) (a).

SECTION 6886. 560.01 (2) (a) (title) of the statutes is created to read:

560.01 **(2)** (a) (title) *State economic policy.*

SECTION 6887. 560.01 (2) (b) of the statutes is created to read:

560.01 **(2)** (b) *Regulation of industry, buildings and safety.* The department shall administer and enforce laws regulating industry, safety and buildings under chs. 101, 107, 145 and 168 and ss. 32.19 to 32.27, 167.10, 167.11 and 167.27 and as otherwise provided by statute.

SECTION 6887g. 560.03 (19) of the statutes is amended to read:

560.03 **(19)** Establish ~~and operate~~ a permit information ~~center~~ and regulatory assistance bureau to provide services as set forth in subch. III.

SECTION 6887k. 560.031 of the statutes, as created by 1993 Wisconsin Act 75, is amended to read:

560.031 Recycling market development. In carrying out its responsibilities under ss. 560.03 and 560.07, the department may promulgate rules for the provision of financial assistance for the development of markets for materials recovered from solid waste if the provision of that financial assistance is a responsibility assigned to the department in a memorandum of understanding ~~under s. 159.03 (3) (b)~~, contract or other agreement with the recycling market development board. The financial assistance may be in the form of grants, loans or manufacturing rebates.

SECTION 6890. 560.07 (10) of the statutes is repealed.

SECTION 6891. 560.081 (2) (e) of the statutes is amended to read:

560.081 **(2)** (e) Annually select, upon application, up to 5 municipalities to participate in the state main street program. The program for each municipality shall conclude after 3 years, except that the program for each municipality selected after the effective date of this paragraph .... [revisor inserts date], shall conclude after 5 years. The department shall select program participants representing various geographical regions and populations. A municipality may apply to participate, and the department may select a municipality for participation, more than one time. In selecting a municipality, however, the department may give priority to those municipalities that have not previously participated.

SECTION 6892. 560.081 (2) (f) 3. of the statutes is amended to read:

560.081 **(2)** (f) 3. Local organizational and financial commitment to employ a program manager for not less than 3 years, or not less than 5 years for participants selected after the effective date of this subdivision .... [revisor inserts date].

SECTION 6893. 560.09 (5) of the statutes, as affected by 1993 Wisconsin Act 75, is amended to read:

560.09 **(5)** CONSULTATION. The department shall consult with the ~~council on~~ recycling market development board in developing any proposed rules under s. 560.031.

SECTION 6894. 560.097 of the statutes is amended to read:

560.097 Notification of position openings; compliance. The department shall monitor compliance with the position–opening notification requirements under ss. 66.521 (6m) and ~~101.28~~ 106.16.

SECTION 6895d. 560.14 (3) (c) 8. of the statutes is amended to read:

560.14 **(3)** (c) 8. Whether the business incubator or technology–based incubator is or will be located in an area that has been designated as a development zone under s. 560.71, a development opportunity zone under s. 560.795 or an enterprise development zone under s. 560.797.

SECTION 6895dm. 560.14 (4) of the statutes is created to read:

560.14 **(4)** (a) Subject to par. (b), the department may make a grant under this subsection from the appropriation under s. 20.143 (1) (fg) to a community–based organization for regional economic development activity if all of the following apply:

1. A political subdivision in the region in which the economic development activity will be conducted joins in the application for the grant with the community–based organization.

2. The economic development activity is unique to or within the region.

3. The economic development activity is consistent with any economic development policy or plan of the political subdivision.

4. The economic development activity will likely stimulate investment in the region's economy or create or retain jobs in the region.

5. The community–based organization will receive contributions from private sources and from political subdivisions in the region for the economic development activity. The contributions may be in cash or in kind.

6. The applicants submit a plan that describes the economic development activity, how the economic development activity satisfies the criteria under this paragraph, how the grant will be administered and how the grant proceeds will be used to support the economic development activity; and the secretary approves the plan.

7. The applicants provide documentation of the contributions required under subd. 5.

(b) For grants under this subsection, the department may not award in any fiscal year more than the greater of $100,000 or 10% of the amount appropriated for the fiscal year under s. 20.143 (1) (fg).

SECTION 6895dp. 560.14 (5) (bm) of the statutes is created to read:

560.14 **(5)** (bm) Promulgate rules with respect to how the department will administer the grants under this section.

SECTION 6895dr. 560.14 (5) (c) of the statutes is amended to read:

560.14 **(5)** (c) Consistent with subs. (2) ~~and~~, (3) and (4), award grants under this section on a competitive basis, using the criteria developed under par. (b).

SECTION 6896. 560.165 of the statutes is repealed.

SECTION 6897. 560.167 of the statutes is created to read:

560.167 Wisconsin trade project program. (1) In this section:

(a) "Eligible business" means a business operating in this state that manufactures a product or performs a service, or both, with a potential to be exported and that, together with all of its affiliates and subsidiaries and its parent company, had gross annual sales of $25,000,000 or less in the calendar year preceding the year in which it applies for a reimbursement under this section.

(b) "Matchmaker trade delegation event" means a trade event that is planned by the U.S. department of commerce and that has prearranged meetings between new–to–market or new–to–export eligible businesses and prospective foreign representatives and distributors.

(c) "Trade show" means a trade event held in a country other than the United States that brings prospective foreign buyers to a central location and that is certified or coordinated by the U.S. department of commerce or the department.

(2) Subject to sub. (5), the department may make reimbursements totaling no more than $100,000 in a fiscal year from the appropriations under s. 20.143 (1) (c) and (ie) to eligible businesses for any of the following:

(a) Fees for participation in a trade show or matchmaker trade delegation event.

(b) Costs associated with shipping displays, sample products, catalogs or advertising material to a trade show or matchmaker trade delegation event.

(c) Costs incurred at a trade show or matchmaker trade delegation event for utilities, booth construction or necessary modifications or repairs.

(d) Costs associated with foreign language translation of brochures or product information or with the use of translation services at a trade show or matchmaker trade delegation event.

(3) An eligible business seeking reimbursement under this section shall submit to the department an application containing all of the following:

(a) An export development plan and a description of how the activities for which reimbursement is sought will benefit the applicant's ability to export its product or service.

(b) An itemized budget for expenses expected to be incurred for all of the activities for which reimbursement is sought.

(c) A description of the proposed use of the reimbursement.

(d) Assurance that at least 50% of the manufactured value of the product or of the performance value of the service will be produced in this state.

(4) (a) The department may approve an eligible business for reimbursement after considering all of the following:

1. The extent to which the business' export development plan demonstrates the potential of the product or service to be exported in a particular foreign market.

2. The extent to which the business' proposed reimbursable activities relate to the potential success of the product or service to be exported.

(b) The department shall give priority for reimbursements under this section to eligible businesses participating in the department's export mentoring program.

(5) The department may not do any of the following:

(a) Reimburse an eligible business more than $5,000 in a 12–month period.

(b) Reimburse an eligible business more than $5,000 for participation in a trade show or matchmaker trade delegation event.

(c) Reimburse an eligible business for participating more than one time in the same trade show or matchmaker trade delegation event held at different times or in different locations.

(d) Reimburse an eligible business more than $15,000 over the life of the program.

(6) An eligible business that is approved for a reimbursement under sub. (4) shall provide to the department, within 90 days after the trade show or matchmaker trade delegation event for which the reimbursement is sought, documentation detailing the costs for which the reimbursement is sought.

SECTION 6898r. 560.17 (5m) (b) of the statutes is amended to read:

560.17 **(5m)** (b) A business shall use the proceeds of a loan under this subsection for ~~working~~ any of the following:

1. Working capital ~~or fixed~~.

2. Fixed asset financing ~~or both~~.

SECTION 6898s. 560.17 (5m) (b) 3. of the statutes is created to read:

560.17 **(5m)** (b) 3. Employe relocation costs.

SECTION 6898t. 560.17 (5m) (bm) of the statutes is created to read:

560.17 **(5m)** (bm) If a business receives a loan under this subsection for the purpose specified in par. (b) 3., the department shall ensure that an employe of the business has the option of accepting or declining any relocation assistance that is available as a result of the loan.

SECTION 6899q. 560.183 (2) (b) of the statutes is amended to read:

560.183 **(2)** (b) A physician who is a participant in the national health service corps ~~loan repayment~~ scholarship program under ~~42 USC 254l–1~~ 42 USC 254n, or a physician who was a participant in that program and who failed to carry out his or her obligations under that program, is not eligible for loan repayment under this section.

SECTION 6900. 560.183 (8) (intro.) of the statutes is amended to read:

560.183 **(8)** ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under s. 20.143 (1) (fd), the department shall contract with the board of regents of the ~~university~~ University of Wisconsin ~~system~~ System for administrative services from the office of rural health of the department of professional and community development of the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Medical School. Under the contract, the office of rural health shall do all of the following:

SECTION 6901. 560.184 (1) (am) of the statutes is created to read:

560.184 **(1)** (am) "Eligible practice area" means a primary care shortage area, an obstetric shortage area, a state or federal prison, an area health education center program established under 42 USC 295g–1, an American Indian reservation or trust lands of an American Indian tribe.

SECTION 6902. 560.184 (1) (c) of the statutes is repealed and recreated to read:

560.184 **(1)** (c) "Obstetric shortage area" has the meaning given in s. 560.183 (1) (ar).

SECTION 6903. 560.184 (1) (d) of the statutes is created to read:

560.184 **(1)** (d) "Primary care shortage area" has the meaning given in s. 560.183 (1) (cm).

SECTION 6904. 560.184 (3) (a) of the statutes is amended to read:

560.184 **(3)** (a) The department shall enter into a written agreement with the health care provider. In the agreement, the health care provider shall agree to practice ~~exclusively in a primary care health professional shortage~~ in this state primarily in an eligible practice area.

SECTION 6905. 560.184 (4) of the statutes is amended to read:

560.184 **(4)** LOAN REPAYMENT. (intro.) ~~Loans~~ Principal and interest due on loans, exclusive of any penalties, may be repaid by the department at the following rate:

(a) Ten percent of the principal of the loan or $2,500, whichever is less, during the first year of practice ~~exclusively in a primary care health professional shortage area~~.

(b) An additional 12.5% of the principal of the loan or $3,125, whichever is less, during the 2nd year of practice ~~exclusively in a primary care health professional shortage area~~.

(c) An additional 15% of the principal of the loan or $3,750, whichever is less, during the 3rd year of practice ~~exclusively in a primary care health professional shortage area~~.

(d) An additional 20% of the principal of the loan or $5,000, whichever is less, during the 4th year of practice ~~exclusively in a primary care health professional shortage area~~.

(e) An additional 42.5% of the principal of the loan or $10,625, whichever is less, during the 5th year of practice ~~exclusively in a primary care health professional shortage area~~.

SECTION 6906. 560.184 (5) (b) 1. to 5. of the statutes are amended to read:

560.184 **(5)** (b) 1. The degree to which there is an extremely high need for medical care in the ~~primary care health professional shortage~~ eligible practice area in which an eligible applicant desires to practice.

2. The likelihood that an eligible applicant will remain in the ~~primary care health professional shortage~~ eligible practice area in which he or she desires to practice after the loan repayment period.

3. The per capita income of the ~~primary care health professional shortage~~ eligible practice area in which an eligible applicant desires to practice.

4. The financial or other support for health care provider recruitment and retention provided by individuals, organizations or local governments in the ~~primary care health professional shortage~~ eligible practice area in which an eligible applicant desires to practice.

5. The geographic distribution of the health care providers who have entered into loan repayment agreements under this section and the geographic location of the ~~primary care health professional shortage~~ eligible practice area in which an eligible applicant desires to practice.

SECTION 6907. 560.184 (7) (intro.) of the statutes is amended to read:

560.184 **(7)** ADMINISTRATIVE CONTRACT. (intro.) From the appropriation under s. 20.143 (1) (fd), the department shall contract with the board of regents of the ~~university~~ University of Wisconsin ~~system~~ System for administrative services from the office of rural health of the department of professional and community development of the ~~university of Wisconsin hospital and clinics~~ University of Wisconsin Medical School. Under the contract, the office of rural health shall do all of the following:

SECTION 6908. 560.19 (title) of the statutes is amended to read:

560.19 (title) **Hazardous pollution prevention ~~assessment grants~~.**

SECTION 6909. 560.19 (1) (title) of the statutes is repealed.

SECTION 6910. 560.19 (1) (a) of the statutes is repealed and recreated to read:

560.19 **(1)** (a) "Council" means the hazardous pollution prevention council under s. 15.157 (5).

SECTION 6911. 560.19 (1) (c) of the statutes is repealed.

SECTION 6912. 560.19 (2) of the statutes is repealed and recreated to read:

560.19 **(2)** From the appropriation under s. 20.143 (1) (em), the department may contract with the board of regents of the University of Wisconsin System for educational services from the University of Wisconsin–Extension solid and hazardous waste education center. If the department enters into a contract under this subsection, the contract shall provide that the solid and hazardous waste center shall do all of the following:

(a) Expand its educational program to include business assessment activities that are specified in the contract and that have the following purposes:

1. Determining the full costs of using and producing hazardous substances, toxic pollutants and hazardous waste.

2. Identifying processes that use or produce hazardous substances, toxic pollutants or hazardous waste and the composition of the hazardous substances, toxic pollutants or hazardous waste.

3. Identifying hazardous pollution prevention options.

(b) Consider all of the following in conducting the business assessment activities under the contract:

1. The need for a hazardous pollution prevention assessment and a program participant's willingness to participate in an assessment.

2. The technical and financial ability of a program participant to implement hazardous pollution prevention.

3. The potential for others to use the information gained from a hazardous pollution prevention assessment.

SECTION 6913. 560.19 (3) of the statutes is repealed and recreated to read:

560.19 **(3)** The department shall do all of the following:

(a) In coordination with the hazardous pollution prevention program under s. 36.25 (30), the department of natural resources and the council, conduct an education, environmental management and technical assistance program to promote hazardous pollution prevention among businesses in the state.

(b) Assist the council in preparing the report under sub. (4) (d).

SECTION 6914. 560.19 (4) of the statutes is repealed and recreated to read:

560.19 **(4)** The council shall do all of the following:

(a) Monitor and make recommendations to the department and other state agencies on hazardous pollution prevention activities in this state.

(b) Advise the department and other state agencies on the promotion of hazardous pollution prevention.

(c) Recommend educational priorities to the University of Wisconsin–Extension for the hazardous pollution prevention program under s. 36.25 (30).

(d) With the assistance of the department, the department of natural resources and the hazardous pollution prevention program under s. 36.25 (30), prepare and submit to the governor and to the legislature under s. 13.172 (2), by February 15 of each odd–numbered year, a report on all of the following:

1. The program under s. 36.25 (30) (a).

2. The program under s. 144.955.

3. The activities of the department under this section.

4. Other hazardous pollution prevention activities in this state.

SECTION 6915. 560.19 (5) of the statutes is repealed.

SECTION 6916. Subchapter II (title) of chapter 560 [precedes 560.21] of the statutes is repealed.

SECTION 6917. 560.21 of the statutes is repealed.

SECTION 6918. 560.23 of the statutes is renumbered 41.11, and 41.11 (2), as renumbered, is amended to read:

41.11 **(2)** SALES. The secretary shall annually formulate, in consultation with the 5 members of the council on tourism selected under s. ~~560.24~~ 41.12, a statewide marketing strategy, which is a plan for marketing and promotion of the facilities and attractions of the state for the ensuing year. The department shall implement the plan. The department shall cooperate with the commercial recreation industry to assure coordination with private plans and programs, and may assist in the development and marketing of combined recreational opportunities such as package tours, convention and trade show facilities and special transportation arrangements.

SECTION 6919. 560.24 of the statutes is renumbered 41.12, and 41.12 (1), (2) and (3), as renumbered, are amended to read:

41.12 **(1)** The council on tourism shall advise the secretary on matters relating to tourism. Five members of the council on tourism shall assist the secretary in formulating a statewide marketing strategy. The 5 members shall be selected by a vote of the council on tourism from among the members, other than ex officio members, of the council on tourism.

(2) The council on tourism shall develop a plan to assist and encourage private companies located in this state to promote this state in their advertisements. Upon the adoption of a plan by the council on tourism, the secretary shall consider implementing the plan.

(3) The council on tourism shall consider the use of famous residents and former residents of this state in the tourism marketing strategies.

SECTION 6920. 560.25 of the statutes is renumbered 41.14.

SECTION 6921. 560.26 of the statutes is renumbered 41.15.

SECTION 6922. 560.29 of the statutes is renumbered 41.17.

SECTION 6923. 560.31 of the statutes is renumbered 41.19, and 41.19 (2m) (c) (intro.) and (3), as renumbered, are amended to read:

41.19 **(2m)** (c) (intro.) Subject to par. (d), from the appropriation under s. ~~20.143 (2)~~ 20.380 (1) (bm), the department shall award a grant to the applicant on behalf of an area of the state selected under par. (a) if all of the following apply:

(3) ~~The~~ At the commencement of each gubernatorial term of office, the secretary shall exercise his or her authority under s. 15.04 (1) (c) to create one or more committees to advise the department on issues related to the operation of the heritage tourism pilot program. The secretary shall create a sufficient number of committees, as determined by the secretary, to address each major type of heritage tourism that is the focus of the heritage tourism pilot program. The secretary shall appoint at least 2 members of each committee created under this subsection from a list of names submitted by the director of the historical society.

SECTION 6923maf. Subchapter III (title) of chapter 560 [precedes 560.41] of the statutes is amended to read:

CHAPTER 560

SUBCHAPTER III

PERMIT INFORMATION ~~CENTER~~ AND

REGULATORY ASSISTANCE BUREAU

SECTION 6923mb. 560.41 (1) of the statutes is amended to read:

560.41 **(1)** ~~"Center"~~ "Bureau" means the permit information ~~center operated by~~ and regulatory assistance bureau in the department.

SECTION 6923mc. 560.42 (1) (a) (intro.) of the statutes is amended to read:

560.42 **(1)** (a) (intro.) The ~~center~~ bureau shall expedite the process of applying for permits, of reviewing and making determinations on permit applications and of issuing permits as follows:

SECTION 6923md. 560.42 (1) (a) 1. of the statutes is amended to read:

560.42 **(1)** (a) 1. The ~~center~~ bureau shall discharge its responsibilities under sub. (2) in a manner designed to expedite the process.

SECTION 6923me. 560.42 (1) (a) 2. of the statutes is amended to read:

560.42 **(1)** (a) 2. Upon request by a person applying for a permit and to the extent possible, the ~~center~~ bureau shall resolve misunderstandings between the person and the appropriate regulatory agency and shall prevent or mitigate delays in the process.

SECTION 6923mf. 560.42 (1) (a) 3. of the statutes is amended to read:

560.42 **(1)** (a) 3. If the ~~center~~ bureau determines that it is unable to resolve misunderstandings or prevent or mitigate delays under subd. 2., the ~~center~~ bureau shall request the assistance of the secretary and the head of the appropriate regulatory agency.

SECTION 6923mg. 560.42 (1) (a) 4. of the statutes is amended to read:

560.42 **(1)** (a) 4. If the ~~center~~ bureau determines that the secretary and head of the appropriate regulatory agency are unable to resolve misunderstandings or prevent or mitigate delays under subd. 3., the ~~center~~ bureau shall request the assistance of the governor.

SECTION 6923mh. 560.42 (1) (b) of the statutes is amended to read:

560.42 **(1)** (b) The ~~center~~ bureau shall give priority to businesses new to this state and to businesses expanding within this state in providing assistance under par. (a).

SECTION 6923mi. 560.42 (1) (c) of the statutes is amended to read:

560.42 **(1)** (c) The ~~center~~ bureau shall maintain records identifying each person requesting assistance under par. (a) and setting forth assistance rendered and results achieved.

SECTION 6923mj. 560.42 (2) (a) (intro.) of the statutes is amended to read:

560.42 **(2)** (a) (intro.) The ~~center~~ bureau shall assist any person requesting information on which permits are required for a particular business activity or on the application process, including criteria applied in making a determination on a permit application and the time period within which a determination will be made. This assistance may include ~~both~~ any of the following:

SECTION 6923mk. 560.42 (2) (b) of the statutes is amended to read:

560.42 **(2)** (b) If a person receives assistance under this subsection and applies for a permit and if the person requests, the ~~center~~ bureau shall ~~check periodically on~~ monitor the status of the permit application and periodically report the status to the person.

SECTION 6923mL. 560.42 (2m) of the statutes is renumbered 560.42 (2m) (intro.) and amended to read:

560.42 **(2m)** ADVOCACY. (intro.) The ~~center~~ bureau shall provide advocacy services before regulatory agencies on behalf of permit applicants. These services shall include ~~monitoring~~ all of the following:

(a) Monitoring the application approval process to ensure that permits are granted in the shortest amount of time possible consistent with the substantive requirements established by rule or law.

SECTION 6923mm. 560.42 (2m) (b) of the statutes is created to read:

560.42 **(2m)** (b) Advocating legislative changes to improve and expedite the issuance of permits.

SECTION 6923mn. 560.42 (2r) of the statutes is created to read:

560.42 **(2r)** MEDIATION AND DISPUTE RESOLUTION SERVICES. The bureau may provide mediation or other dispute resolution services to facilitate the resolution of a dispute between a regulatory agency and a person applying for a permit. The provision of mediation or other dispute resolution services under this subsection does not affect any right that the person may have to a contested hearing under ch. 227.

SECTION 6923mm. 560.42 (3) (title) of the statutes is amended to read:

560.42 **(3)** (title) ASSISTANCE BY ~~CENTER~~ BUREAU.

SECTION 6923mn. 560.42 (3) (a) of the statutes is amended to read:

560.42 **(3)** (a) The ~~center~~ bureau may not charge any person for services provided under this subchapter.

SECTION 6923mo. 560.42 (3) (b) of the statutes is amended to read:

560.42 **(3)** (b) The ~~center~~ bureau may refer to the appropriate regulatory agency, without giving further assistance, any person seeking information or assistance on a permit under chs. 186, 215, 217, 220 to 224, 440 to 480 and 600 to 646.

SECTION 6923mp. 560.42 (3) (c) of the statutes is amended to read:

560.42 **(3)** (c) Advice, assistance, mediation or other dispute resolution services or information rendered by the ~~center~~ bureau under this subchapter does not relieve

any person from the obligation to secure a required permit or satisfy a regulatory requirement.

SECTION 6923mq. 560.42 (3) (d) of the statutes is amended to read:

560.42 **(3)** (d) The ~~center~~ bureau shall not be liable for any consequences resulting from the failure of a regulatory agency to issue, or the failure of a person to seek, a permit.

SECTION 6923mr. 560.42 (4) (a) of the statutes is amended to read:

560.42 **(4)** (a) The ~~center~~ bureau shall maintain and publicize the availability of a toll–free telephone line available to in–state and out–of–state callers to the ~~center~~ bureau.

SECTION 6923ms. 560.42 (4) (b) of the statutes is amended to read:

560.42 **(4)** (b) The ~~center~~ bureau shall seek to explain, promote and publicize its services to the public and shall provide information on its services for inclusion in any public informational material on permits provided by regulatory agencies.

SECTION 6923mt. 560.42 (4) (c) of the statutes is amended to read:

560.42 **(4)** (c) The ~~center~~ bureau shall, in its efforts under pars. (a) and (b), clearly represent that its services are advisory, informational and facilitative only.

SECTION 6923mu. 560.42 (5) (a) of the statutes is amended to read:

560.42 **(5)** (a) *Report.* ~~On~~ Annually, on or before ~~July 1, 1985, and every January 1 thereafter~~ April 1, the ~~center~~ bureau shall submit ~~to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3),~~ a report containing the information required under pars. (am) and (b) to the appropriate standing committees under s. 13.172 (3).

SECTION 6924. 560.42 (5) (am) (intro.) of the statutes is amended to read:

560.42 **(5)** (am) *Permit simplification.* (intro.) Based on the experience of the ~~center~~ bureau in assisting persons and discussions with regulatory agencies, the ~~center~~ bureau shall periodically submit a report containing recommendations for the legislature, governor, public records ~~and forms~~ board and regulatory agencies concerning all of the following:

SECTION 6925. 560.42 (5) (b) (intro.) of the statutes is amended to read:

560.42 **(5)** (b) *Record of assistance.* (intro.) Based on the experiences of the ~~center~~ bureau in assisting persons and on reports received under s. 227.116 (4), the ~~center~~ bureau shall periodically prepare information for the legislature, governor, public records ~~and forms~~ board and regulatory agencies which shall include all of the following:

SECTION 6925cb. 560.42 (6) of the statutes is amended to read:

560.42 **(6)** PERMIT CONSOLIDATION. In its ~~first~~ annual ~~report~~ reports submitted under sub. (5) (a), the ~~center~~ bureau shall include ~~a study of~~ its recommendations concerning the feasibility and desirability of providing consolidated or multiple permit application forms or consolidated hearings on consolidated or multiple permit application forms.

SECTION 6925cd. 560.43 (1) (a) of the statutes is amended to read:

560.43 **(1)** (a) Designate a staff person to coordinate regulatory agency cooperation with ~~center~~ bureau staff, provide information to ~~center~~ bureau staff on the permit process and direct ~~center~~ bureau staff to appropriate staff within the regulatory agency.

SECTION 6925cf. 560.43 (1) (b) of the statutes is amended to read:

560.43 **(1)** (b) Cooperate ~~to the extent possible~~ with ~~center~~ bureau staff and respond promptly to requests for assistance in expediting and requests for information on the permit process under s. 560.42.

SECTION 6925ch. 560.43 (1) (c) of the statutes is amended to read:

560.43 **(1)** (c) Include material provided by the ~~center~~ bureau under s. 560.42 (4) in any public informational material on permits that it provides.

SECTION 6925cj. 560.43 (1) (f) of the statutes is created to read:

560.43 **(1)** (f) Periodically review and, if appropriate, revise its administrative rules and its permit applications to simplify and expedite the processing of permit applications.

SECTION 6925cL. 560.43 (2) (intro.) of the statutes is amended to read:

560.43 **(2)** PREAPPLICATION MEETINGS. (intro.) Each regulatory agency shall provide an opportunity for a preapplication meeting with its staff to any person interested in applying for a permit upon request by the person or the ~~center~~ bureau, and shall comply with the following requirements:

SECTION 6925cn. 560.43 (2) (d) of the statutes is amended to read:

560.43 **(2)** (d) The regulatory agency shall invite participation by ~~center~~ bureau staff in preapplication meetings when appropriate.

SECTION 6925t. 560.60 (4) of the statutes is amended to read:

560.60 **(4)** "Eligible recipient" means a business, small business, consortium or governing body, except that for a grant or loan under s. 560.65, "eligible recipient" means a business, a municipality or other public entity, a nonprofit organization or an entity organized by a group of any of those entities.

SECTION 6928c. 560.605 (2m) (g) of the statutes is amended to read:

560.605 **(2m)** (g) Whether the area is designated as a development zone under s. 560.71 or as an enterprise development zone under s. 560.797.

SECTION 6930. 560.61 (1) of the statutes, as affected by 1993 Wisconsin Act 75, is amended to read:

560.61 **(1)** Make a grant or loan to an eligible recipient for a project that meets the criteria for funding under s. 560.605 (1) and (2) and under s. 560.62, 560.625, 560.63, 560.65 or 560.66, whichever is appropriate, from the appropriations under s. 20.143 (1) (c) ~~and~~, (cb), (ie), (s) and (sb).

SECTION 6933jb. 560.65 (title) of the statutes is amended to read:

560.65 (title) ~~**Recycling**~~ **Technology and pollution control and abatement grants and loans.**

SECTION 6933jc. 560.65 (1) (a) of the statutes is repealed and recreated to read:

560.65 **(1)** (a) "Air pollution" has the meaning given in s. 144.01 (1).

SECTION 6933jd. 560.65 (1) (ag) and (ar) of the statutes are created to read:

560.65 **(1)** (ag) "Industrial waste" has the meaning given in s. 144.01 (5).

(ar) "Nonattainment area" has the meaning given in s. 144.30 (21).

SECTION 6933je. 560.65 (1) (c) to (f) of the statutes are created to read:

560.65 **(1)** (c) "Stationary source" has the meaning given in s. 144.30 (23).

(d) "Volatile organic compound" has the meaning given in s. 144.30 (24).

(e) "Volatile organic compound accommodation area" has the meaning given in s. 144.30 (25).

(f) "Waters of the state" has the meaning given in s. 144.01 (19).

SECTION 6933jf. 560.65 (1m) (a) (intro.) of the statutes is amended to read:

560.65 **(1m)** (a) (intro.) Subject to sub. (4), the board may award a grant or loan not exceeding $750,000 under s. 560.61 to a new or expanding business, a

municipality or other public entity, a nonprofit organization or an entity organized by a group of any of those entities for any of the following:

SECTION 6933jg. 560.65 (1m) (a) 1. of the statutes is amended to read:

560.65 **(1m)** (a) 1. The production of a product made from one or more materials recovered from postconsumer waste or ~~of equipment necessary to make the product~~ industrial waste.

SECTION 6933jh. 560.65 (1m) (a) 2. of the statutes is repealed.

SECTION 6933ji. 560.65 (1m) (a) 2m. of the statutes is created to read:

560.65 **(1m)** (a) 2m. Technical research intended to result in the development of a new process, or the improvement of an existing process, for processing postconsumer waste or industrial waste.

SECTION 6933jj. 560.65 (1m) (a) 3. of the statutes is renumbered 560.65 (1m) (a) 3. (intro.) and amended to read:

560.65 **(1m)** (a) 3. (intro.) The development, construction, purchase or operation of a facility ~~to~~ or equipment to do any of the following:

a. To process ~~one or more materials recovered from~~ postconsumer waste ~~that will be used in the production of a product or the development and operation of a business to haul postconsumer waste that will be used in the production of a product~~ or industrial waste.

SECTION 6933jk. 560.65 (1m) (a) 3. b. to e. of the statutes are created to read:

560.65 **(1m)** (a) 3. b. To control or treat industrial wastes or air pollution but not other wastes, as defined in s. 144.01 (8).

c. To abate or eliminate air pollution or pollution of the waters of the state that originates from property that is not used to grow agricultural products for sale.

d. To reduce emissions of volatile organic compounds from a stationary source owned or operated by the applicant in a nonattainment area or volatile organic compound accommodation area.

e. To comply with the air pollution control requirements of ss. 144.30 to 144.403, of a local air pollution control program under s. 144.41 or of the federal clean air act, 42 USC 7401 to 7671q.

SECTION 6933jm. 560.65 (1m) (b) of the statutes is amended to read:

560.65 **(1m)** (b) A ~~business~~ recipient may use the proceeds of a loan under this subsection for technical research, capital expenses or working capital expenses.

SECTION 6933jn. 560.65 (2) (a) of the statutes is amended to read:

560.65 **(2)** (a) Subject to sub. (4), the board may award a grant or loan not exceeding $100,000 under s. 560.61 to a new or expanding business, a municipality or other public entity, a nonprofit organization or an entity organized by a group of any of those entities for any of the activities under sub. (1m) (a) 1. to 3.

SECTION 6933jp. 560.65 (2) (b) (intro.) of the statutes is amended to read:

560.65 **(2)** (b) (intro.) A ~~business~~ recipient may use the proceeds of a grant or loan under this subsection for any of the following:

SECTION 6933jq. 560.65 (2) (b) 5. of the statutes is amended to read:

560.65 **(2)** (b) 5. Specialized technical research.

SECTION 6933jr. 560.65 (3) (a) of the statutes is amended to read:

560.65 **(3)** (a) Subject to sub. (4), the board may award a grant or loan not exceeding $25,000 under s. 560.61 to a new or expanding business, a municipality or other public entity, a nonprofit organization or an entity organized by a group of any of those entities for investigating the feasibility of any of the activities under sub. (1m) (a) 1. to 3.

SECTION 6933js. 560.65 (3) (b) (intro.) of the statutes is amended to read:

560.65 **(3)** (b) (intro.) A ~~business~~ recipient may use the proceeds of a grant or loan under this subsection for any of the following:

SECTION 6933jt. 560.65 (3) (b) 1. of the statutes is amended to read:

560.65 **(3)** (b) 1. Performing a ~~business~~ feasibility study.

SECTION 6933ju. 560.65 (3m) of the statutes is repealed.

SECTION 6933jv. 560.65 (4) (a) of the statutes, as affected by 1993 Wisconsin Act 75, is amended to read:

560.65 **(4)** (a) ~~Except for awards made under sub. (1m) (a) 2.~~ If the project is for the production of a product made from one or more materials recovered from postconsumer waste, whether the production is consistent with the priorities established under s. ~~159.03 (1) (b), 1991 stats.~~, 159.42 (5) for the development of markets for materials recovered from solid waste that are in effect on January 1 of the year in which the applicant submits a complete application for a grant or loan under this section to the department.

SECTION 6933jw. 560.65 (4) (c) of the statutes is amended to read:

560.65 **(4)** (c) If the grant or loan is for a project relating to the processing of ~~one or more materials recovered from~~ postconsumer waste, whether there is or is likely to be a market for the processed materials.

SECTION 6933jx. 560.65 (4) (d) of the statutes is created to read:

560.65 **(4)** (d) Whether the project is in the best interest of the state in order to do any of the following:

1. Protect public health.

2. Protect, maintain and improve the quality and management of the waters of the state.

3. Protect, maintain and improve the quality of the air and of the natural environment.

4. Conserve resources and energy.

SECTION 6933jy. 560.65 (4m) of the statutes is repealed.

SECTION 6933jz. 560.65 (5) (a) of the statutes, as created by 1993 Wisconsin Act 75, is amended to read:

560.65 **(5)** (a) The board may not award a grant or loan under this section after July 1, ~~1995~~ 1997.

SECTION 6933p. 560.70 (intro.) of the statutes is amended to read:

560.70 Definitions. (intro.) In this ~~subchapter~~ section and ss. 560.71 to 560.795:

SECTION 6933r. 560.70 (7) of the statutes is amended to read:

560.70 **(7)** "Tax benefits" means the development zones day care credit under ss. 71.07 (2dd), 71.28 (1dd) and 71.47 (1dd), the development zones environmental remediation credit under ss. 71.07 (2de), 71.28 (1de) and 71.47 (1de), the development zones investment credit under ss. 71.07 (2di), 71.28 (1di) and 71.47 (1di), the development zones jobs credit under ss. 71.07 (2dj), 71.28 (1dj) and 71.47 (1dj), the development zones location credit under ss. 71.07 (2dL), 71.28 (1dL) and 71.47 (1dL), the development zones sales tax credit under ss. 71.07 (2ds), 71.28 (1ds) and 71.47 (1ds) and the additional 5% credit under ss. 71.28 (4) and 71.47 (4).

SECTION 6934. 560.73 (1) (i) 1. of the statutes is amended to read:

560.73 **(1)** (i) 1. Whether a grant diversion project has been established in the county in which the area is located and, if a grant diversion project has not been established, how the local governing body intends to work with the county and the

department of ~~health and social services~~ industry, labor and human relations to establish a grant diversion project.

SECTION 6935. 560.73 (1) (i) 2. of the statutes is amended to read:

560.73 **(1)** (i) 2. How the local governing body will work with the county and department of ~~health and social services~~ industry, labor and human relations to promote and encourage participation in the grant diversion project by employers in the development zone.

SECTION 6936. 560.75 (11) of the statutes is amended to read:

560.75 **(11)** For the purposes of s. 49.193 (5), notify the department of ~~health and social services~~ industry, labor and human relations when a development zone has been established and of which local governing body helps administer the development zone.

SECTION 6936p. 560.795 (3) (e) of the statutes is created to read:

560.795 **(3)** (e) For purposes of s. 49.193 (5), notify the department of health and social services of the designation of an area as a development opportunity zone and of the local governing body of the area.

Section 6936r. 560.795 (3) (e) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

560.795 **(3)** (e) For purposes of s. 49.193 (5), notify the department of ~~health and social services~~ industry, labor and human relations of the designation of an area as a development opportunity zone and of the local governing body of the area.

SECTION 6936s. 560.797 of the statutes is created to read:

560.797 Enterprise development zone program. (1) DEFINITIONS. In this section:

(a) "Environmental pollution" has the meaning given in s. 144.01 (3).

(b) "Project" means economic activity in the state.

(c) "Target population" means persons who are members of targeted groups for the purpose of the credit under ss. 71.07 (2dj), 71.28 (1dj) and 71.47 (1dj).

(d) "Tax benefits" has the meaning given in s. 560.70 (7).

(2) CRITERIA FOR DESIGNATION AS AN ENTERPRISE DEVELOPMENT ZONE. (a) Subject to pars. (c) and (d), the department may designate an area as an enterprise development zone for a project if the department determines all of the following:

1. That the project serves a public purpose.

2. That the project will likely retain or increase employment in the state.

3. That the project is not likely to occur or continue without the department's designation of the area as an enterprise development zone.

4. That the project will likely positively affect an area that meets at least 3 of the following criteria:

a. The unemployment rate in the area is higher than the state average for the 18 months immediately preceding the date on which the application under sub. (3) was submitted to the department.

b. The percentage of persons residing in the area who are members of households with household income levels at or below 80% of the statewide median household income is higher than the state average.

c. The percentage of households in the area receiving unemployment compensation under ch. 108, general relief administered under s. 49.02, relief of needy Indian persons under s. 49.046 or aid to families with dependent children under s. 49.19 is higher than the state average.

d. In the 36 months immediately preceding the date on which the application under sub. (3) was submitted to the department, a number of workers in the area

were permanently laid off by their employer or became unemployed as a result of a business action subject to s. 109.07 (1m).

e. An employer in the vicinity of the area has given public notice under s. 109.07 (1m) of either a business closing or a mass layoff of at least 25 employes, or 25% of the employes, of a business, whichever is greater, that will result in a number of workers in the area being laid off permanently.

f. Property values in the area have been declining.

g. There has been a decline in the population in the area.

(b) In making a determination under par. (a), the department shall consider all of the following:

1. The extent of poverty, unemployment or other factors contributing to general economic hardship in the area.

2. The prospects for new investment and economic development in the area.

3. The amount of investment that is likely to result from the project.

4. The number of jobs that are likely to be created as a result of the project.

5. The number of jobs that are likely to be available to the target population as a result of the project.

6. The competitive effect of designating the area as an enterprise development zone on other businesses in the area.

7. The needs of other areas of the state.

8. Any other factors that the department considers relevant.

(c) The department may not designate as an enterprise development zone, or as any part of an enterprise development zone, an area that is located within the boundaries of an area that is designated as a development zone under s. 560.71, or

as a development opportunity zone under s. 560.795, the designation of which is in effect.

(d) The department may not designate more than 50 enterprise development zones unless the department obtains the approval of the joint committee on finance to do so.

(3) APPLICATION AND PROJECT PLAN. (a) A person that conducts or that intends to conduct a project and that desires to have the area in which the project is or is to be conducted designated as an enterprise development zone for the purpose of claiming tax benefits may submit to the department an application and a project plan.

(b) A project plan under par. (a) shall include all of the following:

1. The name and address of the person's business for which tax benefits will be claimed.

2. The appropriate Wisconsin tax identification number of the person.

3. The names and addresses of other locations outside of the area proposed to be designated as an enterprise development zone where the person conducts business and a description of the business activities conducted at those locations.

4. The amount that the person proposes to invest in a business; to spend on the construction, rehabilitation, repair or remodeling of a building; or to spend on the removal or containment of, or the restoration of soil or groundwater affected by, environmental pollution; in the area proposed to be designated as an enterprise development zone.

5. The estimated total investment of the person in the enterprise development zone.

6. The estimated number of jobs that will be created, retained or substantially upgraded as a result of the person's project in relation to the amount of tax benefits estimated for the person.

7. The person's plans to make reasonable attempts to hire employes from the target population.

8. The estimated number of jobs that will be filled by members of the target population.

9. The person's plans to make available or provide day care center benefits, as defined in s. 71.07 (2dd) (a) 1., to each qualifying child, as defined in s. 71.07 (2dd) (a) 3.

10. The boundaries or legal description of the area proposed to be designated as an enterprise development zone.

11. Any other information required by the department or the department of revenue.

(4) DESIGNATION, CERTIFICATION AND ADDITIONAL DUTIES. (a) Subject to par. (b), if the department approves a project plan under sub. (3) and designates the area in which the person submitting the project plan conducts or intends to conduct the project as an enterprise development zone under the criteria under sub. (2), the department shall certify the person as eligible for tax benefits.

(b) The department may certify only one person as eligible for tax benefits in an area designated as an enterprise development zone.

(c) When the department designates an area as an enterprise development zone for a project, the department shall notify the governing body of any city, village, town or federally recognized American Indian tribe or band in which the area is located of the area's designation.

(d) The department shall notify the department of revenue of all persons entitled to claim tax benefits under this section.

(e) For purposes of s. 49.193 (5), the department shall notify the department of health and social services of the designation of an area as an enterprise development zone and of the governing body of any city, village, town or federally recognized American Indian tribe or band in which the area is located.

(f) The tax benefits for which a person is certified as eligible under this subsection are not transferable to another person, business or location.

(5) DURATION AND LIMITS. (a) When the department designates an area as an enterprise development zone under this section, the department shall specify the length of time, not to exceed 84 months, that the designation is effective, subject to par. (d) and sub. (6).

(b) When the department designates an area as an enterprise development zone under this section, the department shall establish a limit, not to exceed $3,000,000, for tax benefits for the enterprise development zone.

(c) Annually, the department shall estimate the amount of foregone state revenue because of tax benefits claimed by persons in each enterprise development zone.

(d) 1. Notwithstanding the length of time specified by the department under par. (a), the designation of an area as an enterprise development zone shall expire 90 days after the day on which the department determines that the foregone tax revenues under par. (c) will equal or exceed the limit established for the enterprise development zone.

2. The department shall immediately notify the department of revenue and the governing body of any city, village, town or federally recognized American Indian

tribe or band in which the enterprise development zone is located of a change in the expiration date of the enterprise development zone under this paragraph.

(6) REVOCATION OF ENTITLEMENT. (a) The department shall revoke the entitlement of a person to claim tax benefits under this section, and the designation of the area as an enterprise development zone shall expire, if the person does any of the following:

1. Supplies false or misleading information to obtain the tax benefits.

2. Leaves the enterprise development zone to conduct substantially the same business outside of the enterprise development zone.

3. Ceases operations in the enterprise development zone and does not renew operation of the trade or business or a similar trade or business in the enterprise development zone within 12 months.

(b) The department shall notify the department of revenue within 30 days after revoking an entitlement under par. (a).

Section 6936sm. 560.797 (2) (a) 4. c. of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

560.797 **(2)** (a) 4. c. The percentage of households in the area receiving unemployment compensation under ch. 108, ~~general~~ relief ~~administered under s. 49.02, relief of needy Indian persons under s. 49.046~~ funded by a relief block grant under ch. 49 or aid to families with dependent children under s. 49.19 is higher than the state average.

Section 6936v. 560.797 (4) (e) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

560.797 **(4)** (e) For purposes of s. 49.193 (5), the department shall notify the department of ~~health and social services~~ industry, labor and human relations of the

designation of an area as an enterprise development zone and of the governing body of any city, village, town or federally recognized American Indian tribe or band in which the area is located.

SECTION 6937. 560.80 (3) of the statutes is amended to read:

560.80 **(3)** "Early planning project" means the preliminary stages of considering and planning the start–up or expansion of a business that will be a minority business.

SECTION 6938. 560.82 (4) (a) of the statutes is amended to read:

560.82 **(4)** (a) Award, for grants under sub. (1), more than ~~5%~~ 10% of the funds appropriated for the fiscal biennium under s. 20.143 (1) (fm).

SECTION 6939. 560.82 (4) (b) of the statutes is amended to read:

560.82 **(4)** (b) Award, to any one eligible recipient or for any one early planning project, grants under sub. (1) or s. 560.835 (6) that total more than ~~$5,000~~ $15,000.

SECTION 6939g. 560.84 (2) (c) 2. of the statutes is amended to read:

560.84 **(2)** (c) 2. A development zone designated under s. 560.71, a development opportunity zone designated under s. 560.795 or an enterprise development zone designated under s. 560.797.

SECTION 6940. 560.875 (1) of the statutes is amended to read:

560.875 **(1)** Annually, the department shall grant to the Great Lakes inter–tribal council the amount appropriated under s. 20.143 (1) (df) to partially fund a program to provide technical assistance for economic development on Indian reservations if the conditions under subs. (2) and (3) are satisfied.

SECTION 6940g. 561.01 (4) of the statutes is repealed.

SECTION 6940h. 561.02 of the statutes is renumbered 561.02 (1) and amended to read:

561.02 **(1)** The commission shall coordinate and regulate all activities relating to, and promulgate all rules relating to, racing and pari–mutuel wagering conducted under ch. 562, bingo and raffles conducted under ch. 563~~,~~ and crane games conducted under ch. 564 ~~and the state lottery conducted under ch. 565~~, and shall perform its duties and functions under ch. 569 regarding Indian gaming.

SECTION 6940j. 561.02 (2) of the statutes is created to read:

561.02 **(2)** The board shall coordinate and regulate all activities relating to the state lottery under ch. 565, with the assistance of the department of revenue in the manner provided in ch. 565, and the board may promulgate rules relating to the state lottery under ch. 565.

SECTION 6940k. 561.02 (2m) of the statutes is created to read:

561.02 **(2m)** The board shall appoint a chief legal counsel, who shall also serve as the board's legislative liaison.

SECTION 6940L. 561.03 of the statutes is created to read:

561.03 Executive director. The governor shall nominate, and with the advice and consent of the senate appoint, an executive director of the board, who shall assist the board in performing its duties under s. 561.02 (1).

SECTION 6940m. 561.06 (1) of the statutes is amended to read:

561.06 **(1)** ~~Provide~~ Subject to s. 565.25 (1m), provide all of the security services for the gaming operations under chs. 562 to 569.

SECTION 6940r. 561.10 of the statutes is repealed.

SECTION 6950m. 562.02 (1) (g) of the statutes is amended to read:

562.02 **(1)** (g) At least once every 3 months, file a written report on the operation of racing in this state with the governor, the attorney general, the ~~state treasurer~~ secretary of administration, the secretary of state, the legislative audit bureau, the

president of the senate and the speaker of the assembly. The report shall include information on racetrack operations, race attendance and private, state and local revenues derived from racing in this state.

SECTION 6951. 562.02 (1) (k) of the statutes is created to read:

562.02 **(1)** (k) Approve or reject the amount that a licensee is required to deduct from the total amount wagered under s. 562.065 (3) (a).

SECTION 6952. 562.02 (2) (h) of the statutes is created to read:

562.02 **(2)** (h) Inspect and conduct investigations of facilities in this state used for breeding or training animals for racing, for the purpose of obtaining compliance with laws relating to the humane treatment of animals.

SECTION 6953. 562.03 (4) of the statutes is amended to read:

562.03 **(4)** The administrator shall appoint and supervise ~~a deputy and an assistant to serve outside the classified service and~~ a chief steward.

SECTION 6954. 562.057 (1) of the statutes is amended to read:

562.057 **(1)** ~~Except as provided in sub. (2), an~~ An intertrack wagering licensee may accept wagers on races that are conducted at 2 or more host tracks during the same race day with the approval of the commission.

SECTION 6955. 562.057 (2) of the statutes is repealed.

SECTION 6956. 562.057 (3) (a) of the statutes is renumbered 562.057 (3).

SECTION 6957. 562.057 (3) (b) of the statutes is repealed.

SECTION 6958. 562.057 (4) of the statutes is amended to read:

562.057 **(4)** ~~The~~ Subject to sub. (4m), the commission may permit a licensee under s. 562.05 (1) (b) to receive simulcast races from out–of–state racetracks ~~not more than 9 simulcast races each year and,~~ to conduct pari–mutuel wagering on those races and to commingle the licensee's wagering pools on those races with those

of any out–of–state racetrack from which the licensee is permitted to receive simulcast races. The licensee shall use at least 4.5% of the total amount of intertrack and simulcast wagers for purses for races held at the racetrack at which the wagering was conducted. The commission may permit a licensee under s. 562.05 (1) (b) to simulcast races to any out–of–state legal wagering entity, and to commingle the licensee's wagering pools on those races with those of any out–of–state legal wagering entity to which the licensee is permitted to simulcast those races.

SECTION 6958m. 562.057 (4m) of the statutes is created to read:

562.057 **(4m)** The commission may not permit a licensee under s. 562.05 (1) (b) to receive simulcast races under sub. (4) unless the commission determines that all of the following conditions are met:

(a) 1. For a racetrack at which $25,000,000 or more was wagered during the calendar year immediately preceding the year in which the applicant proposes to conduct wagering on simulcast races, at least 250 race performances were conducted at the racetrack during that period.

2. For a racetrack at which less than $25,000,000 was wagered during the calendar year immediately preceding the year in which the applicant proposes to conduct wagering on simulcast races, at least 200 race performances were conducted at the racetrack during that period.

(b) Wagering on simulcast races will be conducted at the racetrack only as an adjunct to, and not in a manner that will supplant, wagering on live on–track racing at that racetrack, and wagering on simulcast races will not be the primary source of wagering revenue at that racetrack.

(c) The conduct of wagering on simulcast races will not adversely affect the public health, welfare or safety.

SECTION 6959. 562.057 (5) of the statutes is created to read:

562.057 **(5)** The commission shall promulgate rules administering sub. (4).

SECTION 6960. 562.065 (3) (a) of the statutes is amended to read:

562.065 **(3)** (a) *Deduction.* From the total amount wagered on all animals selected to win, place or show in a race, a licensee under s. 562.05 (1) (b) and (c) shall deduct 17% or an amount approved by the commission under s. 562.02 (1) (k) up to 20% and pay the balance, minus breakage, to winning ticket holders, except that for a multiple pool, the licensee shall deduct 23% or an amount approved by the commission under s. 562.02 (1) (k) up to 25% and pay the balance, minus breakage, to winning ticket holders. Nothing in this paragraph prohibits the licensee from retaining amounts wagered in multiple pools which are required to be paid to winning ticket holders if there are no winning ticket holders, for the sole purpose of paying these amounts to winning ticket holders of subsequent races.

SECTION 6961. 562.065 (3) (b) of the statutes is amended to read:

562.065 **(3)** (b) *Purses.* 1. For horse races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b) shall use at least an amount equal to 8% of the total amount wagered on each race day for purses for races held on that race day, except as provided in s. 562.057 ~~(3) (b)~~ (4). The licensee shall pay purses directly to the owner of a horse or, if a horse is leased, the licensee shall pay the purse directly to the lessor and lessee of the horse as agreed in a written lease agreement on file with the licensee.

2. For dog races, from the total amount deducted under par. (a) on each race day, the licensee under s. 562.05 (1) (b) shall use at least an amount equal to 4.5% of the total amount wagered on each race day for purses, except as provided in s. 562.057 ~~(3) (b)~~ (4). Purses shall be paid on or before Thursday of the calendar week

immediately following the race day on which the purses are won. The licensee shall pay purses directly to the owner of a dog or, if a dog is leased, the licensee shall pay the purse directly to the lessor and lessee of the dog as agreed in a written lease agreement on file with the licensee.

SECTION 6961m. 562.065 (3) (b) 3. of the statutes is created to read:

562.065 **(3)** (b) 3. In addition to the amounts required under subds. 1. and 2., if a licensee deducts under par. (a) more than 17% from the total amount wagered on all animals selected to win, place or show in a race or more than 23% from the total amount wagered on all animals for a multiple pool in a race, the licensee shall use for purses at least an amount that equals 4.5% of any amount that the licensee deducts as a result of increasing the deduction under par. (a) beyond the 17% and 23% levels.

SECTION 6962. 562.065 (3) (c) 2g. (intro.) and a. to d. of the statutes are amended to read:

562.065 **(3)** (c) 2g. (intro.) For dog races, from the total amount deducted under par. (a) on each race day that is on or after ~~January 1, 1993~~ the effective date of this subdivision .... [revisor inserts date], a licensee under s. 562.05 (1) (b) shall deposit with the commission the following amounts:

a. ~~Two~~ One percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is not more than $25,000,000.

b. Two ~~and two–thirds~~ percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than $25,000,000 but not more than $100,000,000.

c. Four ~~and two–thirds~~ percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than $100,000,000 but not more than $150,000,000.

d. Six ~~and two–thirds~~ percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than $150,000,000 but not more than ~~$200,000,000~~ $250,000,000.

SECTION 6963. 562.065 (3) (c) 2g. e. of the statutes is repealed.

SECTION 6964. 562.065 (3) (c) 2g. f. of the statutes is amended to read:

562.065 **(3)** (c) 2g. f. Eight ~~and two–thirds~~ percent of the total amount wagered on that race day if the total amount wagered on all previous race days during the year is more than $250,000,000.

SECTION 6975. 562.09 (2) (b) 2. of the statutes is amended to read:

562.09 **(2)** (b) 2. The commission shall require, by rule, that immediately after every race ~~the animal which won the race,~~ at least one animal ~~selected at random and any additional animals~~, as identified by the commission rule, ~~shall~~ be tested to determine if a medication or foreign substance has been administered to the animal in violation of sub. (1). A steward or veterinarian employed by, under contract with or approved by the commission may designate additional animals to be tested to determine whether a violation of sub. (1) has occurred.

SECTION 6976. 563.05 (6) of the statutes is amended to read:

563.05 **(6)** The commission shall deposit all moneys received by the commission under this chapter, except s. 563.80, in the appropriation account under s. 20.197 (1) ~~(g)~~ (j).

SECTION 6977. 564.02 (2) (g) of the statutes is amended to read:

564.02 **(2)** (g) The commission shall deposit all moneys received by the commission under this subsection in the appropriation account under s. 20.197 (1) ~~(g)~~ (j).

SECTION 6977b. 565.01 (1) of the statutes is amended to read:

565.01 **(1)** "Administrator" means the administrator of the lottery division in the department.

SECTION 6977c. 565.01 (2) of the statutes is created to read:

565.01 **(2)** "Department" means the department of revenue, except as otherwise expressly provided.

SECTION 6977d. 565.01 (4c) (a) of the statutes is amended to read:

565.01 **(4c)** (a) The development of a specification related to a bid or competitive sealed proposal to supply goods or services to the ~~commission~~ department relating to the state lottery.

SECTION 6977f. 565.01 (4c) (b) of the statutes is amended to read:

565.01 **(4c)** (b) The evaluation of a bid or competitive sealed proposal to supply goods or services to the ~~commission~~ department relating to the state lottery.

SECTION 6977h. 565.01 (6) of the statutes is amended to read:

565.01 **(6)** "Retailer" means a person who sells lottery tickets or lottery shares on behalf of the ~~commission~~ department under the terms of a lottery retailer contract entered into under s. 565.10.

SECTION 6977j. 565.01 (6m) (b) 9. (intro.) of the statutes is amended to read:

565.01 **(6m)** (b) 9. (intro.) Any game or device that is commonly known as a video game of chance or a video gaming machine or that is commonly known as or considered to be a video gambling machine, except a video device authorized by the

~~commission~~ department to permit the sale of tickets by retailers in a game authorized under par. (a) if all of the following apply:

SECTION 6977L. 565.01 (6m) (b) 11. of the statutes is amended to read:

565.01 **(6m)** (b) 11. Any other game that is commonly considered to be a form of gambling and is not, or is not substantially similar to, a game that the ~~commission~~ department has the authority to conduct under this chapter.

SECTION 6977m. 565.017 of the statutes is created to read:

565.017 Recommendation of proposed rules by the department. The department may recommend proposed rules to the board.

SECTION 6977n. 565.02 (1) (a) of the statutes is amended to read:

565.02 **(1)** (a) Prior to appointing an administrator, the ~~commission~~ department shall conduct a nationwide search to find the best, most qualified appointee and consider the business management experience, marketing experience, computer experience and lottery management experience of the applicants.

SECTION 6977p. 565.02 (1) (b) 4. of the statutes is amended to read:

565.02 **(1)** (b) 4. A violation of a provision of this chapter or rule of the ~~commission~~ board.

SECTION 6977r. 565.02 (1) (c) of the statutes is amended to read:

565.02 **(1)** (c) Before appointment of an administrator is made, the ~~commission~~ department, with the assistance of the department of justice, shall conduct a background investigation of the proposed administrator. The ~~commission~~ department shall require the ~~propose~~ proposed administrator to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards to the

federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions. The ~~commission~~ department shall reimburse the department of justice for the department's services under this paragraph.

SECTION 6977t. 565.02 (2) (a) of the statutes is amended to read:

565.02 **(2)** (a) The administrator shall perform the duties assigned to the administrator under this chapter and by the ~~commission~~ secretary of revenue.

SECTION 6978. 565.02 (2) (b) of the statutes is amended to read:

565.02 **(2)** (b) The administrator shall appoint and supervise employes, ~~including, outside the classified service, the deputy and assistant of the lottery division,~~ as specified by the commission by rule under sub. (3) (a), as necessary to carry out the duties of the commission and administrator.

SECTION 6978b. 565.02 (2) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

565.02 **(2)** (b) The administrator shall appoint and supervise employes, as specified by the ~~commission~~ board by rule under sub. (3) (a), as necessary to carry out the duties of the ~~commission and~~ administrator.

SECTION 6978c. 565.02 (2) (c) 3. of the statutes is amended to read:

565.02 **(2)** (c) 3. A violation of a provision of this chapter or rule of the ~~commission~~ board.

SECTION 6978d. 565.02 (2) (d) of the statutes is amended to read:

565.02 **(2)** (d) Before appointment of employes is made under par. (b), the ~~commission~~ department, with the assistance of the department of justice, shall conduct a background investigation of the proposed employes. The ~~commission~~ department shall require the persons proposed as employes to be photographed and

fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions. The ~~commission~~ department shall reimburse the department of justice for the department's services under this paragraph.

SECTION 6978e. 565.02 (2r) of the statutes is amended to read:

565.02 **(2r)** The ~~commission~~ department may require a fidelity bond from the administrator or any other employe of the lottery division in the department.

SECTION 6978f. 565.02 (3) (intro.) of the statutes is amended to read:

565.02 **(3)** (intro.) The ~~commission~~ board shall promulgate all of the following rules:

SECTION 6978g. 565.02 (3) (b) 6. of the statutes is amended to read:

565.02 **(3)** (b) 6. Qualifications for retailers, in addition to those under this section, as determined by the ~~commission~~ board.

SECTION 6978gm. 565.02 (3) (e) of the statutes is repealed.

SECTION 6978h. 565.02 (4) (intro.) of the statutes is amended to read:

565.02 **(4)** (intro.) The ~~commission~~ board may promulgate all of the following rules:

SECTION 6978i. 565.02 (6) of the statutes is amended to read:

565.02 **(6)** The ~~commission~~ department shall deposit all gross lottery revenues, as defined in s. 25.75 (1) (b), in the lottery fund.

SECTION 6978j. 565.02 (7) of the statutes is amended to read:

565.02 **(7)** Not later than March 1 of each year, the ~~commission~~ department shall submit to the joint committee on finance a report that includes an estimate for

that fiscal year and for the subsequent fiscal year of the gross revenues from the sale of lottery tickets and lottery shares, the total amount paid as prizes and the prize payout ratio for each type of lottery game offered, and an evaluation of the effect of prize payout ratios of lottery games on lottery sales, lottery operating costs and on maximizing the revenue available for the lottery property tax credit. If, within 14 working days after the date on which the committee receives the report, the cochairpersons of the committee notify the ~~commission~~ department that the committee has scheduled a meeting for the purpose of reviewing the ~~commission's~~ department's proposed prize payouts, the ~~commission~~ department may proceed with its plans for the prize payouts for the subsequent fiscal year only upon approval of the plans by the committee. If the cochairpersons of the committee do not notify the ~~commission~~ department within 14 working days after the date on which the committee receives the report that the committee has scheduled a meeting for the purpose of reviewing the ~~commission's~~ department's proposed prize payouts, the ~~commission's~~ department's plans for the prize payouts for the subsequent fiscal year are considered approved by the committee.

SECTION 6978k. 565.05 (1) (intro.) of the statutes is amended to read:

565.05 **(1)** (intro.) No member or employe of the ~~commission~~ board, secretary of revenue, deputy secretary of revenue or employe in the lottery division of the department may do any of the following:

SECTION 6978L. 565.05 (1) (a) of the statutes is amended to read:

565.05 **(1)** (a) Have a direct or indirect interest in or be employed by any vendor while serving as a ~~commission~~ member or employe of the board, secretary of revenue, deputy secretary of revenue or employe in the lottery division of the department or for 2 years following the ~~member's or employe's~~ person's termination of service.

SECTION 6978m. 565.10 (1) of the statutes is amended to read:

565.10 **(1)** SELECTION OF RETAILERS; RETAILER CONTRACT. Under rules promulgated by the ~~commission~~ board under s. 565.02 (3) (b) and (4) (a), the administrator may contract with a person for the retail sale of lottery tickets or lottery shares. Retailers shall be selected for contract so as to provide adequate and convenient availability of lottery tickets and lottery shares to prospective buyers.

SECTION 6978n. 565.10 (3) (c) 4. of the statutes is amended to read:

565.10 **(3)** (c) 4. The restrictions under par. (a) do not apply to the partnership, limited liability company, association or corporation if the ~~commission~~ department determines that the partnership, limited liability company, association or corporation has terminated its relationship with the partner, member, officer, director or owner who was convicted or entered the plea or with the partner, member, officer, director, owner or other individual whose actions directly contributed to the partnership's, limited liability company's, association's or corporation's conviction or entry of plea.

SECTION 6978no. 565.10 (4) (b) (intro.) of the statutes is amended to read:

565.10 **(4)** (b) (intro.) Subject to approval of each such retailer contract by the ~~commission~~ department, the retailer contract is with one of the following:

SECTION 6978p. 565.10 (5) (a) of the statutes is amended to read:

565.10 **(5)** (a) In entering into a lottery retailer contract with state agencies, other than the ~~commission~~ department, and agencies of local units of government, the administrator shall attempt to minimize the competitive effect of sales by the state or local agencies on other retailers. An application for a retailer contract by a local unit of government shall be approved by the governing body of the local unit of government.

SECTION 6978q. 565.10 (5) (b) of the statutes is amended to read:

565.10 **(5)** (b) A lottery retailer contract may be entered into with a private person operating activities on state or local government property. The ~~commission~~ department shall give preference to an individual, group of individuals or nonprofit organization, as specified under sub. (4) (b), in entering into contracts under this paragraph.

SECTION 6978r. 565.10 (7) (b) of the statutes is amended to read:

565.10 **(7)** (b) The administrator may, under rules promulgated by the ~~commission~~ board, contract for a period that is shorter than 3 years in order to stagger lottery retailer contract expiration dates throughout a 3–year period.

SECTION 6978s. 565.10 (8) of the statutes is amended to read:

565.10 **(8)** CONTRACT FEES. A contract entered into under this section may require payment of a nonrefundable initial application fee or a nonrefundable annual fee for continuation, or both, in an amount promulgated by the ~~commission~~ board by rule under s. 565.02 (4) (b). A separate nonrefundable fee, in an amount specified in rules promulgated under s. 565.02 (4) (b), may be required for each certificate of authority issued under sub. (11).

SECTION 6978t. 565.10 (8m) of the statutes is amended to read:

565.10 **(8m)** (title) PAYMENT TO ~~COMMISSION~~ DEPARTMENT OR CONTRACTOR. Payment by a retailer to the ~~commission~~ department or to any contractor for lottery tickets or lottery shares shall be by check, bank draft, electronic fund transfer or other recorded means, as determined by the administrator. No payment under this subsection may be in cash.

SECTION 6978u. 565.10 (11) of the statutes is amended to read:

565.10 **(11)** CERTIFICATE OF AUTHORITY; REQUIRED DISPLAY. The ~~commission~~ department shall issue to each retailer a separate certificate of authority for each location from which the retailer may sell lottery tickets or lottery shares. Each retailer shall conspicuously display the certificate of authority on the premises where retail sales of lottery tickets or lottery shares are authorized under the certificate in a location which is accessible for public inspection.

SECTION 6979. 565.10 (14) (b) of the statutes is amended to read:

565.10 **(14)** (b) The basic compensation to be paid to a retailer is ~~5%~~ 5.5% of the retail price of lottery tickets or lottery shares sold by the retailer. The commission may, in the rules promulgated under s. 565.02 (4) (f), provide for the payment of a higher rate of compensation to nonprofit organizations making sales under a contract issued on a temporary basis than the rate of compensation paid to other retailers.

SECTION 6979m. 565.10 (14) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

565.10 **(14)** (b) The basic compensation to be paid to a retailer is 5.5% of the retail price of lottery tickets or lottery shares sold by the retailer. The ~~commission~~ board may, in the rules promulgated under s. 565.02 (4) (f), provide for the payment of a higher rate of compensation to nonprofit organizations making sales under a contract issued on a temporary basis than the rate of compensation paid to other retailers.

SECTION 6980. 565.10 (14) (c) of the statutes is repealed.

SECTION 6980c. 565.10 (15) of the statutes is amended to read:

565.10 **(15)** REMITTING PROCEEDS. A retailer shall, on a daily basis, unless another basis, but not less than weekly, is provided by the ~~commission~~ board by rule,

remit to the ~~commission~~ department the lottery proceeds from the sale of lottery tickets or lottery shares. The amount of compensation deducted by the retailer, if any, shall be indicated as a deduction from the total remitted.

SECTION 6980e. 565.12 (1) (intro.) of the statutes is amended to read:

565.12 **(1)** (intro.) A lottery retailer contract entered into under s. 565.10 may be terminated or suspended for a specified period if the ~~commission~~ department finds that the retailer has done any of the following:

SECTION 6980g. 565.12 (1) (e) of the statutes is amended to read:

565.12 **(1)** (e) Failed to account accurately for lottery tickets, revenues or prizes or lottery shares, as required by the ~~commission~~ department, or is delinquent in remitting lottery ticket or lottery share revenues.

SECTION 6980i. 565.12 (2) of the statutes is amended to read:

565.12 **(2)** If the administrator determines that the immediate suspension or termination of a lottery retailer contract entered into under s. 565.10 is necessary to protect the public interest or the security, integrity or fiscal responsibility of the lottery, the administrator may, without prior notice or hearing, suspend for a specified period or terminate the lottery retailer contract by mailing to the retailer a notice of suspension or termination that includes a statement of the facts or conduct that warrant the suspension or termination and a notice that the retailer may, within 30 days after the date on which the notice of suspension or termination is mailed, have the suspension or termination reconsidered by the administrator. If, upon reconsideration, the administrator affirms the determination to suspend or terminate the lottery retailer contract, the retailer shall be afforded an opportunity for a hearing before the ~~commission~~ board to review the determination of the administrator.

SECTION 6980k. 565.12 (3) of the statutes is amended to read:

565.12 **(3)** The ~~commission~~ board shall render the final decisions under s. 227.47 for all terminations and suspensions under subs. (1) and (2).

SECTION 6980m. 565.15 of the statutes is amended to read:

565.15 (title) **~~Commission~~ Department retail outlet.** The ~~commission~~ department may establish and operate a lottery ticket or lottery share retail sales outlet or sell lottery tickets or lottery shares to the public at a special event. In considering whether to engage in direct retail sales, the ~~commission~~ department shall attempt to minimize the competitive effects of its sales on sales by other retailers.

SECTION 6980p. 565.17 (1) of the statutes is amended to read:

565.17 **(1)** WHO MAY SELL. Lottery tickets or lottery shares may not be sold by any person other than a retailer or the ~~commission~~ department.

SECTION 6980q. 565.17 (2) of the statutes is amended to read:

565.17 **(2)** PRICE. No person may sell lottery tickets or lottery shares at a price other than the retail sales price established by the administrator under s. 565.27 (1) (b), except to the extent of any discount authorized by the administrator or the ~~commission~~ department.

SECTION 6980s. 565.17 (5) (title) of the statutes is amended to read:

565.17 **(5)** (title) ~~COMMISSION~~ BOARD MEMBERS AND EMPLOYES; CERTAIN DEPARTMENT EMPLOYES.

SECTION 6980u. 565.17 (5) (a) of the statutes is amended to read:

565.17 **(5)** (a) No member or employe of the ~~commission~~ board, secretary of revenue, deputy secretary of revenue or employe of the lottery division in the department or any relative residing in the same household with a member or

employe of the ~~commission~~ board, secretary of revenue, deputy secretary of revenue or employe of the lottery division in the department may purchase a lottery ticket or lottery share.

SECTION 6981. 565.25 (1m) of the statutes is amended to read:

565.25 **(1m)** SCOPE OF AUTHORITY. Subject to approval by the commission, the administrator may determine whether lottery functions shall be performed by commission employes or by one or more persons under contract with the department, except that no contract may provide for the entire management of the lottery or for the entire operation of the lottery by any private person. The department may contract for management consultation services to assist in the management or operation of the lottery. The department may not contract for financial auditing or security monitoring services, except that if the department delegates under s. 16.71 (1) to the commission the authority to make a major procurement the commission may contract with the department for warehouse and building protection services. If the department delegates under s. 16.71 (1) to the commission the authority to make a major procurement, the commission shall assume the powers and duties of the department and the administrator shall assume the powers and duties of the secretary of administration under this section and ss. 16.70 to 16.77, except under ss. 16.72 (4) (a), 16.76 (1) and 16.77 (1).

SECTION 6981b. 565.25 (1m) of the statutes, as affected by 1995 Wisconsin Act ....(this act), is amended to read:

565.25 **(1m)** SCOPE OF AUTHORITY. Subject to approval by the ~~commission~~ board, the administrator may determine whether lottery functions shall be performed by ~~commission~~ department of revenue employes or by one or more persons under contract with the department of administration, except that no contract may provide

for the entire management of the lottery or for the entire operation of the lottery by any private person. The department of administration may contract for management consultation services to assist in the management or operation of the lottery. The department of administration may not contract for financial auditing or security monitoring services, except that, if the department of administration delegates under s. 16.71 (1) to the ~~commission~~ department of revenue the authority to make a major procurement, the ~~commission~~ department of revenue may contract with the department of administration for warehouse and building protection services relating to the state lottery. If the department of administration delegates under s. 16.71 (1) to the ~~commission~~ department of revenue the authority to make a major procurement, the department of revenue shall assume the powers and duties of the department of administration and the administrator shall assume the powers and duties of the secretary of administration under this section and ss. 16.70 to 16.77, except under ss. 16.72 (4) (a), 16.76 (1) and 16.77 (1).

SECTION 6981c. 565.25 (2) (a) 4. (intro.) of the statutes is amended to read:

565.25 **(2)** (a) 4. (intro.) The administrator shall develop specifications for major procurements. If security is a factor in the materials, supplies, equipment, property or services to be purchased in any major procurement, then invitations for bids or competitive sealed proposals shall include specifications related to security. The administrator shall submit specifications for major procurement to the ~~commission~~ secretary of revenue for review and approval before the department of administration releases the specifications in invitations for bids or competitive sealed proposals. The department of administration shall require separate bids or separate competitive sealed proposals for each of the following supplies and services if the supplies or services are provided under contract as provided in sub. (1m):

SECTION 6981d. 565.25 (2) (a) 6. of the statutes is amended to read:

565.25 **(2)** (a) 6. If the department delegates under s. 16.71 (1) to the ~~commission~~ department of revenue the authority to make a major procurement, the award of the major procurement contract is subject to approval by the ~~commission~~ board and to the requirements in ss. 16.72 (4) (a) and 16.76 (1). Copies of requisitions and contracts for major procurements shall be maintained by the administrator and shall be subject to inspection and copying under subch. II of ch. 19.

SECTION 6981e. 565.25 (2) (a) 7. of the statutes is amended to read:

565.25 **(2)** (a) 7. No bill or statement for any purchase or engagement for the ~~commission~~ department of revenue relating to the state lottery may be paid until the bill or statement is approved by the administrator.

SECTION 6981f. 565.25 (4) of the statutes is amended to read:

565.25 **(4)** BACKGROUND INVESTIGATIONS. The ~~commission, with the assistance of the~~ department of justice~~,~~ shall conduct a background investigation of any person proposing to contract or contracting for a major procurement and of all partners, members, officers, directors, owners and beneficial owners identified under sub. (3) (b). The ~~commission~~ department of justice may require the person and partners, members, officers, directors and shareholders identified under sub. (3) (b) to be photographed and fingerprinted on 2 fingerprint cards each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions. If the results of the background investigation disclose information specified in sub. (3) (a) with respect to the person, partner, member, officer, director, owner or beneficial owner, a contract with the vendor, if entered into prior to the

disclosure, is void and the vendor shall forfeit any amount filed, deposited or established under sub. (5) (b). The ~~commission~~ department of revenue shall reimburse the department of justice for the department of justice's services under this subsection and shall obtain payment from the person proposing to contract or the vendor in the amount of the reimbursement.

SECTION 6981fm. 565.25 (6) of the statutes is created to read:

565.25 **(6)** ADVERTISING CONTRACTS. Contracts for the advertising of the state lottery or any multistate lottery in which the state participates, other than contracts for promotional advertising under s. 565.32 (2), that involve any marketing, production or talent services may only be entered into with businesses that have their principal place of business in this state. Such contracts shall require that all marketing, production and talent services be provided by residents of this state.

SECTION 6981g. 565.27 (1) (intro.) of the statutes is amended to read:

565.27 **(1)** GAME FEATURES AND PROCEDURES. (intro.) Subject to this section, the rules promulgated under s. 565.02 (3) (d) and (4) (a) and ~~commission~~ board approval, the administrator shall determine the particular features of and procedures for each lottery game offered. The administrator shall recommend to the ~~commission~~ board for promulgation by rule under s. 565.02 (3) (d) the types of state or multistate lottery games to be offered. The features and procedures shall be in writing, shall be accessible to the public and shall include all of the following:

SECTION 6981h. 565.27 (2) (a) of the statutes is amended to read:

565.27 **(2)** (a) The actual selection of any winning lottery ticket or lottery share may not be performed by an elected or appointed official, an employe of the lottery division in the department or a member or employe of the ~~commission~~ board.

SECTION 6981i. 565.27 (2) (b) 4. of the statutes is amended to read:

565.27 **(2)** (b) 4. Any equipment used for the drawing must be inspected by a certified public accountant and a ~~commission~~ department employe before and after the drawing.

SECTION 6981j. 565.30 (1) of the statutes is amended to read:

565.30 **(1)** PAYMENT OF PRIZES. The administrator shall direct the payment of a prize to the holder of the winning lottery ticket or lottery share or to a person designated under sub. (2), except that a prize may be paid to another person under a court order or to the estate of a deceased prize winner. The ~~commission~~ board, department, administrator, state and any contractor for materials, equipment or services of the game in which the prize is won are discharged of all liability upon payment of the prize to the holder of a winning lottery ticket or lottery share.

SECTION 6981k. 565.30 (4m) of the statutes is amended to read:

565.30 **(4m)** CARRY OVER OF PRIZE MONEY. The ~~commission~~ department may carry over unexpended lottery prize money that is not unclaimed lottery prize money from one drawing of a game to another drawing of the same game.

SECTION 6981km. 565.30 (5) of the statutes is amended to read:

565.30 **(5)** WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS OWED THE STATE. The administrator shall report the name, address and social security number of each winner of a lottery prize equal to or greater than $1,000 to the ~~department~~ secretary of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court–ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the ~~department~~ secretary of revenue shall first ascertain based on certifications by the department of ~~health and social services~~ industry, labor and human relations under s. ~~46.255~~ 49.855 (2) whether any person

named in the report is currently delinquent in court–ordered payment of child support and shall next certify to the administrator whether any person named in the report is delinquent in court–ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the ~~department~~ secretary of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is delinquent both in payments for state taxes and in court–ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

SECTION 6981kp. 565.30 (5m) of the statutes is amended to read:

565.30 **(5m)** WITHHOLDING OF CHILD SUPPORT, SPOUSAL SUPPORT, MAINTENANCE OR FAMILY SUPPORT. The administrator shall report to the department of ~~health and social services~~ industry, labor and human relations the name, address and social security number of each winner of a lottery prize that is payable in instalments. Upon receipt of the report, the department of ~~health and social services~~ industry, labor and human relations shall certify to the administrator whether any payee named in the report is obligated to provide child support, spousal support, maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261, 767.465 (2m), 767.51 (3), 767.65 (24) [ch. 769] or 948.22 (7) and the

amount required to be withheld from the lottery prize under s. 767.265. The administrator shall withhold the certified amount from each payment made to the winner and remit the certified amount to the department of ~~health and social services~~ industry, labor and human relations.

SECTION 6981L. 565.32 (1) of the statutes is amended to read:

565.32 **(1)** PROMOTIONAL ADVERTISING PROHIBITION. The expenditure by the ~~commission~~ board, department or any other state agency of public funds or of revenues derived from lottery operations to engage in promotional advertising of the state lottery or any multistate lottery is prohibited.

SECTION 6981m. 565.32 (3) (a) (intro.) of the statutes is amended to read:

565.32 **(3)** (a) (intro.) Any advertising, as defined by the ~~commission~~ board by rule under s. 565.02 (3) (f), of the lottery which describes a specific lottery game and each lottery ticket and lottery share shall include:

SECTION 6981n. 565.37 (1) of the statutes is amended to read:

565.37 **(1)** FINANCIAL AND PERFORMANCE AUDITS. The ~~commission~~ department shall annually contract with the legislative audit bureau to conduct a financial audit of the transactions and accounts of the state lottery, and, to the extent of the ~~commission's~~ department's participation, of any multistate lotteries in which the state participates, for the preceding fiscal year and shall biennially contract with the legislative audit bureau for a performance audit of the state lottery and, to the extent of the ~~commission's~~ department's participation, of those multistate lotteries.

SECTION 6981no. 565.37 (2) of the statutes is amended to read:

565.37 **(2)** INDEPENDENT POSTAUDIT. At no less than 3–year intervals, the ~~commission~~ department may retain an independent certified public accountant to conduct a postaudit of all the lottery division's accounts and transactions. The

~~commission~~ department shall provide copies of each such postaudit to the legislative audit bureau, the board and the department of justice.

SECTION 6981p. 565.37 (3) of the statutes is amended to read:

565.37 **(3)** (title) ~~COMMISSION~~ DEPARTMENT REPORT. The ~~commission~~ department shall submit quarterly reports on the operation of the lottery to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2) and to the governor, attorney general, ~~state treasurer~~ secretary of administration, secretary of state, board and state auditor.

SECTION 6981q. 565.37 (4) of the statutes is amended to read:

565.37 **(4)** ADMINISTRATOR REPORT. The administrator shall submit monthly financial reports to the ~~commission~~ board.

SECTION 6981r. 565.37 (5) of the statutes is amended to read:

565.37 **(5)** VERIFICATION OF ODDS. The ~~commission~~ department shall contract with the legislative audit bureau to verify the odds on winning a lottery game that are represented by the ~~commission~~ department, a contractor or a retailer.

SECTION 6981s. 565.37 (6) of the statutes is amended to read:

565.37 **(6)** AUDIT OF LOTTERY SECURITY. By July 1, 1990, and at least biennially thereafter, the ~~commission~~ department shall hire an independent firm to perform an audit of lottery security that is independent of any other audit under this section.

SECTION 6981t. 565.40 (1) of the statutes is amended to read:

565.40 **(1)** INVESTIGATIONS. The department of justice may investigate any activities by the ~~commission~~ board, vendors, or ~~lottery division~~ employes~~, including the administrator~~ in the department, which affect the operation or administration of the state lottery or any multistate lottery in which the state participates, and shall

report suspected violations of state or federal law to the appropriate prosecuting authority.

SECTION 6981u. 565.45 of the statutes is amended to read:

565.45 Report on expense limitation. Before January 1, 1992, and every 2 years thereafter, the ~~commission~~ department shall submit a report to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), on the effects on the operation of the lottery of the 15% expense limitation under s. 25.75 (3) (b).

SECTION 6981v. 565.46 of the statutes is amended to read:

565.46 Minority advertising, procurements, retailers and hiring. The ~~commission~~ board shall promulgate rules establishing goals that attempt to increase the total amount of expenditures by the ~~commission~~ department for advertising, public relations and other procurements that are directed to minority businesses, the number of retailers that are minority businesses and the number of employes of the lottery division in the department who are minority group members.

SECTION 6984. 569.01 (1m) (c) of the statutes is created to read:

569.01 **(1m)** (c) Moneys received by the state from Indian tribes as reimbursement for state costs of gaming services and assistance provided by the state that are requested by an Indian tribe.

SECTION 6985. 569.06 of the statutes is amended to read:

569.06 Indian gaming receipts. Indian gaming receipts shall be credited to the appropriation accounts under ~~s.~~ ss. 20.197 (1) (h) and 20.455 (2) (gc) as specified under ss. 20.197 (1) (h) and 20.455 (2) (gc).

SECTION 6985d. 601.13 (1) (intro.) of the statutes is amended to read:

601.13 **(1)** RECEIPT OF DEPOSITS. (intro.) Subject to the approval of the commissioner, the ~~state treasurer~~ secretary of administration shall accept deposits or control of acceptable book–entry accounts from insurers and other licensees of the office as follows:

SECTION 6985h. 601.13 (3) (intro.) of the statutes is amended to read:

601.13 **(3)** SECURITIES ELIGIBLE. (intro.) All deposits may consist of any of the securities authorized in this subsection. Each security must be approved by the commissioner, must be subject to disposition by the ~~state treasurer~~ secretary of administration and must not be available to any other person except as expressly provided by law. The authorized securities are:

SECTION 6985p. 601.13 (5) of the statutes is amended to read:

601.13 **(5)** RECEIPT, INSPECTION AND RECORD. The ~~state treasurer~~ secretary of administration shall deliver to the depositor a receipt for all securities deposited or held under the control of the ~~state treasurer~~ secretary of administration and shall permit the depositor to inspect its physically held securities at any reasonable time. On application of the depositor the ~~treasurer~~ secretary of administration shall certify when required by any law of the United States or of any other state or foreign country or by the order of any court of competent jurisdiction that the deposit was made. The ~~treasurer~~ secretary of administration and the commissioner shall each keep a permanent record of securities deposited or held under the control of the ~~state treasurer~~ secretary of administration and of any substitutions or withdrawals and shall compare records at least annually.

SECTION 6985t. 601.13 (6) of the statutes is amended to read:

601.13 **(6)** TRANSFER OF SECURITIES. No transfer of a deposited security, whether voluntary or by operation of law, is valid unless approved in writing by the commissioner and countersigned by the ~~treasurer~~ secretary of administration.

SECTION 6986. 601.13 (8) (intro.) of the statutes is amended to read:

601.13 **(8)** INTEREST AND SUBSTITUTIONS. (intro.) Subject to s. ~~14.58 (13)~~ 16.40 (31), a depositor shall, while solvent and complying with the laws of this state, be entitled:

SECTION 6986m. 601.13 (11) of the statutes is amended to read:

601.13 **(11)** ADVANCE DEPOSIT OF FEES. With the approval of the commissioner, any person required to pay fees or assessments to the state through the commissioner may make a deposit with the ~~treasurer~~ secretary of administration from which the fees or assessments shall be paid on order of the commissioner not less than twice each year. Upon request by the depositor, any balance remaining shall be returned on the certificate of the commissioner that all fees and assessments have been paid to date.

SECTION 6987. 601.31 (1) (a) 1. of the statutes is amended to read:

601.31 **(1)** (a) 1. Domestic and nondomestic insurers, ~~$100~~ $400.

SECTION 6988. 601.31 (1) (a) 2. of the statutes is amended to read:

601.31 **(1)** (a) 2. Rate service organizations, ~~$100~~ $400.

SECTION 6989. 601.31 (1) (a) 3. of the statutes is amended to read:

601.31 **(1)** (a) 3. Motor clubs, ~~$100~~ $400.

SECTION 6990. 601.31 (1) (b) 1. of the statutes is amended to read:

601.31 **(1)** (b) 1. Domestic and nondomestic insurers, ~~$100~~ $400.

SECTION 6991. 601.31 (1) (b) 2. of the statutes is amended to read:

601.31 **(1)** (b) 2. Rate service organizations, ~~$100~~ $400.

SECTION 6992. 601.31 (1) (b) 3. of the statutes is amended to read:

601.31 **(1)** (b) 3. Motor clubs, ~~$100~~ $400.

SECTION 6993. 601.31 (1) (c) 1. of the statutes is amended to read:

601.31 **(1)** (c) 1. Domestic and nondomestic insurers, ~~$25~~ $100.

SECTION 6994. 601.31 (1) (c) 3. of the statutes is amended to read:

601.31 **(1)** (c) 3. Motor clubs, ~~$25~~ $100.

SECTION 6995. 601.31 (1) (k) of the statutes is renumbered 601.31 (1) (k) (intro.) and amended to read:

601.31 **(1)** (k) (intro.) For filing an annual statement, ~~$25,~~ except as provided in s. 641.13~~.~~:

SECTION 6996. 601.31 (1) (k) 1. of the statutes is created to read:

601.31 **(1)** (k) 1. Domestic and nondomestic insurers, $100.

SECTION 6997. 601.31 (1) (k) 2. of the statutes is created to read:

601.31 **(1)** (k) 2. Rate service organizations, $100.

SECTION 6998. 601.31 (1) (k) 3. of the statutes is created to read:

601.31 **(1)** (k) 3. Motor clubs, $100.

SECTION 6999. 601.31 (1) (k) 4. of the statutes is created to read:

601.31 **(1)** (k) 4. Licensees under ch. 615, $25.

SECTION 7000. 601.31 (1) (k) 5. of the statutes is created to read:

601.31 **(1)** (k) 5. Providers of services under ch. 647, $25.

SECTION 7001. 601.31 (1) (Lm) of the statutes is created to read:

601.31 **(1)** (Lm) For issuing a duplicate license, $5.

SECTION 7002. 601.31 (1) (n) of the statutes is amended to read:

601.31 **(1)** (n) For listing, or renewing a listing of, an agent under s. 628.11, a fee to be set by the commissioner by rule but not to exceed ~~$5~~ $8 annually for resident agents ~~and $15~~ or $24 annually for nonresident agents.

SECTION 7003. 601.31 (1) (p) of the statutes is amended to read:

601.31 **(1)** (p) For substituted service of process on the commissioner~~, $5~~ under s. 601.72 (2), $10.

SECTION 7004. 601.31 (1) (x) of the statutes is created to read:

601.31 **(1)** (x) 1. For issuing approval to an organization to offer prelicensing or continuing education courses or programs for intermediaries under s. 628.04 (3), a fee to be set by the commissioner by rule, but not to exceed $500.

2. By organizations approved under subd. 1., for renewing the approval of such organizations, annually after the year in which the approval under subd. 1. is issued, an amount to be set and paid at times and under procedure set by the commissioner by rule, but not to exceed $100.

3. By organizations approved under subd. 1., for submitting, for initial approval or approval of any subsequent modification, each course for prelicensing or continuing education, a fee to be set by the commissioner by rule, but not to exceed $25 per credit hour.

SECTION 7005. 601.31 (1) (y) of the statutes is created to read:

601.31 **(1)** (y) 1. For certifying a copy of an annual statement, an examination report, a certificate of authority or articles and bylaws, or amendments to any of those documents, $10.

2. For a duplicate certification that is requested at the same time as the certification under subd. 1., $5.

SECTION 7006. 601.415 (9) of the statutes is amended to read:

601.415 **(9)** CONSUMER CREDIT LAW. The commissioner shall cooperate with the ~~commissioner~~ division of banking in the administration of ch. 424, shall determine the method for computation of refunds under s. 424.205, shall approve forms, schedules of premium rates and charges under s. 424.209 and shall issue rules or orders of compliance to insurers under s. 424.602.

SECTION 7006m. 601.45 (3) of the statutes is amended to read:

601.45 **(3)** DEPOSIT. The commissioner may require any examinee, before or from time to time during an examination, to deposit with the ~~state treasurer~~ secretary of administration such deposits as the commissioner deems necessary to pay the costs of the examination. Any deposit and any payment made under subs. (1) and (2) shall be credited to the appropriation under s. 20.145 (1) (g) in the percentage specified in that paragraph.

SECTION 7007. 601.57 (1) (a) of the statutes is amended to read:

601.57 **(1)** (a) The commissioner, in consultation with the department of health and social services, shall study the feasibility and cost–effectiveness of requiring every health insurer to issue to its insureds uniform machine–readable health insurance identification cards and to establish a computerized support system for the cards that will accept and respond to electronically conveyed requests from health care providers for information related to an insured, such as eligibility, coverages and authorizations. The study shall consider the feasibility and cost–effectiveness of including the medical assistance program under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 in the system of identification cards and the computerized support system and the feasibility of using those systems to coordinate the payment of benefits by health insurers and the medical assistance program.

SECTION 7008m. 601.62 (4) of the statutes is amended to read:

601.62 **(4)** FEES IN INVESTIGATIONS AND HEARINGS. The fees for stenographic services in investigations, examinations and hearings may not exceed the sum provided for like services in the circuit court. The fees of officers, witnesses, interpreters and stenographers on behalf of the commissioner or the state shall be paid by the ~~state treasurer upon the warrant of the department~~ secretary of administration, authorized by the certificate of the commissioner, and shall be charged to the appropriation under s. 20.145 (1) (g).

SECTION 7009. 601.72 of the statutes is repealed and recreated to read:

601.72 Registered agent for service of process. (1) Every insurer shall continuously maintain in this state a registered agent for service of process on the insurer, which agent must be an individual resident of this state, a domestic insurer or a nondomestic insurer authorized to do business in this state. The name and address of the registered agent shall be filed with the commissioner.

(2) If an insurer fails to maintain an agent for service of process in this state or if the agent cannot be found, substituted service under the procedures provided in s. 601.73 may be made on the commissioner or, if the proceeding is brought by the state against an insurer or intermediary other than a risk retention group or risk purchasing group, on the secretary of state. Litigants serving process on the commissioner under this subsection shall pay the fee specified in s. 601.31 (1) (p).

SECTION 7011. 601.73 (1) (intro.) of the statutes is amended to read:

601.73 **(1)** REQUIREMENTS FOR EFFECTIVE SERVICE. (intro.) Service upon the commissioner or secretary of state under s. 601.72 (2) is service on the principal, if:

SECTION 7017. 601.73 (2) (c) of the statutes is amended to read:

601.73 **(2)** (c) *Default judgment.* No plaintiff or complainant is entitled to a judgment by default in any proceeding in which process is served under ~~ss.~~ this

section and s. 601.72 ~~and 601.73~~ (2) until the expiration of 20 days from the date of mailing of the process under par. (b).

SECTION 7019. 601.93 (2) of the statutes is amended to read:

601.93 **(2)** Every insurer doing a fire insurance business in this state shall, before March 1 in each year, file with the commissioner a statement, showing the amount of premiums upon fire insurance due for the preceding calendar year. Return premiums may be deducted in determining the premium on which the fire department dues are computed. Payments of quarterly instalments of the total estimated payment for the then current calendar year under this subsection are due on or before April 15, June 15, September 15 and December 15. On March 1 the insurer shall pay any additional amounts due for the preceding calendar year. Overpayments will be credited on the amount due April 15. The commissioner shall, prior to May 1 each year, report to the department of ~~industry, labor and human relations~~ development the amount of dues paid under this subsection and to be paid under s. 101.573 (1).

SECTION 7019d. 604.04 (4) of the statutes is amended to read:

604.04 **(4)** PAYMENT PROCEDURE. Any charges against a fund under sub. (3) shall be certified by the commissioner, audited by the department of administration under s. 16.53 and paid by the ~~treasurer~~ secretary of administration out of the appropriate fund in accordance with procedures of the department of administration.

SECTION 7019h. 604.05 of the statutes is amended to read:

604.05 Investments. Assets of all funds under chs. 605 to 607 shall be invested by the state investment board under s. 25.17. Each January 1 the ~~state treasurer~~ secretary of administration shall credit each fund with earnings on the invested assets in each fund for the preceding 12 months. If any fund is indebted to

the general fund of the state the fund shall be charged, at the end of each calendar year, with interest on the indebtedness at the average rate earned by the state upon its deposits in public depositories during the period of indebtedness and that sum shall be credited to the general fund.

SECTION 7019p. 604.06 (1) of the statutes is amended to read:

604.06 **(1)** CUSTODY. The ~~state treasurer~~ secretary of administration has sole custody of all assets of funds under chs. 605 to 607.

SECTION 7019t. 604.07 of the statutes is amended to read:

604.07 Bonds. The commissioner as manager of the funds and the ~~treasurer~~ secretary of administration shall file surety bonds, specifically conditioned on the performance of their duties under chs. 605 to 607, in amounts required by, and with sureties approved by, the governor.

SECTION 7020m. 605.30 of the statutes is amended to read:

605.30 Inadequacy of fund. If the property fund does not have sufficient assets to pay claims that are due, the ~~department~~ secretary of administration shall ~~issue a warrant as a~~ transfer from the general fund to the property fund an amount sufficient to pay the losses and ~~the state treasurer~~ shall pay the ~~warrant~~ losses. The property fund shall thereafter repay the general fund this amount and the ~~department~~ secretary of administration shall ~~issue warrants for such~~ transfer such amount as soon as there are assets in the property fund.

SECTION 7022. 609.65 (1) (b) (intro.) of the statutes is amended to read:

609.65 **(1)** (b) (intro.) If the provider performing the examination, evaluation or treatment does not have a provider agreement with the health maintenance organization, limited service health organization or preferred provider plan which covers the provision of that service to the enrolled participant, reimburse the

provider for the examination, evaluation or treatment of the enrolled participant in an amount not to exceed the maximum reimbursement for the service under the medical assistance program under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, if any of the following applies:

SECTION 7026m. 611.76 (4) (e) of the statutes is amended to read:

611.76 **(4)** (e) That no policyholder, other than a policyholder of a mutual life insurance company, may receive a distribution of shares valued in excess of the amount to which he or she is entitled under s. 645.72 (4). Any excess over that amount shall be distributed in shares to the state treasury for the benefit of the common school fund. After 5 years the shares may be sold by the ~~treasurer~~ secretary of administration at his or her discretion and the proceeds credited to the common school fund; and

SECTION 7027. 611.76 (11) of the statutes is amended to read:

611.76 **(11)** SECURITY REGULATION. The filing with the ~~office of the commissioner~~ division of securities of a certified copy of the plan of conversion as approved by the commissioner constitutes registration under s. 551.27 of the securities authorized to be issued thereunder.

SECTION 7029. 613.81 of the statutes is amended to read:

613.81 (title) **Tax exemption for certain hospital service insurance corporations.** Every nonprofit service insurance corporation organized under s. 613.80 which does not pay any dividends, benefits or pecuniary profits to any members or directors and which does not offer a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) is, except for purposes of the franchise tax measured by net income, a charitable and benevolent corporation. Every nonprofit service insurance

corporation organized under s. 613.80 that offers a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) is not a charitable and benevolent corporation.

SECTION 7030. 614.05 (1) of the statutes is amended to read:

614.05 **(1)** CHAPTERS 611 AND 619. No section of ~~chs.~~ ch. 611 or subch. I of ch. 619 applies to fraternals unless it is specifically made applicable by this chapter.

SECTION 7032. 614.80 of the statutes is amended to read:

614.80 Tax exemption. Every domestic and nondomestic fraternal, except those that offer a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) is exempt from all state, county, district, municipal and school taxes or fees, except the fees required by s. 601.31 (2), but is required to pay all taxes and special assessments on its real estate and office equipment, except as provided in s. 70.11 (4) and (8).

SECTION 7034. 616.74 (1) (c) of the statutes is amended to read:

616.74 **(1)** (c) A certificate from the secretary of state, if it is a nonprofit corporation, that it has complied with the corporation laws of this state; if it is a corporation the stock of which has been or is being sold to the general public, a certificate from the ~~commissioner~~ division of securities that it has complied with the requirements of the securities law of this state.

SECTION 7035. 619.10 (6) of the statutes is amended to read:

619.10 **(6)** "Medical assistance" means health care benefits provided under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49.

SECTION 7036. 619.12 (3) (b) of the statutes is amended to read:

619.12 **(3)** (b) Persons for whom deductible or coinsurance amounts are paid or reimbursed under ch. 47 for vocational rehabilitation, under s. ~~49.48~~ 49.68 for

renal disease, under s. ~~49.485 (8)~~ 49.685 (8) for hemophilia or under s. ~~49.483~~ 49.683 for cystic fibrosis are not ineligible for coverage under the plan by reason of such payments or reimbursements.

SECTION 7037. 626.12 (3) of the statutes is amended to read:

626.12 **(3)** PHYSICAL IMPAIRMENT. Rates or rating plans may not take into account the physical impairment of employes. Any employer who applies or promotes any oppressive plan of physical examination and rejection of employes or applicants for employment shall forfeit the right to experience rating. If the department of industry, labor and human relations determines that grounds exist for such forfeiture it shall file with the commissioner a certified copy of its findings, which shall automatically suspend any experience rating credit for the employer. The department shall make the determination as prescribed in ~~ss. 101.02~~ s. 103.005 (5) (b) to (f), (6) to ~~(12) and (14)~~ (11), (13) (b) to (d) and ~~101.03~~ (16), so far as such ~~sections~~ subsections are applicable, subject to review under ch. 227. Restoration of an employer to the advantages of experience rating shall be by the same procedure.

SECTION 7038. 628.04 (3) of the statutes is amended to read:

628.04 **(3)** CLASSIFICATION AND EXAMINATION. The commissioner may by rule prescribe classifications of intermediaries in addition to agent and surplus lines agent or broker, by kind of authority, or kind of insurance, or in other ways, and may prescribe different standards of competence, including examinations and educational prerequisites, for each class. The commissioner may by rule set prelicensing and annual continuing education standards, but may not require a licensed intermediary to complete a course of study requiring more than ~~15~~ 30 hours, per license, of approved continuing education, including continuing education programs approved by the commissioner and presented by the insurers, in any

~~one–year~~ 2–year period. The commissioner may approve courses or programs that an applicant for an intermediary's license may attend to fulfill a prelicensing education requirement, or that a licensed intermediary may attend to fulfill a continuing education requirement, and may approve organizations that may offer approved courses or programs. The commissioner may, by rule, exempt any class of intermediaries from the continuing education requirements. So far as practicable, the commissioner shall issue a single license to each individual intermediary for a single fee.

SECTION 7039. 628.10 (2) (a) of the statutes is amended to read:

628.10 **(2)** (a) *For failure to comply with continuing education requirements.* The commissioner may by order suspend the license of any intermediary who fails to produce evidence of compliance with continuing education standards set by the commissioner. If an intermediary whose license has been suspended under this paragraph produces evidence of compliance within 60 days after the date on which the license is suspended, the commissioner shall reinstate the license effective on the date of suspension. If such an intermediary does not produce evidence of compliance within 60 days, the license is revoked and the intermediary may be relicensed only after satisfying all requirements under s. 628.04.

SECTION 7040. 628.11 of the statutes is amended to read:

628.11 Listing of insurance agents. An insurer shall report to the commissioner at such intervals as the commissioner establishes by rule all appointments, including renewals of appointments, and all terminations of appointments of insurance agents to do business in this state, and shall pay the fees prescribed under s. 601.31 (1) (n).

SECTION 7041. 632.10 (1) of the statutes is amended to read:

632.10 **(1)** "Building and safety standards" means the requirements of chs. 101 and 145 and of any rule promulgated by the department of ~~industry, labor and human relations~~ development under ch. 101 or 145, and standards of a 1st class city relating to the health and safety of occupants of buildings.

SECTION 7042. 632.72 (title) of the statutes is amended to read:

632.72 (title) **Medical benefits or assistance; assignment.**

SECTION 7043. 632.72 (1) of the statutes is renumbered 632.72 (1r) and amended to read:

632.72 **(1r)** The providing of medical benefits ~~under s. 49.02 or 49.046~~ or ~~of medical~~ assistance ~~under s. 49.45, 49.46, 49.465, 49.468 or 49.47~~ constitutes an assignment to the department ~~of health and social services or the county providing the medical benefits or assistance~~ or contract provider. The assignment shall be, to the extent of the medical benefits or assistance provided, for benefits to which the recipient would be entitled under any policy of health and disability insurance.

SECTION 7044. 632.72 (1g) of the statutes is created to read:

632.72 **(1g)** In this section:

(a) "Department or contract provider" means the department of health and social services, the county providing the medical benefits or assistance or a health maintenance organization that has contracted with the department of health and social services to provide the medical benefits or assistance.

(b) "Medical benefits or assistance" means medical benefits under s. 49.02 or 49.046 or medical assistance, as defined under s. 49.43 (8).

SECTION 7045b. 632.72 (1g) (b) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

632.72 **(1g)** (b) "Medical benefits or assistance" means ~~medical benefits~~ health care services funded by a relief block grant under ~~s. 49.02 or 49.046~~ ch. 49, or medical assistance, as defined under s. 49.43 (8).

SECTION 7046. 632.72 (2) of the statutes is amended to read:

632.72 **(2)** An insurer may not impose on the department ~~of health and social services~~ or contract provider, as assignee of a person who is covered under the policy of health and disability insurance and who is eligible for medical benefits ~~under s. 49.02 or 49.046~~ or ~~for medical~~ assistance ~~under s. 49.45, 49.46, 49.465, 49.468 or 49.47~~, requirements that are different from those imposed on any other agent or assignee of a person who is covered under the policy of health and disability insurance.

SECTION 7047. 632.89 (1) (e) 1. of the statutes is amended to read:

632.89 **(1)** (e) 1. A program in an outpatient treatment facility, if both are approved by the department of health and social services ~~and~~, the program is established and maintained according to rules promulgated under s. 51.42 (7) (b) and the facility is certified under s. 51.04.

SECTION 7048. 632.895 (3) of the statutes is amended to read:

632.895 **(3)** SKILLED NURSING CARE. Every disability insurance policy filed after November 29, 1979, which provides coverage for hospital care shall provide coverage for at least 30 days for skilled nursing care to patients who enter a licensed skilled nursing care facility. A disability insurance policy, other than a medicare supplement policy or medicare replacement policy, may limit coverage under this subsection to patients who enter a licensed skilled nursing care facility within 24 hours after discharge from a general hospital. The daily rate payable under this subsection to a licensed skilled nursing care facility shall be no less than the

maximum daily rate established for skilled nursing care in that facility by the department of health and social services for purposes of reimbursement under the medical assistance program under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49. The coverage under this subsection shall apply only to skilled nursing care which is certified as medically necessary by the attending physician and is recertified as medically necessary every 7 days. If the disability insurance policy is other than a medicare supplement policy or medicare replacement policy, coverage under this subsection shall apply only to the continued treatment for the same medical or surgical condition for which the insured had been treated at the hospital prior to entry into the skilled nursing care facility. Coverage under any disability insurance policy governed by this subsection may be subject to a deductible that applies to the hospital care coverage provided by the policy. The coverage under this subsection shall not apply to care which is essentially domiciliary or custodial, or to care which is available to the insured without charge or under a governmental health care program, other than a program provided under ch. 49.

SECTION 7049. 645.76 of the statutes is amended to read:

645.76 Disposition of records during and after termination of liquidation. Records of any insurer in the process of liquidation or completely liquidated under this chapter shall be disposed of by the public records ~~and forms~~ board in the same manner as state records under s. 16.61.

SECTION 7050. 701.107 (3m) of the statutes is created to read:

701.107 **(3m)** "Division" means the division of banking.

SECTION 7051. 701.107 (4) of the statutes is amended to read:

701.107 **(4)** "Nonreciprocal state" means a state other than this state and other than a regional state, as defined in s. 221.58 (1) (h), that the ~~commissioner of banking~~ division finds satisfies s. 221.58 (4) (a).

SECTION 7052. 701.108 (1) (b) of the statutes is amended to read:

701.108 **(1)** (b) The bank or bank holding company proposing to obtain the stock of a bank holding company under this section has filed an application with the ~~commissioner of banking~~ division, and the ~~commissioner of banking~~ division does not disapprove the application under sub. (2).

SECTION 7053. 701.108 (1) (c) of the statutes is amended to read:

701.108 **(1)** (c) The ~~commissioner of banking~~ division gives a class 3 notice, under ch. 985, in the official state newspaper, of the application to take an action under this subsection and of the opportunity for a hearing and, if at least 25 residents of this state petition for a hearing within 30 days after the final notice or if the ~~commissioner~~ division on ~~his or her~~ the division's motion calls for a hearing within 30 days after the final notice, the ~~commissioner~~ division holds a public hearing on the application, except that a hearing is not required if the ~~commissioner~~ division finds that an emergency exists and that the proposed action under this subsection is necessary and appropriate to prevent the probable failure of a bank owned by the charitable trust that is closed or in danger of closing.

SECTION 7054. 701.108 (1) (d) of the statutes is amended to read:

701.108 **(1)** (d) The ~~commissioner of banking~~ division is provided a copy of any original application seeking approval by a federal agency of the transaction and of any supplemental material or amendments filed with the application.

SECTION 7055. 701.108 (1) (e) of the statutes is amended to read:

701.108 **(1)** (e) The applicant has paid the ~~commissioner of banking~~ division a fee of $1,000 together with the actual costs incurred by the ~~commissioner~~ division in holding any hearing on the application.

SECTION 7056. 701.108 (2) (intro.) of the statutes is amended to read:

701.108 **(2)** STANDARDS FOR DISAPPROVAL. (intro.) The ~~commissioner of banking~~ division may disapprove an application filed under sub. (1) if the ~~commissioner~~ division finds any of the following:

SECTION 7057. 701.108 (2) (f) (intro.) of the statutes is amended to read:

701.108 **(2)** (f) (intro.) The applicant has failed to enter into an agreement prepared by the ~~commissioner~~ division to comply with all of the following:

SECTION 7058. 701.108 (2) (i) of the statutes is amended to read:

701.108 **(2)** (i) The applicant fails to meet any other standards established by rule of the ~~commissioner~~ division.

SECTION 7059. 701.108 (3) (b) 2. of the statutes is amended to read:

701.108 **(3)** (b) 2. A regional state bank holding company, as defined in s. 221.58 (1) (g), that has its principal place of business in a regional state that the ~~commissioner of banking~~ division finds satisfies s. 221.58 (4) (a).

SECTION 7060. 701.108 (3m) (b) of the statutes is amended to read:

701.108 **(3m)** (b) With respect to a bank or bank holding company which obtains the stock of a bank holding company under this section and which has its principal place of business in a regional state, as defined in s. 221.58 (1) (h), par. (a) is satisfied if the ~~commissioner of banking~~ division finds that the statutes of that regional state satisfy s. 221.58 (4) (a).

SECTION 7061. 703.10 (2m) of the statutes is amended to read:

703.10 **(2m)** LIMITATION ON ENFORCEMENT OF CERTAIN PROVISIONS. No bylaw or rule adopted under a bylaw and no covenant, condition or restriction set forth in a declaration or deed to a unit may be applied to discriminate against an individual in a manner described in s. ~~101.22~~ 106.04.

SECTION 7064m. 704.90 (11) (title) and (a) of the statutes are amended to read:

704.90 **(11)** (title) DUTIES OF THE DEPARTMENT OF ~~JUSTICE~~ AGRICULTURE, TRADE AND CONSUMER PROTECTION. (a) Except as provided in par. (c), the department of ~~justice~~ agriculture, trade and consumer protection shall investigate alleged violations of this section and rules promulgated under sub. (9). To facilitate its investigations, the department may subpoena persons and records and may enforce compliance with the subpoenas as provided in s. 885.12.

SECTION 7065. 705.04 (2g) of the statutes is created to read:

705.04 **(2g)** Notwithstanding subs. (1) and (2), the department of health and social services may collect, from funds of a decedent that are held by the decedent immediately before death in a joint account or a P.O.D. account, an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a) and that was paid on behalf of the decedent or the decedent's spouse.

SECTION 7065b. 705.04 (2g) of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

705.04 **(2g)** Notwithstanding subs. (1) and (2), the department of health and social services may collect, from funds of a decedent that are held by the decedent immediately before death in a joint account or a P.O.D. account, an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a) or an amount equal to aid under s. 49.48, 49.483 or 49.485 that is recoverable under s. 49.482 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse.

SECTION 7065bm. 705.04 (2g) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 7065 and 7065b, is amended to read:

705.04 **(2g)** Notwithstanding subs. (1) and (2), the department of health and social services may collect, from funds of a decedent that are held by the decedent immediately before death in a joint account or a P.O.D. account, an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), ~~or~~ an amount equal to aid under s. 49.48, 49.483 or 49.485 that is recoverable under s. 49.482 (2) (a) or an amount equal to long–term community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or the decedent's spouse.

SECTION 7065c. 705.04 (2g) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 7065, 7065b and 7065bm, is amended to read:

705.04 **(2g)** Notwithstanding subs. (1) and (2), the department of health and social services may collect, from funds of a decedent that are held by the decedent immediately before death in a joint account or a P.O.D. account, an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685 that is recoverable under s. ~~49.482~~ 49.682 (2) (a) or an amount equal to long–term community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or the decedent's spouse.

SECTION 7066. 706.11 (1) (f) of the statutes is amended to read:

706.11 **(1)** (f) Any mortgage executed to a mortgage banker, as defined in s. ~~440.71~~ 224.71 (3).

SECTION 7066c. 707.49 (4) of the statutes is amended to read:

707.49 **(4)** SURETY BOND AND OTHER OPTIONS. Instead of placing deposits in an escrow account, a developer may obtain a surety bond issued by a company authorized to do business in this state, an irrevocable letter of credit or a similar arrangement, in an amount which at all times is not less than the amount of the deposits otherwise subject to the escrow requirements of this section. The bond, letter of credit or similar arrangement shall be filed with the department of ~~justice~~ agriculture, trade and consumer protection and made payable to the department of ~~justice~~ agriculture, trade and consumer protection for the benefit of aggrieved parties.

SECTION 7066g. 707.57 (2) (title) of the statutes is amended to read:

707.57 **(2)** (title) ~~ATTORNEY GENERAL'S~~ DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION AUTHORITY.

SECTION 7066n. 707.57 (2) (a) of the statutes is amended to read:

707.57 **(2)** (a) The department of ~~justice~~ agriculture, trade and consumer protection, or any district attorney upon informing the department of ~~justice~~ agriculture, trade and consumer protection, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this chapter. Before entry of final judgment, the court may make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action if proof of these acts or practices is submitted to the satisfaction of the court.

SECTION 7066r. 707.57 (2) (b) of the statutes is amended to read:

707.57 **(2)** (b) The department of ~~justice~~ agriculture, trade and consumer protection may conduct hearings, administer oaths, issue subpoenas and take testimony to aid in its investigation of violations of this chapter.

SECTION 7066w. 707.57 (3) of the statutes is amended to read:

707.57 **(3)** PENALTY. Any person who violates this chapter shall be required to forfeit not more than $5,000 for each offense. Forfeitures under this subsection shall be enforced by action on behalf of the state by the department of ~~justice~~ agriculture, trade and consumer protection or by the district attorney of the county where the violation occurs.

SECTION 7067. 709.03 (form) 8. of the statutes is amended to read:

709.03 (form) 8. .... I am aware of underground fuel storage tanks on the property. (If correct, the owner, by law, must report the location to the department of ~~industry, labor and human relations~~ development at P.O. Box ~~7969~~ 7970, Madison, Wisconsin, 53707.)

SECTION 7068g. 751.025 of the statutes is created to read:

751.025 Temporary use of court reporters. If the court reporter appointed by the judge is not available or if an additional court reporter is needed, the judge, in cooperation with the chief judge and court administrator for that judicial district, shall attempt to locate and use a court reporter from another branch of court before hiring a private court reporter.

SECTION 7070. 753.061 (3) of the statutes is repealed.

SECTION 7070d. 753.061 (5) of the statutes is amended to read:

753.061 **(5)** The state shall reimburse the county for the costs of operating one of the 2 circuit court branches designated under sub. (2m) that begin to primarily handle violent crime cases on September 1, 1991, including the one–time cost of

courtroom construction. The costs reimbursable under this subsection shall be paid by the ~~state treasurer~~ secretary of administration to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the director of state courts and shall be paid from the appropriation under s. 20.625 (1) (as). The amount reimbursable under this subsection may not exceed $383,100 in the 1991–92 fiscal year and $0 in the 1992–93 fiscal year.

SECTION 7070h. 753.07 (2) (a) of the statutes is amended to read:

753.07 **(2)** (a) The persons shall continue to receive salaries directly payable from the state in the same amount as they were receiving on July 31, 1978, and such salaries are subject to s. 40.05. The balance of the salaries authorized under ss. 230.12 and 751.02 for the judges and reporters shall be paid by the ~~state treasurer~~ secretary of administration to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the director of state courts. The county treasurer shall pay the amounts directly to the judges and reporters and the amounts paid are subject to the retirement system established under chapter 201, laws of 1937.

SECTION 7070p. 753.07 (3) (a) of the statutes is amended to read:

753.07 **(3)** (a) The salaries authorized under ss. 230.12 and 751.02 for the judges and reporters shall be paid by the ~~state treasurer~~ secretary of administration to the county treasurer pursuant to a voucher submitted by the clerk of circuit court to the director of state courts. The county treasurer shall pay the amounts directly to the judges and reporters and the amounts paid shall be subject to the retirement system established under chapter 201, laws of 1937.

SECTION 7070t. 753.07 (4) of the statutes is amended to read:

753.07 **(4)** COURT PERSONNEL; OPTIONS. As state employes, county court judges, county court reporters and assistant county court reporters, as specified in sub. (1),

who are denominated or become circuit court judges and reporters on August 1, 1978, and persons serving as circuit court judges and circuit court reporters for Milwaukee county on July 31, 1978, shall have the option of remaining as participants under county life and health insurance programs to the extent of their participation in such programs on February 1, 1978. The ~~state treasurer~~ secretary of administration shall semiannually pay to the county treasurer, pursuant to a voucher submitted by the clerk of circuit court to the director of state courts, an amount equal to the state contribution for life and health insurance for other comparable state employes. The county shall pay the cost of any premiums for life and health insurance exceeding the sum of the state contribution and the employe contribution as required under the county programs.

SECTION 7073. 756.04 (2) (am) 1. f. of the statutes is amended to read:

756.04 **(2)** (am) 1. f. Lists of persons ~~on general relief under ch. 49 and persons on~~ receiving aid to families with dependent children under ch. 49.

SECTION 7074. 756.04 (2) (am) 1. f. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

756.04 **(2)** (am) 1. f. Lists of persons receiving aid to families with dependent children under subch. III of ch. 49.

SECTION 7075. 756.096 (3) (b) of the statutes is renumbered 756.096 (3) (b) 1. and amended to read:

756.096 **(3)** (b) 1. ~~A~~ Except as provided in subd. 2., a jury in civil ~~and traffic~~ cases shall consist of 6 persons unless a party requests a greater number, not to exceed 12. The court, on its own motion may require a greater number, not to exceed 12.

SECTION 7076. 756.096 (3) (b) 2. of the statutes is created to read:

756.096 **(3)** (b) 2. A jury in cases involving traffic regulations, as defined in s. 345.20 (1) (b), shall consist of 6 persons.

SECTION 7076m. 757.48 (1) (b) of the statutes is amended to read:

757.48 **(1)** (b) The guardian ad litem shall be allowed reasonable compensation for his or her services such as is customarily charged by attorneys in this state for comparable services. If the court orders a county to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b). If the attorney of record is also the guardian ad litem, the attorney shall be entitled only to attorney fees and shall receive no compensation for services as guardian ad litem.

SECTION 7077. 757.57 (5) of the statutes is amended to read:

757.57 **(5)** Except as provided in SCR 71.04 (4), every reporter, upon the request of any party to an action or proceeding, shall make a typewritten transcript, and as many copies thereof as the party requests, of the testimony and proceedings reported by him or her in the action or proceeding, or any part thereof specified by the party, the transcript and each copy thereof to be duly certified by him or her to be a correct transcript thereof. For the transcripts the reporter is entitled to receive the fees prescribed in s. 814.69 ~~(2)~~ (1) (b).

SECTION 7078. 757.83 (4) of the statutes is amended to read:

757.83 **(4)** STAFF. The judicial commission shall hire an executive director, and may hire one staff member, in the unclassified service. The executive director shall be a member of the state bar of Wisconsin and shall provide staff services to the judicial commission and the judicial council.

SECTION 7079. 758.01 (2) of the statutes is amended to read:

758.01 **(2)** The supreme court may establish and charge fees for photocopying, microfilm copying, books, generation of copies of documents from optical disk or electronic storage, computer services and other services provided by the state law library. The fees are subject to the cost limitations under ss. 19.35 (3) and 20.908.

SECTION 7080. 758.13 (1) of the statutes is amended to read:

758.13 **(1)** MEMBERSHIP; APPOINTMENT; TERMS. There is created a judicial council of ~~20~~ 21 members as follows: a supreme court justice designated by the supreme court; a court of appeals judge designated by the court of appeals; the director of state courts or his or her designee; 4 circuit judges designated by the judicial conference; the chairpersons of the senate and the assembly committees dealing with judicial affairs or a member of each such committee designated by the respective chairperson; the attorney general or his or her designee; the revisor of statutes or an assistant designated by the revisor; the deans of the law schools of the university of Wisconsin and Marquette university or a member of the respective law school faculties designated by the deans; the state public defender or his or her designee; the president–elect of the state bar of Wisconsin or a member of the board of governors of the state bar designated by the president–elect and 3 additional members thereof selected by the state bar to serve 3–year terms; one district attorney appointed by the governor; and 2 citizens at large appointed by the governor to serve 3–year terms. The names of the members shall be certified to the secretary of state by the executive secretary of the judicial commission. Members shall hold office until their successors have been selected. Members shall receive no compensation, but shall be reimbursed from the appropriation made by s. ~~20.645~~ 20.665 (1) for expenses necessarily incurred by them in attending council meetings.

SECTION 7081. 758.13 (2) (g) of the statutes is created to read:

758.13 **(2)** (g) Recommend to the supreme court, legislature and governor any changes in the organization, operation and methods of conducting the business of the courts that will improve the efficiency and effectiveness of the court system and result in cost savings.

SECTION 7082. 758.13 (3) (d) of the statutes is repealed.

SECTION 7084. 758.19 (4m) of the statutes is created to read:

758.19 **(4m)** The director of state courts shall purchase equipment needed by court reporters employed by the state on July 1, 1999, who have not purchased the necessary equipment by July 1, 1999. The director of state courts is not required to purchase necessary equipment for any court reporter who has not purchased his or her equipment by July 1, 1999, if that court reporter, on July 1, 1999, is within 2 years of retirement, as determined by the director of state courts. If a court reporter begins employment as a court reporter with the state after July 1, 1999, he or she shall have the option of purchasing the necessary court reporter equipment before commencing employment or having the state purchase the necessary equipment. The department of administration shall promulgate a rule specifying the types and amount of equipment that a court reporter needs to purchase to be exempt from the state purchasing court reporter equipment on his or her behalf under this subsection. Any equipment that the director of state courts purchases for state employes, including equipment purchased for state–employed court reporters, is the property of the state.

SECTION 7086. 758.19 (5) (a) 8. of the statutes is created to read:

758.19 **(5)** (a) 8. Any other court costs, except costs related to courtroom security, including security personnel, and costs related to rent, utilities, maintenance, rehabilitation and construction of court facilities.

SECTION 7087. 758.19 (5) (b) (intro.) of the statutes is amended to read:

758.19 **(5)** (b) (intro.) From the appropriation under s. 20.625 (1) (d), the director of state courts shall make ~~the following~~ payments to counties totaling $3,443,950 on July 1, 1995, or the effective date of this paragraph .... [revisor inserts date], whichever is later, totaling $8,294,050 on January 1, 1996, and totaling $8,244,800 on every July 1 and January 1 thereafter, which the director of state courts shall distribute as follows:

SECTION 7088. 758.19 (5) (b) 1. and 2. of the statutes are repealed and recreated to read:

758.19 **(5)** (b) 1. For each circuit court branch in the county, $32,900.

2. In addition to the payment under subd. 1., for each county with one or less circuit court branches, $5,000 in the 1995–96 fiscal year and $10,000 in each fiscal year thereafter.

SECTION 7089. 758.19 (5) (b) 3. of the statutes is repealed and recreated to read:

758.19 **(5)** (b) 3. In addition to the payment under subd. 1., for each county with more than one circuit court branch, a payment equal to the county's proportion of the state population times the amount remaining after the payments are made under subds. 1. and 2.

SECTION 7090. 758.19 (5) (b) 4. of the statutes is repealed.

SECTION 7091. 758.19 (5) (c) of the statutes is amended to read:

758.19 **(5)** (c) ~~The amount paid to each county under par. (b) shall be determined by dividing the number of circuit court branches in the county by the total number of circuit court branches in the state and multiplying that result by the total payment to be made.~~ For those counties that share the services of one or more circuit court branches, the director of state courts shall annually determine the

proportional share of that circuit court branch for each county based on the circuit court branch case load in each county.

SECTION 7092. 758.19 (5) (e) (intro.) of the statutes is renumbered 758.19 (5) (e) and amended to read:

758.19 **(5)** (e) No later than July 1, 1994, and no later than July 1 of each year thereafter, each county shall submit to the director of state courts, in a format that is established by the director of state courts, information regarding the amount of actual court costs that the county incurred in the previous calendar year for each of the ~~following:~~ court costs listed in par. (a) 1. to 8.

SECTION 7095k. 758.19 (6) of the statutes is repealed and recreated to read:

758.19 **(6)** (a) In this subsection, "guardian ad litem costs" means the costs of guardian ad litem compensation that a county incurs under ch. 48, 55, 767 or 880, that the county has final legal responsibility to pay or that the county is unable to recover from another person and that does not exceed the per hour rate established for time spent in court by private attorneys under s. 977.08 (4m) (b).

(b) From the appropriation under s. 20.625 (1) (e), the director of state courts, beginning on July 1, 1995, shall annually on July 1 pay to each county the county's share, as determined under par. (c), of the total appropriation under s. 20.625 (1) (e). The payment is designed to defray a county's guardian ad litem costs but, except as provided in par. (d), the director of state courts may not require a county to account for the county's guardian ad litem costs or the manner in which or the purposes for which the county expends the payment.

(c) 1. In this paragraph:

a. "Court support services fee" means the fee under s. 814.634.

b. "Judicial need" means the need for a circuit judge, calculated under the weighted caseload formula, based on case filings in the previous calendar year for those types of cases which the director of state courts determines are likely to involve significant guardian ad litem costs.

c. "Weighted caseload formula" means the formula utilized by the director of state courts to assist in determining the comparative need for circuit court judges in this state, based on the number of cases filed in a given year and the judicial time needed to process the cases.

2. The amount paid to each county under par. (b) shall be the sum of the following amounts:

a. The amount determined by dividing the number of circuit court branches in the county by the total number of circuit court branches in the state and multiplying that result by one-third of the total amount to be paid under par. (b).

b. The amount determined by dividing the judicial need for the county by the total judicial need for all counties in this state and multiplying that result by one-third of the total amount to be paid under par. (b).

c. The amount determined by dividing the amount of court support services fees charged and collected in the county in the previous calendar year by the total amount of court support services fees charged and collected in the state in the previous calendar year and multiplying that result by one-third of the total amount to be paid under par. (b).

(d) Annually, no later than July 1, each county shall submit to the director of state courts, in a format that the director of state courts establishes, all of the following:

1. The total cost of guardian ad litem compensation that the county incurred under chs. 48, 55, 767 and 880 in the previous calendar year.

2. The total guardian ad litem compensation that the county initially paid under chs. 48, 55, 767 and 880 and that was recovered in the previous calendar year by the county from another responsible person.

SECTION 7095m. 758.19 (7) of the statutes is created to read:

758.19 **(7)** The director of state courts shall adopt, revise biennially and submit to the cochairpersons of the joint committee on information policy, the governor and the secretary of administration, no later than September 15 of each even–numbered year, a strategic plan for the utilization of information technology to carry out the functions of the courts and judicial branch agencies, as defined in section 16.70 (5) of the statutes. The plan shall address the business needs of the courts and judicial branch agencies and shall identify all resources relating to information technology which the courts and judicial branch agencies desire to acquire, contingent upon funding availability, the priority for such acquisitions and the justification for such acquisitions. The plan shall also identify any changes in the functioning of the courts and judicial branch agencies under the plan.

SECTION 7096. 766.565 (7) of the statutes is amended to read:

766.565 **(7)** With respect to consumer credit transactions, the ~~commissioner~~ division of banking may promulgate rules to interpret this chapter and chs. 421 to 427, consistent with the purposes and policies of this chapter and chs. 421 to 427.

SECTION 7096m. 767.001 (1) of the statutes is renumbered 767.001 (1m).

SECTION 7096n. 767.001 (1d) of the statutes is created to read:

767.001 **(1d)** "Department" means the department of industry, labor and human relations.

SECTION 7096p. 767.02 (3) of the statutes is amended to read:

767.02 **(3)** Commencement of an action affecting the family which affects a minor child constitutes an application to the department ~~of health and social services~~ for services on behalf of the minor child under s. ~~46.25~~ 49.143. This application does not authorize intervention as a party in any action, by the department ~~of health and social services~~.

SECTION 7096r. 767.045 (1) (c) 1. of the statutes is amended to read:

767.045 **(1)** (c) 1. Aid is provided under s. 49.19 or 49.45 on behalf of the child, but the state and its delegate under s. ~~46.25~~ 49.143 (7) are barred by a statute of limitations from commencing an action under s. 767.45 on behalf of the child.

SECTION 7096s. 767.045 (1) (c) 2. of the statutes is amended to read:

767.045 **(1)** (c) 2. An application for legal services has been filed with the child support program under s. ~~46.25~~ 49.143 on behalf of the child, but the state and its delegate under s. ~~46.25~~ 49.143 (7) are barred by a statute of limitations from commencing an action under s. 767.45 on behalf of the child.

SECTION 7096t. 767.045 (6) of the statutes is amended to read:

767.045 **(6)** COMPENSATION. The guardian ad litem shall be compensated at a rate that the court determines is reasonable. The court shall order either or both parties to pay all or any part of the compensation of the guardian ad litem. In addition, upon motion by the guardian ad litem, the court shall order either or both parties to pay the fee for an expert witness used by the guardian ad litem, if the guardian ad litem shows that the use of the expert is necessary to assist the guardian ad litem in performing his or her functions or duties under this chapter. If either or both parties are unable to pay, the court may direct that the county of venue pay the compensation and fees, in whole or in part, and may direct that any or all parties

reimburse the county, in whole or in part, for the payment. If the court orders a county to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b). The court may order a separate judgment for the amount of the reimbursement in favor of the county and against the party or parties responsible for the reimbursement. The court may enforce its orders under this subsection by means of its contempt power.

SECTION 7096u. 767.075 (1) (a) of the statutes is amended to read:

767.075 **(1)** (a) An action to establish paternity whenever there is a completed application for legal services filed with the child support program under s. ~~46.25~~ 49.143 or whenever s. 767.45 (6m) applies.

SECTION 7096v. 767.075 (1) (b) of the statutes is amended to read:

767.075 **(1)** (b) An action to establish or enforce a child support or maintenance obligation whenever there is a completed application for legal services filed with the child support program under s. ~~46.25~~ 49.143.

SECTION 7097d. 767.075 (2) (a) of the statutes is amended to read:

767.075 **(2)** (a) Except as provided in par. (b), in any action affecting the family under a child support enforcement program, an attorney acting under s. ~~46.25~~ 49.143 or 59.07 (97), including any district attorney or corporation counsel, represents only the state. Child support services provided by an attorney as specified in sub. (1) do not create an attorney–client relationship with any other party.

SECTION 7097e. 767.075 (2) (b) of the statutes is amended to read:

767.075 **(2)** (b) Paragraph (a) does not apply to an attorney who is employed by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 or a county

under s. 59.07 (97) or 59.458 (1) to act as the guardian ad litem of the minor child for the purpose of establishing paternity.

SECTION 7097m. 767.077 (intro.) of the statutes is amended to read:

767.077 Support for dependent child. (intro.) The state or its delegate under s. ~~46.25~~ 49.143 (7) shall bring an action for support of a minor child under s. 767.02 (1) (f) or, if appropriate, for paternity determination and child support under s. 767.45 whenever the child's right to support is assigned to the state under s. 49.19 (4) (h) 1. b. if all of the following apply:

SECTION 7098. 767.078 (1) (b) 1. of the statutes is amended to read:

767.078 **(1)** (b) 1. Register for work at a public employment office established under s. ~~101.23~~ 106.09.

SECTION 7098e. 767.078 (1) (d) 3. of the statutes is amended to read:

767.078 **(1)** (d) 3. Subdivisions 1. and 2. only apply while the department ~~of health and social services~~ conducts the program under s. 49.25.

SECTION 7098m. 767.08 (3) of the statutes is amended to read:

767.08 **(3)** If the state or any subdivision thereof furnishes public aid to a spouse or dependent child for support and maintenance and the spouse, person with legal custody or nonlegally responsible relative fails or refuses to institute an appropriate court action under this chapter to provide for the same, the person in charge of county welfare activities, the county child support program designee under s. 59.07 (97) or the ~~state~~ department ~~of health and social services~~ is a real party in interest under s. 767.075 and shall initiate an action under this section, for the purpose of obtaining support and maintenance. Any attorney employed by the state or any subdivision thereof may initiate an action under this section. The title of the action shall be "In re the support or maintenance of A.B. (Child)".

SECTION 7099d. 767.085 (1) (g) of the statutes is amended to read:

767.085 **(1)** (g) Whenever the petitioner requests an order or judgment affecting a minor child, that the petitioner requests the department ~~of health and social services~~ to provide services on behalf of the minor child under s. ~~46.25~~ 49.143, except that this application does not authorize representation under s. ~~46.25~~ 49.143 or 59.458 (2), or intervention as a party in any action, by the department ~~of health and social services~~.

SECTION 7099f. 767.085 (2) (b) of the statutes is amended to read:

767.085 **(2)** (b) The clerk of court shall provide without charge, to each person filing a petition requesting child support, a document setting forth the percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9) and listing the factors which a court may consider under s. 767.25 (1m).

SECTION 7099h. 767.085 (2m) (a) 2. of the statutes is amended to read:

767.085 **(2m)** (a) 2. Shall be accompanied by a document, provided without charge by the clerk of court, setting forth the percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9) and listing the factors which a court may consider under s. 767.25 (1m).

SECTION 7099j. 767.085 (5) of the statutes is amended to read:

767.085 **(5)** RESPONSE, CONTENTS. Whenever the respondent requests an order or judgment affecting a minor child, the response shall state that the respondent requests the department ~~of health and social services~~ to provide services on behalf of the minor child under s. ~~46.25~~ 49.143, except that this application does not authorize representation under s. ~~46.25~~ 49.143 or 59.458 (2), or intervention as a party in any action, by the department ~~of health and social services~~.

SECTION 7100. 767.10 (2) (b) of the statutes is amended to read:

767.10 **(2)** (b) A court may not approve a stipulation for a division of property that assigns substantially all of the property to one of the parties in the action if the other party in the action is in the process of applying for medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 or if the court determines that it can be reasonably anticipated that the other party in the action will apply for medical assistance under s~~s. 49.45 to 49.47~~ subch. IV of ch. 49 within 30 months of the stipulation.

SECTION 7100d. 767.13 (7) of the statutes is amended to read:

767.13 **(7)** COOPERATION. Each family court commissioner shall cooperate with the county and the department ~~of health and social services~~ to ensure that all dependent children receive reasonable and necessary child support.

SECTION 7100f. 767.15 (2) of the statutes is amended to read:

767.15 **(2)** In any appeal of any action affecting the family in which support or maintenance of a child of any party is at issue, the person who initiates the appeal shall notify the department ~~of health and social services~~ of the appeal by sending a copy of the notice of appeal to the department.

SECTION 7100h. 767.23 (1) (am) of the statutes is amended to read:

767.23 **(1)** (am) ~~Granting~~ Upon the request of a party, granting periods of physical placement to a party ~~specified in s. 767.24 (4)~~. The court or family court commissioner shall make a determination under this paragraph within 30 days after the request for a temporary order regarding periods of physical placement is filed.

SECTION 7100m. 767.23 (1n) of the statutes is amended to read:

767.23 **(1n)** Before making any temporary order under sub. (1), the court or family court commissioner shall consider those factors which the court is required by this chapter to consider before entering a final judgment on the same subject

matter. If the court or family court commissioner makes a temporary child support order that deviates from the amount of support that would be required by using the percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9), the court or family court commissioner shall comply with the requirements of s. 767.25 (1n). A temporary order under sub. (1) may be based upon the written stipulation of the parties, subject to the approval of the court or the family court commissioner. Temporary orders made by the family court commissioner may be reviewed by the court as provided in s. 767.13 (6).

SECTION 7100p. 767.24 (6) (b) of the statutes is amended to read:

767.24 **(6)** (b) Notwithstanding s. 767.001 ~~(1)~~ (1m), in making an order of joint legal custody, the court may give one party sole power to make specified decisions, while both parties retain equal rights and responsibilities for other decisions.

SECTION 7100r. 767.25 (1g) of the statutes is amended to read:

767.25 **(1g)** In determining child support payments, the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported to the department ~~of health and social services~~, or the county child and spousal support agency, under s. ~~46.25~~ 49.143 (2m).

SECTION 7100t. 767.25 (1j) of the statutes is amended to read:

767.25 **(1j)** Except as provided in sub. (1m), the court shall determine child support payments by using the percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9).

SECTION 7101. 767.25 (4m) (a) of the statutes is amended to read:

767.25 **(4m)** (a) In this subsection, "health insurance" does not include medical assistance provided under subch. IV of ch. 49.

SECTION 7101r. 767.25 (4m) (d) 2. of the statutes is amended to read:

767.25 **(4m)** (d) 2. Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the department ~~of health and social services~~ or the county designee under s. 59.07 (97).

SECTION 7102. 767.25 (4m) (e) 1. of the statutes is amended to read:

767.25 **(4m)** (e) 1. If a parent who has been ordered by a court to provide coverage of the health care expenses of a child who is eligible for medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 receives payment from a 3rd party for the cost of services provided to the child but does not pay the health care provider for the services or reimburse the department of health and social services or any other person who paid for the services on behalf of the child, the department of health and social services may obtain a judgment against the parent for the amount of the 3rd party payment.

SECTION 7103. 767.254 (2) (a) of the statutes is amended to read:

767.254 **(2)** (a) Register for work at a public employment office established under s. ~~101.23~~ 106.09.

SECTION 7103p. 767.262 (1) (b) of the statutes is amended to read:

767.262 **(1)** (b) If one party receives services under s. ~~46.25~~ 49.143 or services provided by the state or county as a result of an assignment of income under s. 49.19, order the other party to pay any fee chargeable under s. ~~46.25~~ 49.143 (6) or the cost of services rendered by the state or county under s. 49.19.

SECTION 7103r. 767.262 (3) of the statutes is amended to read:

767.262 **(3)** The court may order that the amount be paid directly to the attorney or to the state or the county providing services under s. ~~46.25~~ 49.143 or 49.19, who may enforce the order in its name.

SECTION 7104d. 767.27 (3) (b) of the statutes is amended to read:

767.27 **(3)** (b) The clerk of circuit court shall provide information from court records to the department ~~of health and social services~~ under s. 59.395 (7).

SECTION 7104f. 767.27 (4) of the statutes is amended to read:

767.27 **(4)** Failure by either party timely to file a complete disclosure statement as required by this section shall authorize the court to accept as accurate any information provided in the statement of the other party or obtained under s. ~~46.25~~ 49.143 (2m) by the department ~~of health and social services~~ or the county child and spousal support agency.

SECTION 7104r. 767.29 (1) of the statutes is amended to read:

767.29 **(1)** All orders or judgments providing for temporary or permanent maintenance, child support or family support payments shall direct the payment of all such sums to the clerk of the court for the use of the person for whom the same has been awarded. A party securing an order for temporary maintenance, child support or family support payments shall forthwith file the order, together with all pleadings in the action, with the clerk of the court. Except as provided in sub. (1m), the clerk shall disburse the money so received under the judgment or order within 15 days and take receipts therefor, unless the clerk is unable to disburse the moneys because they were paid by check or other draft drawn upon an account containing insufficient funds. All moneys received or disbursed under this section shall be entered in a record kept by the clerk, which shall be open to inspection by the department ~~of health and social services~~ for the administration of the child and spousal support and establishment of paternity program under s. ~~46.25~~ 49.143, the parties to the action and their attorneys, and the family court commissioner. If the maintenance, child support or family support payments adjudged or ordered to be paid shall not be paid to the clerk at the time provided in the judgment or order, the

clerk or the family court commissioner of the county shall take such proceedings as either of them deems advisable to secure the payment of the sum including enforcement by contempt proceedings under ch. 785 or by other means. Copies of any order issued to compel the payment shall be mailed to counsel who represented each party when the maintenance, child support or family support payments were awarded. In case any fees of officers in any of the proceedings, including the compensation of the family court commissioner at the rate of $50 per day unless the commissioner is on a salaried basis, is not collected from the person proceeded against, the fees shall be paid out of the county treasury upon the order of the presiding judge and the certificate of the clerk of the court.

SECTION 7105. 767.295 (2) (a) (intro.) of the statutes is amended to read:

767.295 **(2)** (a) (intro.) In an action for modification of a child support order under s. 767.32, an action in which an order for child support is required under s. 767.25 (1) or 767.51 (3) or a contempt of court proceeding to enforce a child support or family support order in a county that contracts under s. 46.253 (2), the court may order a parent ~~who lives in that county and~~ who is not a custodial parent to register for a work experience and job training program under s. 46.253~~,~~ if all of the following conditions are met:

SECTION 7106. 767.295 (2) (a) (intro.) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

767.295 **(2)** (a) (intro.) In an action for modification of a child support order under s. 767.32, an action in which an order for child support is required under s. 767.25 (1) or 767.51 (3) or a contempt of court proceeding to enforce a child support or family support order in a county that contracts under s. ~~46.253 (2)~~ 49.36 (2), the court may order a parent who is not a custodial parent to register for a work

experience and job training program under s. ~~46.253~~ 49.36 if all of the following conditions are met:

SECTION 7107. 767.295 (2) (a) 1m. of the statutes is created to read:

767.295 **(2)** (a) 1m. If the parent resides in a county other than the county in which the court action or proceeding takes place, the parent resides in a county with a work experience and job training program under s. 46.253 and that county agrees to enroll the parent in the program.

SECTION 7108. 767.295 (2) (a) 1m. of the statutes, as created by 1995 Wisconsin Act .... (this act), is amended to read:

767.295 **(2)** (a) 1m. If the parent resides in a county other than the county in which the court action or proceeding takes place, the parent resides in a county with a work experience and job training program under s. ~~46.253~~ 49.36 and that county agrees to enroll the parent in the program.

SECTION 7108c. 767.295 (2) (a) 2. of the statutes is amended to read:

767.295 **(2)** (a) 2. The parent works, on average, less than 32 hours per week, and is not participating in an employment or training program which meets guidelines established by the department ~~of health and social services~~.

SECTION 7109. 767.295 (2) (c) of the statutes is amended to read:

767.295 **(2)** (c) If the court enters an order under par. (a), it shall order the parent to pay child support equal to the amount determined by applying the percentage standard established under s. ~~46.25~~ 49.143 (9) to the income a person would earn by working 40 hours per week for the federal minimum hourly wage under 29 USC 206 (a) (1) or equal to the amount of child support that the parent was ordered to pay in the most recent determination of support under this chapter. The child support obligation ordered under this paragraph continues until the parent

makes timely payment in full for 3 consecutive months or until the person participates in the program under s. ~~46.253~~ 49.36 for 16 weeks, whichever comes first. The court shall provide in its order that the parent must make child support payments calculated under s. 767.25 (1j) or (1m) or 767.51 (4m) or (5) after the obligation to make payments ordered under this paragraph ceases.

SECTION 7109f. 767.32 (1) (a) of the statutes is amended to read:

767.32 **(1)** (a) After a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2) or 948.22 (7), maintenance payments under s. 767.26 or family support payments under this chapter, or for the appointment of trustees under s. 767.31, the court may, from time to time, on the petition, motion or order to show cause of either of the parties, or upon the petition, motion or order to show cause of the department ~~of health and social services~~, a county department under s. 46.215, 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an assignment has been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receive aid under ch. 49, and upon notice to the family court commissioner, revise and alter such judgment or order respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment or order respecting any of the matters that such court might have made in the original action, except that a judgment or order that waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment or order with respect to final division of property be subject to revision or modification. A revision, under this section, of a judgment or order with respect to an amount of child or family support may be made only upon a finding of a

substantial change in circumstances. In any action under this section to revise a judgment or order with respect to maintenance payments, a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment or order with respect to the amount of maintenance, except that a change in an obligor's cost of living is not in itself sufficient if payments are expressed as a percentage of income.

SECTION 7109h. 767.32 (1) (b) 4. of the statutes is amended to read:

767.32 **(1)** (b) 4. A difference between the amount of child support ordered by the court to be paid by the payer and the amount that the payer would have been required to pay based on the percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9) if the court did not use the percentage standard in determining the child support payments and did not provide the information required under s. 46.10 (14) (d), 767.25 (1n) or 767.51 (5d), whichever is appropriate.

SECTION 7109j. 767.32 (1) (c) 1. of the statutes is amended to read:

767.32 **(1)** (c) 1. Unless the amount of child support is expressed in the judgment or order as a percentage of parental income, a change in the payer's income, evidenced by information received by the department ~~of health and social services~~, or the county child and spousal support agency, under s. ~~46.25~~ 49.143 (2m) or by other information, from the payer's income determined by the court in its most recent judgment or order for child support, including a revision of a child support order under this section.

SECTION 7109m. 767.32 (2) of the statutes is amended to read:

767.32 **(2)** Except as provided in sub. (2m) or (2r), if the court revises a judgment or order with respect to child support payments, it shall do so by using the

percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9).

SECTION 7109p. 767.32 (4) of the statutes is amended to read:

767.32 **(4)** In any case in which the state is a real party in interest under s. 767.075, the department ~~of health and social services~~ shall review the support obligation periodically and whenever circumstances so warrant, petition the court for revision of the judgment or order with respect to the support obligation.

SECTION 7110j. 767.33 (1) of the statutes is amended to read:

767.33 **(1)** An order for child support under s. 767.23 or 767.25 may provide for an adjustment in the amount to be paid based on a change in the obligor's income, as reported on the disclosure form under s. 767.27 (2m) or as disclosed to the department ~~of health and social services~~ or county child and spousal support agency under s. ~~46.25~~ 49.143 (2m). The order may specify the date on which the annual adjustment becomes effective. No adjustment may be made unless the order so provides and the party receiving payments applies for an adjustment as provided in sub. (2). An adjustment under this section may be made only once in any year.

SECTION 7111e. 767.45 (7) of the statutes is amended to read:

767.45 **(7)** The clerk of court shall provide without charge, to each person bringing an action under this section, except to the state under sub. (1) (g) or (6m), a document setting forth the percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9) and listing the factors which a court may consider under s. 767.51 (5).

SECTION 7112. 767.455 (5) of the statutes is amended to read:

767.455 **(5)** FORM. The summons shall be in substantially the following form:

STATE OF WISCONSIN, CIRCUIT COURT: .... COUNTY

In re the Paternity of A. B.

STATE OF WISCONSIN

and

C. D.

Address

City, State Zip Code File No. ...

, Petitioners

vs. S U M M O N S

E. F.

Address .... (Case Classification Type): .... (Code No.)

City, State Zip Code

, Respondent

THE STATE OF WISCONSIN, To the Respondent:

You have been sued. .... claims that you are the father of the child, ... born on .... (date), in .... (city) (county) (state). You must appear to answer this claim of paternity. Your court appearance is:

Date: .....

Time: .....

Room: .....

Judge or Family Court Commissioner: .....

Address: .....

If you do not appear, the court will enter a default judgment finding you to be the father. A default judgment will take effect 30 days after it is served on or mailed to you, unless within those 30 days you present to the court evidence of good cause for failure to appear. If you plan to be represented by an attorney, you should contact the attorney prior to the court appearance listed above. If you are unable to afford an attorney, the court will appoint you one ~~subject to certain limitations~~ only upon the blood tests showing that you are not excluded as the father and the probability of your being the father is less than 99.0%. Appearance is not required if you complete the attached waiver of first appearance statement and send it to the court at least 10 days prior to the date of your scheduled appearance in this summons.

Dated: ...., 19 ..

Signed:.... ....

G. H., Clerk of Circuit Court

or

Petitioner's Attorney

State Bar No.: ....

Address: ....

City, State Zip Code: ....

Phone No.: ....

SECTION 7113b. 767.455 (5g) (form) 2. of the statutes is amended to read:

767.455 **(5g)** (form) 2. You have the right to be represented by an attorney. If you are unable to afford an attorney, the court will appoint one for you ~~subject to certain limitations. One limitation is that representation by the appointed attorney will end if during the proceedings all~~ only upon one or more of the blood tests ~~show~~ taken during the proceedings showing that you are not excluded as the father ~~or~~ and

that the statistical probability of your being the father is less than 99.0% ~~or higher~~. In order to determine whether you are entitled to have an attorney appointed for you, you may call the following telephone number .... .

SECTION 7113c. 767.455 (6) of the statutes is amended to read:

767.455 **(6)** DOCUMENT. The summons served on the respondent shall be accompanied by a document, provided without charge by the clerk of court, setting forth the percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9) and listing the factors which a court may consider under s. 767.51 (5).

SECTION 7114j. 767.47 (6) (a) of the statutes is amended to read:

767.47 **(6)** (a) Whenever the state brings the action to determine paternity pursuant to an assignment under s. 49.19 (4) (h) 1. or 49.45 (19), the natural mother of the child may not be compelled to testify about the paternity of the child if it has been determined that the mother has good cause for refusing to cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated by the department ~~of health and social services~~ which define good cause in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

SECTION 7115. 767.51 (3m) (a) of the statutes is amended to read:

767.51 **(3m)** (a) In this subsection, "health insurance" does not include medical assistance provided under subch. IV of ch. 49.

SECTION 7115r. 767.51 (3m) (d) 2. of the statutes is amended to read:

767.51 **(3m)** (d) 2. Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the department ~~of health and social services~~ or the county designee under s. 59.07 (97).

SECTION 7116. 767.51 (3m) (e) 1. of the statutes is amended to read:

767.51 **(3m)** (e) 1. If a parent who has been ordered by a court to provide coverage of the health care expenses of a child who is eligible for medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 receives payment from a 3rd party for the cost of services provided to the child but does not pay the health care provider for the services or reimburse the department of health and social services or any other person who paid for the services on behalf of the child, the department of health and social services may obtain a judgment against the parent for the amount of the 3rd party payment.

SECTION 7116m. 767.51 (4g) of the statutes is amended to read:

767.51 **(4g)** In determining child support payments, the court may consider all relevant financial information or other information relevant to the parent's earning capacity, including information reported to the department ~~of health and social services~~, or the county child and spousal support agency, under s. ~~46.25~~ 49.143 (2m).

SECTION 7116p. 767.51 (4m) of the statutes is amended to read:

767.51 **(4m)** Except as provided in sub. (5), the court shall determine child support payments by using the percentage standard established by the department ~~of health and social services~~ under s. ~~46.25~~ 49.143 (9).

SECTION 7118m. 767.52 (1) of the statutes is amended to read:

767.52 **(1)** At the pretrial hearing, at the trial and in any further proceedings in any paternity action, any party may be represented by counsel. If the respondent is indigent and the state is the petitioner under s. 767.45 (1) (g), the petitioner is

represented by a government attorney as provided in s. 767.45 (6) or the action is commenced on behalf of the child by an attorney appointed under s. 767.045 (1) (c), counsel shall be appointed for the respondent as provided in ch. 977, and subject to the limitations under sub. (2m), unless the respondent knowingly and voluntarily waives the appointment of counsel.

SECTION 7119m. 767.52 (2) of the statutes is amended to read:

767.52 **(2)** An attorney appointed under sub. (1) who is appearing on behalf of a party in a paternity action shall represent that party, subject to the limitations under sub. (2m), in all issues and proceedings relating to the paternity determination ~~and the initial establishment of support~~. The appointed attorney may not represent the party in any proceeding relating to child support, legal custody, periods of physical placement or related issues.

SECTION 7120m. 767.52 (2m) of the statutes is amended to read:

767.52 **(2m)** Representation by an attorney appointed under sub. (1) shall be provided ~~beginning at the pretrial hearing unless, as of the date of the hearing,~~ only after the results of any blood tests that were ordered by the court have been completed and only if all of the results fail to show that the alleged father is excluded ~~or~~ and fail to give rise to the rebuttable presumption under s. 767.48 (1m) that the alleged father is the father of the child. ~~Representation by an attorney appointed under sub. (1) shall terminate during the paternity proceeding if the results of all of the blood tests ordered by the court show that the alleged father is excluded or give rise to the rebuttable presumption under s. 767.48 (1m) that the alleged father is the father of the child.~~

SECTION 7121c. 767.52 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

767.52 **(3)** An attorney responsible for support enforcement under s. 59.458 (1) or any other attorney employed under s. ~~46.25~~ 49.143 or 59.07 (97) may appear in a paternity action as provided under s. 767.45 (6).

SECTION 7121f. 767.53 (2) of the statutes is amended to read:

767.53 **(2)** The clerk of circuit court shall provide information from court records to the department ~~of health and social services~~ under s. 59.395 (7).

SECTION 7125p. 769.201 (7) of the statutes is amended to read:

769.201 **(7)** The individual asserted parentage in a declaration of paternal interest filed with the department of ~~health and social services~~ industry, labor and human relations under s. 48.025 or in a statement acknowledging paternity filed with the state registrar under s. 69.15 (3) (b) 1. or 3.

SECTION 7125r. 769.31 (1) of the statutes is amended to read:

769.31 **(1)** The department of ~~health and social services~~ industry, labor and human relations is the state information agency under this chapter.

SECTION 7126. 769.316 (4) of the statutes is amended to read:

769.316 **(4)** Copies of bills for testing for parentage, or for prenatal and postnatal health care of the mother and child, or copies of reports of medical assistance payments under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49 for such testing or prenatal and postnatal health care, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed or the amount of the medical assistance paid and that the charges or payments were reasonable, necessary and customary.

SECTION 7127m. 776.43 of the statutes is amended to read:

776.43 Costs, how paid. The necessary costs and disbursements incurred in bringing and prosecuting such action by the attorney general, in the name of the

state, shall, when certified to by the attorney general, be audited by the department of administration and paid out of the state treasury. The receiver in any such action, or the attorney general in case such moneys are delivered to the attorney general by the receiver, shall repay to the ~~state treasurer~~ secretary of administration any money advanced by the state on account of such costs and disbursements.

SECTION 7128e. 778.135 of the statutes is amended to read:

778.135 Elections board forfeitures; how recovered. Notwithstanding s. 778.13, whenever any action or proposed action by the elections board under s. 5.05 (1) (c) is settled as a result of agreement between the parties without approval of the court, the moneys accruing to the state on account of such settlement shall be paid to the board and deposited with the ~~state treasurer~~ secretary of administration.

SECTION 7128m. 778.136 of the statutes is amended to read:

778.136 Ethics and lobbying forfeitures; how recovered. Notwithstanding s. 778.13, whenever any moneys are received by the ethics board or attorney general in settlement of a civil action or other civil matter for violation of the lobbying law or code of ethics for state public officials and employes under s. 19.545, the moneys shall accrue to the state and be deposited with the ~~state treasurer~~ secretary of administration.

SECTION 7128s. 778.17 of the statutes is amended to read:

778.17 Statement to county board; payment to state. Every county treasurer shall, on the first day of the annual meeting of the county board, submit to it a verified statement of all moneys received by the county treasurer during the year next preceding from town, village and city treasurers under this chapter, containing the names of such treasurers, the amount received from each and date of receipt. The county clerk shall deduct all expenses incurred by the county in

recovering such forfeitures from the aggregate amount so received, and shall immediately certify to the county treasurer the amount of clear proceeds of such forfeitures, so ascertained, who shall pay the same to the ~~state treasurer~~ secretary of administration.

SECTION 7129e. 779.93 (title) of the statutes is amended to read:

779.93 (title) **Duties of the department of ~~justice~~ agriculture, trade and consumer protection.**

SECTION 7129m. 779.93 (1) of the statutes is amended to read:

779.93 **(1)** The department of ~~justice~~ agriculture, trade and consumer protection shall investigate violations of this subchapter and attempts to circumvent this subchapter. The department of ~~justice~~ agriculture, trade and consumer protection may subpoena persons and records to facilitate its investigations, and may enforce compliance with such subpoenas as provided in s. 885.12.

SECTION 7129s. 779.93 (2) (intro.) of the statutes is amended to read:

779.93 **(2)** (intro.) The department of ~~justice~~ agriculture, trade and consumer protection may in behalf of the state or in behalf of any person who holds a prepaid maintenance lien:

SECTION 7135. 779.97 (4) (b) 2. of the statutes is amended to read:

779.97 **(4)** (b) 2. If a certificate of release is presented to the secretary of state for filing, the secretary shall cause the certificate to be marked, held and indexed in accordance with s. 409.404 as if the certificate were a termination statement within the meaning of chs. 401 to 411, and the secretary may remove the notice of federal lien and any related refiling of a notice of lien, certificate of nonattachment, discharge or subordination from the files at any time after receipt of the certificate of release, but the secretary of state shall keep the certificate of release or a microfilm

or other photographic record or optical disk or electronic record of the certificate of release in a file, separate from those containing currently effective notices of liens, for a period of 30 years after the date of filing of the certificate of release.

SECTION 7139. 779.97 (4) (c) 2. of the statutes is amended to read:

779.97 **(4)** (c) 2. If a certificate of release is presented for filing with any other filing officer specified in sub. (2), the officer shall enter the certificate with the date of filing in any alphabetical federal lien index on the line where the original notice of lien is entered and may then remove the notice of federal lien and any related refiling of a notice of lien, certificate of nonattachment, discharge or subordination from the files, provided that the officer shall keep the certificate of release or a microfilm or other photographic record, or in the case of the secretary of state, or a register of deeds if authorized under s. 59.512, a microfilm or other photographic record or optical disk or electronic record, of the certificate of release in a file, separate from those containing currently effective notices of federal liens, for a period of 30 years after the date of filing of the certificate of release.

SECTION 7140m. 799.01 (1) (c) of the statutes is amended to read:

799.01 **(1)** (c) *Replevins.* Actions for replevin under ss. 810.01 to 810.13 where the value of the property claimed does not exceed ~~$4,000~~ $5,000.

SECTION 7140p. 799.01 (1) (d) (intro.) of the statutes is amended to read:

799.01 **(1)** (d) *Other civil actions.* (intro.) Other civil actions where the amount claimed is ~~$4,000~~ $5,000 or less, if the actions or proceedings are:

SECTION 7140r. 799.01 (2) of the statutes is amended to read:

799.01 **(2)** PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may use the procedure in this chapter in an action to recover a tax from a person liable

for that tax where the amount claimed, including interest and penalties, is ~~$4,000~~ $5,000 or less. This chapter is not the exclusive procedure for those actions.

SECTION 7141r. 802.04 (1) of the statutes is amended to read:

802.04 **(1)** CAPTION. Every pleading shall contain a caption setting forth the name of the court, the venue, the title of the action, the file number, and a designation as in s. 802.01 (1). If a pleading contains motions, or an answer or reply contains cross–claims or counterclaims, the designation in the caption shall state their existence. In the complaint the caption of the action shall include the standardized description of the case classification type and associated code number as approved by the director of state courts, and the title of the action shall include the names and addresses of all the parties, indicating the representative capacity, if any, in which they sue or are sued and, in actions by or against a corporation, the corporate existence and its domestic or foreign status shall be indicated. In pleadings other than the complaint, it is sufficient to state the name of the first party on each side with an appropriate indication of other parties. Every pleading commencing an action under s. 814.61 (1) (a) or 814.62 (1) or (2) and every complaint filed under s. 814.61 (3) shall contain in the caption, if the action includes a claim for a money judgment, a statement of whether the amount claimed is greater than the amount under s. 799.01 (1) (d).

SECTION 7142. 803.03 (2) (a) of the statutes is amended to read:

803.03 **(2)** (a) *Joinder of related claims.* A party asserting a claim for affirmative relief shall join as parties to the action all persons who at the commencement of the action have claims based upon subrogation to the rights of the party asserting the principal claim, derivation from the principal claim, or assignment of part of the principal claim. For purposes of this section, a person's

right to recover for loss of consortium shall be deemed a derivative right. Any public assistance recipient or any estate of such a recipient asserting a claim against a 3rd party for which the public assistance provider has a right of subrogation or assignment under s. ~~49.65 (2) or (3)~~ 49.89 (2) or (3) shall join the provider as a party to the claim. Any party asserting a claim based upon subrogation to part of the claim of another, derivation from the rights or claim of another, or assignment of part of the rights or claim of another shall join as a party to the action the person to whose rights the party is subrogated, from whose claim the party derives his or her rights or claim, or by whose assignment the party acquired his or her rights or claim.

SECTION 7144. 812.30 (9) of the statutes is amended to read:

812.30 **(9)** "Need–based public assistance" means aid to families with dependent children, ~~general~~ relief funded by a relief block grant under ch. 49, relief ~~to needy Indian persons~~ provided by counties under s. 59.07 (154), medical assistance, supplemental security income, food stamps, or benefits received by veterans under s. 45.351 (1) or under 38 USC 501 to 562.

SECTION 7144m. 812.42 (2) (c) of the statutes is amended to read:

812.42 **(2)** (c) In addition to the $15 garnishee fee, the garnishee shall receive a $3 fee for each payment delivered to the creditor under s. 812.39 after the first payment. That additional fee shall be deducted from the moneys delivered to the creditor. Those fees become part of the funds of the state if the department of administration is the garnishee, or funds of the appropriate governmental subdivision if any other governmental entity is the garnishee. The judgment creditor shall pay the initial garnishee fee to the ~~treasurer of the state or other~~ secretary of administration or treasurer of the governmental subdivision, as applicable.

SECTION 7145. 812.44 (4) of the statutes is amended to read:

812.44 **(4)** The notice of exemption served upon the garnishee under s. 812.35 (4) shall be in substantially the following form:

STATE OF WISCONSIN

CIRCUIT COURT:.... County

A.B., Creditor

vs. File or Reference Number....

C.D., Debtor EXEMPTION NOTICE

and EARNINGS GARNISHMENT

E.F., Garnishee

To the debtor:

The creditor was awarded a judgment against you or your spouse by.... (County Circuit or Federal District) Court on the.... day of...., 19.. That judgment not having been fully paid, the creditor has now filed a garnishment proceeding against your earnings from the garnishee. This means that the creditor is seeking to take some of your earnings to satisfy part or all of the judgment against you or your spouse.

The total amount of the creditor's claim is as follows:

Unpaid balance on judgment	$....
Unpaid postjudgment interest	$....
Costs:	
a. Garnishment filing fee	$....
b. Garnishee fee	$....
c. Service of process (estimate)	$....
TOTAL	$....

By law, you are entitled to an exemption of not less than 80% of your disposable earnings. Your "disposable earnings" are those remaining after social security and federal and state income taxes are withheld.

Your earnings are completely exempt from garnishment if:

1. Your household income is below the federal poverty level, or this garnishment would cause that to happen. See the enclosed schedules and worksheet to determine if you qualify for this exemption.

2. You receive aid to families with dependent children, ~~general~~ relief funded by a relief block grant under ch. 49, relief ~~to needy Indian persons~~ provided by counties under section 59.07 (154) of the Wisconsin Statutes, medical assistance, supplemental security income, food stamps, or veterans benefits based on need under USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes, or have received these benefits within the past 6 months.

3. At least 25% of your disposable earnings are assigned by court order for support.

If you qualify for a complete exemption, you must give or mail a copy of the enclosed debtor's answer form to the garnishee in order to receive that increased exemption.

If your circumstances change while the garnishment is in effect, you may file a new answer at any time.

If you do not qualify for a complete exemption, but you will not be able to acquire the necessities of life for yourself and your dependents if your earnings are reduced by this earnings garnishment, you may ask the court in which this earnings garnishment was filed to increase your exemption or grant you other relief.

IF YOU NEED ASSISTANCE

CONSULT AN ATTORNEY

If you have earnings that are being garnisheed that are exempt or subject to a defense, the sooner you file your answer or seek relief from the court, the sooner such relief can be provided. This earnings garnishment affects your earnings in pay periods beginning within 13 weeks after it was served on the garnishee. You may agree in writing with the creditor to extend it for additional 13–week periods until the debt is paid.

PENALTIES

If you wrongly claim an exemption or defense in bad faith, or if the creditor wrongly objects to your claim in bad faith, the court may order the person who acted in bad faith to pay court costs, actual damages and reasonable attorney fees.

SECTION 7146. 812.44 (5) of the statutes is amended to read:

812.44 **(5)** The debtor's answer form under s. 812.37 shall be in substantially the following form:

STATE OF WISCONSIN

CIRCUIT COURT:.... County

A.B., Creditor

vs. File or Reference Number....

C.D., Debtor EARNINGS GARNISHMENT

and DEBTOR'S ANSWER

E.F., Garnishee

To the garnishee:

My earnings are COMPLETELY EXEMPT from earnings garnishment because:

... 1. The judgment has been paid or is void.

... 2. I receive, am eligible for, or have within 6 months received, aid to families with dependent children, ~~general~~ relief funded by a relief block grant under ch. 49, relief ~~to needy Indian persons~~ provided by counties under section 59.07 (154) 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.

... 3. At least 25% of my disposable earnings are assigned for support by court order.

... 4. My household income is less than the poverty line, or this garnishment would cause that to happen.

... 5. I have another defense to this earnings garnishment (explain briefly).

. . . . . .

. . . . . .

I understand that if I claim a complete exemption or defense in bad faith, I may be held liable to the creditor for actual damages, costs and reasonable attorney fees.

DATE .... Signature of Debtor ....

Address ....

Telephone Number ....

Date Received by Garnishee ....

SECTION 7147. 813.16 (7) of the statutes is amended to read:

813.16 **(7)** If the person seeking the appointment of a receiver under sub. (1) is a corporation supervised by the ~~office of the commissioner~~ division of savings and loan, home loan bank board, U.S. office of thrift supervision, federal deposit insurance corporation or resolution trust corporation, the court, unless the opposing

party objects, shall appoint an officer of such corporation as receiver to act without compensation and to give such bond as the court requires.

SECTION 7147e. 813.31 (1) of the statutes is amended to read:

813.31 **(1)** In each case of termination of receivership as provided in s. 813.28, the court, except in cases where the proceedings have been certified to the proper court under s. 813.26 (1), shall set aside the sum there named and direct its payment by the receiver, to the ~~state treasurer~~ secretary of administration.

SECTION 7147m. 813.31 (2) of the statutes is amended to read:

813.31 **(2)** The ~~state treasurer~~ secretary of administration shall retain or invest the funds thus paid in.

SECTION 7147s. 813.31 (3) of the statutes is amended to read:

813.31 **(3)** If at any time thereafter an absentee whose estate has been distributed under a final finding and judgment made as herein provided shall appear and make claim for reimbursement, the court may in a proceeding by the claimant against the ~~state treasurer~~ secretary of administration order payment to the claimant as in its opinion may be fair and adequate under the circumstances.

SECTION 7148. 814.04 (intro.) of the statutes is amended to read:

814.04 Items of costs. (intro.) Except as provided in ss. 93.20, ~~101.22~~ 106.04 (6) (i) and (6m) (a), 769.313, 814.025, 814.245, 895.035 (4), 895.75 (3), 895.77 (2), 943.212 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as follows:

SECTION 7149. 814.245 (2) (d) of the statutes is amended to read:

814.245 **(2)** (d) "State agency" does not include the ~~public intervenor or~~ citizens utility board.

SECTION 7150. 814.29 (1) (d) 1. of the statutes is amended to read:

814.29 **(1)** (d) 1. That the person is a recipient of means–tested public assistance, including ~~without limitation~~ aid to families with dependent children, ~~general~~ relief funded by a relief block grant under ch. 49, relief ~~to needy Indian persons~~ provided by counties under s. 59.07 (154), medical assistance, supplemental security income, food stamps or benefits received by veterans under s. 45.351 (1) or under 38 USC 501 to 562.

SECTION 7150m. 814.60 (1) of the statutes is amended to read:

814.60 **(1)** In a criminal action, the clerk of court shall collect a fee of $20 for all necessary filing, entering, docketing or recording, to be paid by the defendant when judgment is entered against the defendant. Of the fees received by the clerk under this subsection, the county treasurer shall pay 50% to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 7151. 814.61 (1) (a) 1. of the statutes is repealed.

SECTION 7152. 814.61 (1) (a) 2. of the statutes is renumbered 814.61 (1) (a) and amended to read:

814.61 **(1)** (a) Except as provided under pars. (c) and (d), ~~beginning with fees imposed on September 1, 1989, and ending with fees imposed on December 31, 1995,~~ at the commencement of all civil actions and special proceedings not specified in ss. 814.62 to 814.66, $75. Of the fees received by the clerk under this ~~subdivision~~ paragraph, the county treasurer shall pay $45 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit $15 of the $45 to the appropriation under s. 20.680 (2) (j).

SECTION 7152m. 814.61 (1) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

814.61 **(1)** (a) Except as provided under pars. (c) and (d), at the commencement of all civil actions and special proceedings not specified in ss. 814.62 to 814.66, $75. Of the fees received by the clerk under this paragraph, the county treasurer shall pay $45 to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The ~~state treasurer~~ secretary of administration shall credit $15 of the $45 to the appropriation under s. 20.680 (2) (j).

SECTION 7153. 814.61 (3) (a) of the statutes is repealed.

SECTION 7154. 814.61 (3) (b) of the statutes is renumbered 814.61 (3) and amended to read:

814.61 **(3)** THIRD-PARTY COMPLAINT. ~~Beginning with the fees imposed on September 1, 1989, and ending with fees imposed on December 31, 1995, when~~ When any defendant files a 3rd–party complaint, the defendant shall pay a fee of $45. The defendant shall pay only one such $45 fee in an action. Of the fees received by the clerk under this ~~paragraph~~ subsection, the county treasurer shall pay $25 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit $5 of the $25 to the appropriation under s. 20.680 (2) (j).

SECTION 7154e. 814.61 (3) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

814.61 **(3)** THIRD-PARTY COMPLAINT. When any defendant files a 3rd–party complaint, the defendant shall pay a fee of $45. The defendant shall pay only one such $45 fee in an action. Of the fees received by the clerk under this subsection, the county treasurer shall pay $25 to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The

~~state treasurer~~ secretary of administration shall credit $5 of the $25 to the appropriation under s. 20.680 (2) (j).

SECTION 7154r. 814.61 (7) (a) of the statutes is amended to read:

814.61 **(7)** (a) Except as provided in par. (b), upon the filing of any petition under s. 767.32 (1) or any motion, by either party, for the revision of a judgment or order in an action affecting the family, $30. No fee may be collected under this paragraph for any petition or motion by either party for the revision of a judgment or order involving child support, family support or maintenance if both parties have stipulated to the revision of the judgment or order. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 7154rm. 814.61 (7) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

814.61 **(7)** (a) Except as provided in par. (b), upon the filing of any petition under s. 767.32 (1) or any motion, by either party, for the revision of a judgment or order in an action affecting the family, $30. No fee may be collected under this paragraph for any petition or motion by either party for the revision of a judgment or order involving child support, family support or maintenance if both parties have stipulated to the revision of the judgment or order. Of the fees received by the clerk under this paragraph, the county treasurer shall pay 50% to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 7154s. 814.61 (7) (b) of the statutes is amended to read:

814.61 **(7)** (b) Upon the filing of any petition, motion or order to show cause by either party under s. 767.325 or 767.327, $50. Of the fees received by the clerk under

this paragraph, the county treasurer shall pay 25% to the ~~state treasurer~~ secretary of administration for deposit in the general fund, retain 25% for the use of the county and deposit 50% in a separate account to be used by the county exclusively for the purposes specified in s. 767.11.

SECTION 7156. 814.61 (8) (a) of the statutes is repealed.

SECTION 7157. 814.61 (8) (am) (intro.) of the statutes is amended to read:

814.61 **(8)** (am) (intro.) ~~Beginning with the fees imposed on September 1, 1989, and ending with the fees imposed on December 31, 1995, on~~ On appeal from municipal court or on review of any administrative decision, including an appeal from a commission's award in a condemnation action under ch. 32:

SECTION 7158. 814.61 (8) (b) of the statutes is repealed.

SECTION 7159m. 814.61 (8) (c) of the statutes is amended to read:

814.61 **(8)** (c) Of the fees received by the clerk under par. (am) 1., the county treasurer shall pay $22.50 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The ~~state treasurer~~ secretary of administration shall credit $5 of the $22.50 to the appropriation under s. 20.680 (2) (j).

SECTION 7160m. 814.61 (8) (d) of the statutes is amended to read:

814.61 **(8)** (d) Of the fees received by the clerk under par. (am) 2., the county treasurer shall pay $30 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The ~~state treasurer~~ secretary of administration shall credit $5 of the $30 to the appropriation under s. 20.680 (2) (j).

SECTION 7161. 814.61 (10) of the statutes is renumbered 814.61 (10) (a) and amended to read:

814.61 **(10)** (a) ~~For~~ Except as provided in par. (b), for copies, certified or otherwise, of any document for which a specific fee is not established by this section, or for comparison and attestation of copies not provided by the clerk, $1.25 per page.

SECTION 7162. 814.61 (10) (b) of the statutes is created to read:

814.61 **(10)** (b) For copies of any court document requested by the state public defender, other than a transcript, a fee equal to the actual, necessary and direct costs of copying.

SECTION 7163. 814.61 (13) of the statutes is amended to read:

814.61 **(13)** SUPPORT OR MAINTENANCE PETITION. For the cost ~~to the county of administering s. 46.25~~ of court services, whenever a person not receiving aid under s. 49.19, 49.46, 49.465, 49.468 or 49.47 files a petition requesting child support, maintenance or family support payments, $10 in addition to any other fee required under this section. This subsection does not apply to a petition filed by the state or its delegate.

SECTION 7163m. 814.62 (1) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

814.62 **(1)** GARNISHMENT ACTIONS. The fee for commencing a garnishment action under ch. 812, including actions under s. 799.01 (1) (d) 2., is $20. Of the fees received by the clerk under this subsection, the county treasurer shall pay $12.50 to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The ~~state treasurer~~ secretary of administration shall credit $5 of the $12.50 to the appropriation under s. 20.680 (2) (j).

SECTION 7164. 814.62 (1) (a) of the statutes is repealed.

SECTION 7165. 814.62 (1) (b) of the statutes is renumbered 814.62 (1) and amended to read:

814.62 **(1)** GARNISHMENT ACTIONS. ~~Beginning with fees imposed on September 1, 1989, and ending with fees imposed on December 31, 1995, the~~ The fee for commencing a garnishment action under ch. 812, including actions under s. 799.01 (1) (d) 2., is $20. Of the fees received by the clerk under this ~~paragraph~~ subsection, the county treasurer shall pay $12.50 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit $5 of the $12.50 to the appropriation under s. 20.680 (2) (j).

SECTION 7166. 814.62 (3) (a) 1. of the statutes is repealed.

SECTION 7167. 814.62 (3) (a) 2. of the statutes is renumbered 814.62 (3) (a) and amended to read:

814.62 **(3)** (a) ~~Beginning with the fees imposed on September 1, 1989, and ending with the fees imposed on December 31, 1995, in~~ In a small claims action under ch. 799, at the time of issuance of a summons or other process in a proceeding not commenced by a summons, the plaintiff shall pay to the clerk of court a fee of $22.

SECTION 7168. 814.62 (3) (d) 1. of the statutes is repealed.

SECTION 7169. 814.62 (3) (d) 2. of the statutes is amended to read:

814.62 **(3)** (d) 2. ~~Beginning with the fees imposed on September 1, 1989, and ending with the fees imposed on December 31, 1995, of~~ Of the fees received by the clerk under par. (a) ~~2.~~, the county treasurer shall pay $11.80 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit the $11.80 to the appropriation under s. 20.680 (2) (j).

SECTION 7169m. 814.62 (3) (d) 2. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

814.62 **(3)** (d) 2. Of the fees received by the clerk under par. (a), the county treasurer shall pay $11.80 to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The ~~state treasurer~~ secretary of administration shall credit the $11.80 to the appropriation under s. 20.680 (2) (j).

SECTION 7170. 814.62 (3) (d) 3. of the statutes is amended to read:

814.62 **(3)** (d) 3. ~~Beginning with the fees imposed on September 1, 1989, and ending with the fees imposed on December 31, 1995, of~~ Of the fees received by the clerk under par. (b), the county treasurer shall pay $27.20 to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county. The state treasurer shall credit $10 of the $27.20 to the appropriation under s. 20.680 (2) (j).

SECTION 7170m. 814.62 (3) (d) 3. of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

814.62 **(3)** (d) 3. Of the fees received by the clerk under par. (b), the county treasurer shall pay $27.20 to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The ~~state treasurer~~ secretary of administration shall credit $10 of the $27.20 to the appropriation under s. 20.680 (2) (j).

SECTION 7171. 814.63 (1) (a) of the statutes is repealed.

SECTION 7172. 814.63 (1) (b) of the statutes is amended to read:

814.63 **(1)** (b) ~~Beginning with the fees imposed on September 1, 1989, and ending with the fees imposed on December 31, 1995, in~~ In all forfeiture actions in circuit court, the clerk of court shall collect a fee of $20 to be paid by the defendant when judgment is entered against the defendant.

SECTION 7172m. 814.63 (5) of the statutes, as affected by 1995 Wisconsin Act .... (this act), is amended to read:

814.63 **(5)** Of the fees received by the clerk under sub. (1) (b), the county treasurer shall pay $12.50 to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the county. The ~~state treasurer~~ secretary of administration shall credit $5 of the $12.50 to the appropriation under s. 20.680 (2) (j).

SECTION 7173. 814.63 (5) (a) of the statutes is repealed.

SECTION 7174. 814.63 (5) (b) of the statutes is renumbered 814.63 (5).

SECTION 7175d. 814.634 (1) of the statutes is renumbered 814.634 (1) (a) and amended to read:

814.634 **(1)** (a) Except for an action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~$20~~ $40 court support services fee 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) (a) or (am)~~, 814.62 (1), (2) or (3) (a) or (b)~~ or 814.63 (1). ~~The court support services fee is in addition to the other fees listed in this subsection.~~

SECTION 7175f. 814.634 (1) (b) of the statutes is created to read:

814.634 **(1)** (b) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a $100 court support services fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and the amount claimed exceeds the amount under s. 799.01 (1) (d).

SECTION 7175h. 814.634 (1) (c) of the statutes is created to read:

814.634 **(1)** (c) Notwithstanding par. (a), the clerk of circuit court shall charge and collect a $30 court support services fee from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a) or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party paying the fee seeks the recovery of money and the amount claimed is equal to or less than the amount under s. 799.01 (1) (d).

SECTION 7175k. 814.634 (1) (d) of the statutes is created to read:

814.634 **(1)** (d) The court support services fee is in addition to the other fees listed in this subsection.

SECTION 7175m. 814.634 (2) of the statutes is amended to read:

814.634 **(2)** The clerk shall pay the moneys collected under sub. (1) to the county treasurer under s. 59.395 (5). The county treasurer shall pay those moneys to the ~~state treasurer~~ secretary of administration under s. 59.20 (11).

SECTION 7176. 814.635 (title) of the statutes is amended to read:

814.635 (title) ~~**Fee for automation**~~ **Justice information system fee.**

SECTION 7177. 814.635 (1) of the statutes is amended to read:

814.635 **(1)** Except for an action for a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~$3 court automation~~ $5 justice information system fee 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) ~~(a) or~~ (am), 814.62 (1), (2) or (3) (a) or (b) or 814.63 (1). The ~~court automation~~ justice information system fee is in addition to the other fees listed in this subsection.

SECTION 7177g. 814.635 (2) of the statutes is amended to read:

814.635 **(2)** The clerk shall pay the moneys collected under sub. (1) to the county treasurer under s. 59.395 (5). The county treasurer shall pay those moneys to the ~~state treasurer~~ secretary of administration under s. 59.20 (11).

SECTION 7177r. 814.65 (1) of the statutes is amended to read:

814.65 **(1)** COURT COSTS. In a municipal court action, except an action for violation of an ordinance in conformity with s. 347.48 (2m), the municipal judge shall collect a fee of $15 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 $15 fee received by the judge under this subsection, the municipal treasurer shall pay monthly one–third to the ~~state treasurer~~ secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

SECTION 7178. 814.66 (1) (h) of the statutes is renumbered 814.66 (1) (h) 1. and amended to read:

814.66 **(1)** (h) 1. ~~For~~ Except as provided in subd. 2., for copies, certified or otherwise, of records or other papers in the custody and charge of registers in probate, or for the comparison and attestation of copies not provided by the registers, $1 per page.

SECTION 7179. 814.66 (1) (h) 2. of the statutes is created to read:

814.66 **(1)** (h) 2. For copies of any court document requested by the state public defender, other than a transcript, a fee equal to the actual, necessary and direct costs of copying.

SECTION 7179m. 814.66 (3) of the statutes is amended to read:

814.66 **(3)** The register in probate shall, on the first Monday of each month, pay into the office of the county treasurer all fees collected by him or her and in his or her

hands and still unclaimed as of that day. Each county treasurer shall make a report under oath to the ~~state treasurer~~ secretary of administration on or before the 5th day of January, April, July and October of all fees received by him or her under sub. (1) (a) to (f) up to the first day of each of those months and shall at the same time pay 50% of the fees to the ~~state treasurer~~ secretary of administration for deposit in the general fund. Each county treasurer shall retain the balance of fees received by him or her under this section for the use of the county.

SECTION 7180. 814.67 (1) (bg) of the statutes is created to read:

814.67 **(1)** (bg) For interpreters assisting the state public defender in representing an indigent in preparing for court proceedings, $35 per one–half day.

SECTION 7181. 814.69 of the statutes is renumbered 814.69 (1) and 814.69 (1) (b), as renumbered, is amended to read:

814.69 **(1)** (b) For a transcript under s. 757.57 (5), a fee from the party requesting the transcript at the rate of $1.75 per 25–line page for the original and 60 cents per 25–line page for each copy. If the request is by the state or any political subdivision thereof, the fees of the reporter shall be at the rates provided in ~~sub. (1)~~ par. (a).

SECTION 7182. 814.69 (2) of the statutes is created to read:

814.69 **(2)** Any fees collected by a court reporter whose court reporter equipment is purchased by the state under s. 758.19 (4m) shall be deposited in the state treasury and credited to the general fund.

SECTION 7184. 814.70 (6) of the statutes is renumbered 814.70 (6) (a) and amended to read:

814.70 **(6)** (a) COPIES. ~~Making~~ Except as provided in par. (b), making a copy of any bond, undertaking, summons, writ, complaint or other paper served or taken,

when required by law or demanded by a party, and if not furnished by a party to the action or attorney, $1 per page.

SECTION 7185. 814.70 (6) (b) of the statutes is created to read:

814.70 **(6)** (b) Making a copy of any bond, undertaking, summons, writ, complaint or other paper served or taken, when requested by the state public defender, a fee equal to the actual, necessary and direct costs of copying.

SECTION 7186. 815.18 (13) (a) of the statutes is amended to read:

815.18 **(13)** (a) Assistance benefits exempt under s. ~~49.41~~ 49.96.

SECTION 7187. 851.72 (2) of the statutes is amended to read:

851.72 **(2)** Keep a court record of every proceeding in the court under chs. 851 to 880 under its proper title, a brief statement of the nature of the proceeding and of all papers filed therein, with the date of filing and a reference to where minute records can be found or to the microfilm or optical disk or electronic file where papers have been stored so that the court record is a complete index or brief history of each proceeding from beginning to final disposition.

SECTION 7188. 851.72 (5) of the statutes is amended to read:

851.72 **(5)** Keep an alphabetical index to the court record and the file containing the original documents or microfilm, ~~or~~ optical disk, or electronic copies thereof.

SECTION 7189. 853.09 (2) of the statutes is amended to read:

853.09 **(2)** DUTY OF REGISTER IN PROBATE. The register in probate shall issue a receipt for the deposit of the will and shall maintain a registry of all wills deposited. The original will, unless withdrawn under sub. (3) or opened in accordance with s. 856.03 after death of the testator, shall be kept on file for the period provided in SCR chapter 72; thereafter the register may either retain the original will or open the envelope, copy or reproduce the will for confidential record storage purposes by

microfilm, optical disk, electronic format or other method of comparable retrievability and destroy the original. If satisfactorily identified, the reproduction is admissible in court for probate or any other purpose the same as the original document. Wills deposited with the county judge under s. 238.15, 1967 stats., shall be transferred to the register in probate and become subject to this section.

SECTION 7190. 859.02 (2) (a) of the statutes is amended to read:

859.02 **(2)** (a) It is a claim based on tort, on a marital property agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income, franchise, sales, withholding, gift or death taxes, or on unemployment compensation contributions due or benefits overpaid, a claim for funeral or administrative expenses, a claim of this state under s. 49.496 or a claim of the United States; or

SECTION 7190b. 859.02 (2) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), section 7190, is amended to read:

859.02 **(2)** (a) It is a claim based on tort, on a marital property agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income, franchise, sales, withholding, gift or death taxes, or on unemployment compensation contributions due or benefits overpaid, a claim for funeral or administrative expenses, a claim of this state under s. 49.482 or 49.496 or a claim of the United States; or

SECTION 7190bm. 859.02 (2) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 7190 and 7190b, is amended to read:

859.02 **(2)** (a) It is a claim based on tort, on a marital property agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income, franchise, sales, withholding, gift or death taxes, or on unemployment compensation contributions due or benefits overpaid, a claim for funeral or administrative

expenses, a claim of this state under s. 46.27 (7g), 49.482 or 49.496 or a claim of the United States; or

SECTION 7190c. 859.02 (2) (a) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 7190, 7190b and 7190bm, is amended to read:

859.02 **(2)** (a) It is a claim based on tort, on a marital property agreement that is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income, franchise, sales, withholding, gift or death taxes, or on unemployment compensation contributions due or benefits overpaid, a claim for funeral or administrative expenses, a claim of this state under s. 46.27 (7g), ~~49.482 or~~ 49.496 or 49.682 or a claim of the United States; or

SECTION 7191b. 859.07 (2) of the statutes is amended to read:

859.07 **(2)** If the decedent was at the time of death or at any time prior thereto a patient or inmate of any state or county hospital or institution or any person responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10 or 48.36 or if the decedent or the spouse of the decedent ever received medical assistance under ss. 49.45 to 49.47 or aid under s. 49.48, 49.483 or 49.485, the personal representative shall send notice in writing of the date set under s. 859.01 by registered or certified mail to the department of health and social services or the department of corrections, as applicable, and the county clerk of the applicable county not less than 30 days before the date set under s. 859.01, upon such blanks and containing such information as the applicable department or county clerk may provide. The applicable county is the county of residence, as defined in s. 49.01 (8g).

SECTION 7191bm. 859.07 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), section 7191b, is amended to read:

859.07 **(2)** If the decedent was at the time of death or at any time prior thereto a patient or inmate of any state or county hospital or institution or any person responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10 or 48.36 or if the decedent or the spouse of the decedent ever received medical assistance under ss. 49.45 to 49.47, long–term community support services funded under s. 46.27 (7) or aid under s. 49.48, 49.483 or 49.485, the personal representative shall send notice in writing of the date set under s. 859.01 by registered or certified mail to the department of health and social services or the department of corrections, as applicable, and the county clerk of the applicable county not less than 30 days before the date set under s. 859.01, upon such blanks and containing such information as the applicable department or county clerk may provide. The applicable county is the county of residence, as defined in s. 49.01 (8g).

SECTION 7191c. 859.07 (2) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 7191b and 7191bm, is amended to read:

859.07 **(2)** If the decedent was at the time of death or at any time prior thereto a patient or inmate of any state or county hospital or institution or any person responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10 or 48.36 or if the decedent or the spouse of the decedent ever received medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685, the personal representative shall send notice in writing of the date set under s. 859.01 by registered or certified mail to the department of health and social services or the department of corrections, as applicable, and the county clerk of the applicable county not less than 30 days before the date set under s. 859.01, upon such blanks and containing such information as the applicable department or county

clerk may provide. The applicable county is the county of residence, as defined in s. ~~49.01 (8g)~~ 49.001 (6).

SECTION 7193b. 867.01 (3) (a) 4. of the statutes, as affected by 1993 Wisconsin Act 437, is amended to read:

867.01 **(3)** (a) 4. Whether the decedent or the decedent's spouse received medical assistance under ss. 49.45 to 49.47 or aid under s. 49.48, 49.483 or 49.485.

SECTION 7193bm. 867.01 (3) (a) 4. of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), section 7193b, is amended to read:

867.01 **(3)** (a) 4. Whether the decedent or the decedent's spouse received medical assistance under ss. 49.45 to 49.47, long–term community support services funded under s. 46.27 (7) or aid under s. 49.48, 49.483 or 49.485.

SECTION 7193c. 867.01 (3) (a) 4. of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), sections 7193b and 7193bm, is amended to read:

867.01 **(3)** (a) 4. Whether the decedent or the decedent's spouse received medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685.

SECTION 7194b. 867.01 (3) (d) of the statutes, as affected by 1993 Wisconsin Act 437, is amended to read:

867.01 **(3)** (d) *Notice.* The court may hear the matter without notice or order notice to be given under s. 879.03. If the decedent or the decedent's spouse received medical assistance under ss. 49.45 to 49.47 or aid under s. 49.48, 49.483 or 49.485,

the petitioner shall give notice by certified mail to the department of health and social services as soon as practicable after filing the petition with the court.

SECTION 7194bm. 867.01 (3) (d) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), section 7194b, is amended to read:

867.01 **(3)** (d) *Notice.* The court may hear the matter without notice or order notice to be given under s. 879.03. If the decedent or the decedent's spouse received medical assistance under ss. 49.45 to 49.47, long–term community support services funded under s. 46.27 (7) or aid under s. 49.48, 49.483 or 49.485, the petitioner shall give notice by certified mail to the department of health and social services as soon as practicable after filing the petition with the court.

SECTION 7194c. 867.01 (3) (d) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), sections 7194b and 7194bm, is amended to read:

867.01 **(3)** (d) *Notice.* The court may hear the matter without notice or order notice to be given under s. 879.03. If the decedent or the decedent's spouse received medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685, the petitioner shall give notice by certified mail to the department of health and social services as soon as practicable after filing the petition with the court.

SECTION 7195b. 867.02 (2) (a) 6. of the statutes, as affected by 1993 Wisconsin Act 437, is amended to read:

867.02 **(2)** (a) 6. Whether the decedent or the decedent's spouse received medical assistance under ss. 49.45 to 49.47 or aid under s. 49.48, 49.483 or 49.485.

SECTION 7195bm. 867.02 (2) (a) 6. of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), section 7195b, is amended to read:

867.02 **(2)** (a) 6. Whether the decedent or the decedent's spouse received medical assistance under ss. 49.45 to 49.47, long–term community support services funded under s. 46.27 (7) or aid under s. 49.48, 49.483 or 49.485.

SECTION 7195c. 867.02 (2) (a) 6. of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), sections 7195b and 7195bm, is amended to read:

867.02 **(2)** (a) 6. Whether the decedent or the decedent's spouse received medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685.

SECTION 7196. 867.02 (2) (g) of the statutes is amended to read:

867.02 **(2)** (g) *Order.* If the court is satisfied that the estate may be settled by this section, after filing of the petition and proof of the will and after 30 days have elapsed since publication under par. (d), it shall decide all claims and assign the property to the creditors and persons interested who are entitled to it. The assignment shall be subject to the unknown rights of creditors or persons interested in the estate as limited in sub. (4). 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. It 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 under s. 867.04 has not been issued, the order shall set forth the termination of the 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 7197b. 867.03 (1) (c) of the statutes, as affected by 1993 Wisconsin Act 437, is amended to read:

867.03 **(1)** (c) Whether the decedent or the decedent's spouse ever received medical assistance under ss. 49.45 to 49.47 or aid under s. 49.48, 49.483 or 49.485.

SECTION 7197bm. 867.03 (1) (c) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), section 7197b, is amended to read:

867.03 **(1)** (c) Whether the decedent or the decedent's spouse ever received medical assistance under ss. 49.45 to 49.47, long–term community support services funded under s. 46.27 (7) or aid under s. 49.48, 49.483 or 49.485.

SECTION 7197c. 867.03 (1) (c) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), sections 7197b and 7197bm, is amended to read:

867.03 **(1)** (c) Whether the decedent or the decedent's spouse ever received medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685.

SECTION 7198b. 867.03 (1m) (a) of the statutes, as affected by 1993 Wisconsin Act 437, is amended to read:

867.03 **(1m)** (a) Whenever an heir intends to transfer a decedent's property by affidavit under sub. (1) and the decedent or the decedent's spouse ever received

medical assistance under ss. 49.45 to 49.47 or aid under s. 49.48, 49.483 or 49.485, the heir shall give notice to the department of health and social services of his or her intent. The notice shall include the information in the affidavit under sub. (1) and the heir shall give the notice by certified mail, return receipt requested.

SECTION 7198bm. 867.03 (1m) (a) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), section 7198b, is amended to read:

867.03 **(1m)** (a) Whenever an heir intends to transfer a decedent's property by affidavit under sub. (1) and the decedent or the decedent's spouse ever received medical assistance under ss. 49.45 to 49.47, long–term community support services funded under s. 46.27 (7) or aid under s. 49.48, 49.483 or 49.485, the heir shall give notice to the department of health and social services of his or her intent. The notice shall include the information in the affidavit under sub. (1) and the heir shall give the notice by certified mail, return receipt requested.

SECTION 7198c. 867.03 (1m) (a) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), sections 7198b and 7198bm, is amended to read:

867.03 **(1m)** (a) Whenever an heir intends to transfer a decedent's property by affidavit under sub. (1) and the decedent or the decedent's spouse ever received medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685, the heir shall give notice to the department of health and social services of his or her intent. The notice shall include the information in the affidavit under sub. (1) and the heir shall give the notice by certified mail, return receipt requested.

SECTION 7199b. 867.03 (1m) (b) of the statutes, as affected by 1993 Wisconsin Act 437, is amended to read:

867.03 **(1m)** (b) An heir who files an affidavit under sub. (1) that states that the decedent or the decedent's spouse received medical assistance under ss. 49.45 to 49.47 or aid under s. 49.48, 49.483 or 49.485 shall attach to the affidavit the proof of mail delivery of the notice required under par. (a) showing a delivery date that is not less than 10 days before the day on which the heir files the affidavit.

SECTION 7199bm. 867.03 (1m) (b) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), section 7199b, is amended to read:

867.03 **(1m)** (b) An heir who files an affidavit under sub. (1) that states that the decedent or the decedent's spouse received medical assistance under ss. 49.45 to 49.47, long–term community support services funded under s. 46.27 (7) or aid under s. 49.48, 49.483 or 49.485 shall attach to the affidavit the proof of mail delivery of the notice required under par. (a) showing a delivery date that is not less than 10 days before the day on which the heir files the affidavit.

SECTION 7199c. 867.03 (1m) (b) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), sections 7199b and 7199bm, is amended to read:

867.03 **(1m)** (b) An heir who files an affidavit under sub. (1) that states that the decedent or the decedent's spouse received medical assistance under ~~ss. 49.45 to 49.47~~ subch. IV of ch. 49, long–term community support services funded under s. 46.27 (7) or aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685 shall attach to the affidavit the proof of mail delivery of the notice required under par. (a) showing a delivery date that is not less than 10 days before the day on which the heir files the affidavit.

SECTION 7199y. 867.035 (title) of the statutes is amended to read:

867.035 (title) **Transfer by affidavit; recipients of ~~medical assistance~~ certain benefits.**

SECTION 7200. 867.035 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Act 437, is amended to read:

867.035 **(1)** (intro.) The department of health and social services may collect from the ~~funds~~ property; except interests in or liens on real property; wearing apparel; jewelry; household furniture, furnishings and appliances; motor vehicles and recreational vehicles; of a decedent by affidavit under this section an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a) and that was paid on behalf of the decedent or the decedent's spouse, if all of the following conditions are satisfied:

SECTION 7200b. 867.035 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), section 7200, is amended to read:

867.035 **(1)** (intro.) The department of health and social services may collect from the property; except interests in or liens on real property; wearing apparel; jewelry; household furniture, furnishings and appliances; motor vehicles and recreational vehicles; of a decedent by affidavit under this section an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a) or the aid under s. 49.48, 49.483 or 49.485 that is recoverable under s. 49.482 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse, if all of the following conditions are satisfied:

SECTION 7200bm. 867.035 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), sections 7200 and 7200b, is amended to read:

867.035 **(1)** (intro.) The department of health and social services may collect from the property; except interests in or liens on real property; wearing apparel; jewelry; household furniture, furnishings and appliances; motor vehicles and recreational vehicles; of a decedent by affidavit under this section an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), the long–term community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. or the aid under s. 49.48, 49.483 or 49.485 that is recoverable under s. 49.482 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse, if all of the following conditions are satisfied:

SECTION 7200c. 867.035 (1) (intro.) of the statutes, as affected by 1993 Wisconsin Act 437 and 1995 Wisconsin Act .... (this act), sections 7200, 7200b and 7200bm, is amended to read:

867.035 **(1)** (intro.) The department of health and social services may collect from the property; except interests in or liens on real property; wearing apparel; jewelry; household furniture, furnishings and appliances; motor vehicles and recreational vehicles; of a decedent by affidavit under this section an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), the long–term community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1. or the aid under s. ~~49.48, 49.483 or 49.485~~ 49.68, 49.683 or 49.685 that is recoverable under s. ~~49.482~~ 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse, if all of the following conditions are satisfied:

SECTION 7201. 867.035 (1) (c) of the statutes is repealed.

SECTION 7202. 867.035 (1) (d) of the statutes is amended to read:

867.035 **(1)** (d) The value of the solely owned property in this state left by the decedent, after payment of burial costs, does not exceed ~~$10,000~~ the amount under s. 867.03 (1) (intro.).

SECTION 7203. 867.035 (2) of the statutes is amended to read:

867.035 **(2)** A person ~~possessing funds~~ who possesses property of a decedent shall ~~pay~~ transmit the ~~funds~~ property to the department of health and social services upon receipt of an affidavit by a person designated by the secretary of health and social services to administer this section showing that the conditions in sub. (1) are satisfied. Upon ~~payment~~ transmittal, the person is released from any obligation to other creditors or heirs of the decedent. ~~The department of health and social services shall provide a copy of the affidavit to the department of revenue.~~

SECTION 7204. 867.035 (3) of the statutes is amended to read:

867.035 **(3)** If a person has a valid claim against the decedent's estate that would have a higher priority under s. 859.25 (1) if the estate were administered than the department of health and social services would have under s. 859.25 (1) (e) and the person demands payment in writing within one year of the date on which the ~~funds were collected by~~ property was transmitted to the department, the department shall pay to the person the ~~amount~~ value of the property collected under sub. (2) or the amount of the claim, whichever is less. The department ~~of health and social services shall notify the department of revenue of a payment under this subsection~~ may authorize any person who possesses property of the decedent to honor higher priority claims with the decedent's property before transmitting property to the department.

SECTION 7205. 867.035 (4) of the statutes is amended to read:

867.035 **(4)** From the appropriation under s. 20.435 (1) (im), the department of health and social services shall pay claims under sub. (3), shall pay to the federal government ~~the amount of the funds~~ from the amount recovered under this section and not paid out as claims under sub. (3) an amount equal to the amount of federal funds used to pay the benefits recovered under this section ~~that are not paid out as claims under sub. (3)~~ and shall spend the remainder of the ~~funds~~ amount recovered under this section for medical assistance benefits administered under s. 49.45.

SECTION 7206b. 867.035 (4) of the statutes, as affected by 1995 Wisconsin Act .... (this act), section 7205, is amended to read:

867.035 **(4)** From the appropriation under s. 20.435 (1) (im), with respect to funds collected by the department under sub. (1) related to medical assistance paid on behalf of the decedent or the decedent's spouse, the department of health and social services shall pay claims under sub. (3), shall pay to the federal government from the amount recovered under this section and not paid out as claims under sub. (3) an amount equal to the amount of federal funds used to pay the benefits recovered under this section and shall spend the remainder of the amount recovered under this section for medical assistance benefits administered under s. 49.45.

SECTION 7206c. 867.035 (4) of the statutes, as affected by 1995 Wisconsin Act .... (this act), sections 7205 and 7206b, is amended to read:

867.035 **(4)** From the appropriation under s. 20.435 (1) (im), with respect to funds collected by the department under sub. (1) related to medical assistance paid on behalf of the decedent or the decedent's spouse, the department of health and social services shall pay claims under sub. (3), shall pay to the federal government from the amount recovered under this section and not paid out as claims under sub. (3) an amount equal to the amount of federal funds used to pay the benefits recovered

under this section and shall spend the remainder of the amount recovered under this section for medical assistance benefits ~~administered~~ under ~~s. 49.45~~ subch. IV of ch. 49.

SECTION 7206g. 867.035 (4m) of the statutes is created to read:

867.035 **(4m)** From the appropriation under s. 20.435 (7) (im), with respect to funds collected by the department under sub. (1) related to long–term community support services funded under s. 46.27 (7) paid on behalf of the decedent or the decedent's spouse, the department of health and social services shall pay claims under sub. (3) and shall spend the remainder of the funds recovered under this section for long–term community support services funded under s. 46.27 (7).

SECTION 7206m. 880.195 of the statutes is amended to read:

880.195 Transfer of Menominees guardianship funds to trust. The circuit court which has appointed a guardian of the estate of any minor or incompetent who is a member of the Menominee Indian tribe as defined in s. ~~49.085~~ 49.385 or a lawful distributee thereof may direct the guardian to transfer the assets of the minor or incompetent in the guardian's possession to the trustees of the trust created by the secretary of interior or his or her delegate which receives property of the minors or incompetents transferred from the United States or any agency thereof as provided by P.L. 83–399, as amended, and the assets shall thereafter be held, administered and distributed in accordance with the terms and conditions of the trust.

SECTION 7206n. 880.331 (8) of the statutes is amended to read:

880.331 **(8)** COMPENSATION. On order of the court, the guardian ad litem appointed under this chapter shall be allowed reasonable compensation to be paid by the county of venue, unless the court otherwise directs. If the court orders a county

to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b).

SECTION 7207. 885.37 (4) (a) 1. of the statutes is amended to read:

885.37 **(4)** (a) 1. In the supreme court or the court of appeals, the ~~state~~ director of state courts shall pay the expense.

SECTION 7208. 885.37 (4) (a) 2. of the statutes is amended to read:

885.37 **(4)** (a) 2. In circuit court, the ~~state~~ director of state courts shall pay the expense.

SECTION 7209. 885.37 (4) (a) 2m. of the statutes is created to read:

885.37 **(4)** (a) 2m. To assist the state public defender in representing an indigent in preparing for court proceedings, the state public defender shall pay the expense.

SECTION 7210. 887.23 (1) of the statutes is amended to read:

887.23 **(1)** WHO MAY REQUIRE. The department of health and social services, the department of corrections, the ~~state superintendent~~ department of education or the board of regents of the university of Wisconsin system may order the deposition of any witness to be taken concerning any institution under his, her or its government or superintendence, or concerning the conduct of any officer or agent thereof, or concerning any matter relating to the interests thereof. Upon presentation of a certified copy of such order to any municipal judge, notary public or court commissioner, the officer shall take the desired deposition in the manner provided for taking depositions to be used in actions. When any officer or agent of any institution is concerned and will be affected by the testimony, 2 days' written notice of the time and place of taking the deposition shall be given him or her. Any party interested may appear in person or by counsel and examine the witness touching the

matters mentioned in the order. The deposition, duly certified, shall be delivered to the authority which ordered it.

SECTION 7211. 889.29 (1) of the statutes is amended to read:

889.29 **(1)** If any business, institution or member of a profession or calling in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, or to be recorded on an optical disk or in electronic format, the original may be destroyed in the regular course of business, unless its preservation is required by law. Such reproduction or optical disk record, when reduced to comprehensible format and when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction of a record or an enlarged copy of a record generated from an original record stored in optical disk or electronic format is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

SECTION 7212m. 891.39 (1) (b) of the statutes is amended to read:

891.39 **(1)** (b) In actions affecting the family, in which the question of paternity is raised, and in paternity proceedings, the court, upon being satisfied that the parties to the action are unable to adequately compensate any such guardian ad litem for the guardian ad litem's services and expenses, shall then make an order

specifying the guardian's compensation and expenses, which compensation and expenses shall be paid as provided in s. 967.06. If the court orders a county to pay the compensation of the guardian ad litem, the amount ordered may not exceed the compensation paid to private attorneys under s. 977.08 (4m) (b).

SECTION 7214. 893.925 (2) (a) of the statutes is amended to read:

893.925 **(2)** (a) An action to recover damages for mining–related injuries under s. 107.32 shall be brought within 3 years of the date on which the death or injury occurs unless the department of ~~industry, labor and human relations~~ development gives written notice within the time specified in this subsection that a claim has been filed with it under sub. (1), in which case an action based on the claim may be brought against the person to whom the notice is given within one year after the final resolution, including any appeal, of the claim or within the time specified in this subsection, whichever is longer.

SECTION 7215. 895.437 (1) (c) of the statutes is amended to read:

895.437 **(1)** (c) "Lodging establishment" has the meaning given in s. ~~101.22~~ 106.04 (1m) (n).

SECTION 7223. 895.65 (1) (c) of the statutes is amended to read:

895.65 **(1)** (c) "Governmental unit" means any association, authority, board, commission, department, independent agency, institution, office, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor and the courts. "Governmental unit" does not mean the University of Wisconsin Hospitals and Clinics Authority or any political subdivision of the state or body within one or more political subdivisions which is created by law or by action of one or more political subdivisions.

SECTION 7225. 905.15 (1) of the statutes is amended to read:

905.15 **(1)** An employe of the department of health and social services, the department of industry, labor and human relations or a county department under s. 46.215, 46.22 or 46.23 or a member of a governing body of a federally recognized American Indian tribe who is authorized by federal law to have access to or awareness of the federal tax return information of another in the performance of duties under s. 49.19 or 49.45 or 7 USC 2011 to 2049 may claim privilege to refuse to disclose the information and the source or method by which he or she received or otherwise became aware of the information.

SECTION 7225m. 939.615 of the statutes is created to read:

939.615 Restriction on penalty for certain first offenders charged with misdemeanors. (1) Regardless of whether a misdemeanor authorizes a penalty of imprisonment, the penalty for a misdemeanor is the fine and any penalties, other than imprisonment, authorized by law for that misdemeanor if, at the time of the alleged violation, the defendant had not previously been convicted of any state or federal crime.

(2) Subsection (1) does not apply to any of the following:

(a) Any misdemeanor violation under ch. 940, 941 or 948.

(b) Any misdemeanor that requires the imposition of a minimum sentence of imprisonment.

(c) Any misdemeanor for which the only penalty is a sentence of imprisonment.

(d) Any case in which the prosecutor elects to proceed under s. 967.052 (2).

SECTION 7227. 940.207 (title) of the statutes is amended to read:

940.207 (title) **Battery or threat to department of development or department of industry, labor and human relations employe.**

SECTION 7228. 940.207 (2) (intro.) of the statutes is amended to read:

940.207 **(2)** (intro.) Whoever intentionally causes bodily harm or threatens to cause bodily harm to the person or family member of any department of development or department of industry, labor and human relations official, employe or agent under all of the following circumstances is guilty of a Class D felony:

SECTION 7229. 940.207 (2) (a) of the statutes is amended to read:

940.207 **(2)** (a) At the time of the act or threat, the actor knows or should have known that the victim is a department of development or department of industry, labor and human relations official, employe or agent or a member of his or her family.

SECTION 7229g. 943.01 (2) (d) of the statutes is amended to read:

943.01 **(2)** (d) If the total property damaged in violation of sub. (1) is reduced in value by more than ~~$1,000~~ $1,500. For the purposes of this paragraph, property is reduced in value by the amount which it would cost either to repair or replace it, whichever is less.

SECTION 7229h. 943.20 (3) (a) of the statutes is amended to read:

943.20 **(3)** (a) If the value of the property does not exceed ~~$1,000~~ $1,500, is guilty of a Class A misdemeanor.

SECTION 7229i. 943.20 (3) (b) of the statutes is amended to read:

943.20 **(3)** (b) If the value of the property exceeds ~~$1,000~~ $1,500 but not $2,500, is guilty of a Class E felony.

SECTION 7229j. 943.21 (3) (a) of the statutes is amended to read:

943.21 **(3)** (a) Is guilty of a Class A misdemeanor when the value of any beverage, food, lodging, accommodation or other service is ~~$1,000~~ $1,500 or less.

SECTION 7229k. 943.21 (3) (b) of the statutes is amended to read:

943.21 **(3)** (b) Is guilty of a Class E felony when the value of any beverage, food, lodging, accommodation or other service exceeds ~~$1,000~~ $1,500.

SECTION 7229m. 943.24 (1) of the statutes is amended to read:

943.24 **(1)** Whoever issues any check or other order for the payment of not more than ~~$1,000~~ $1,500 which, at the time of issuance, he or she intends shall not be paid is guilty of a Class A misdemeanor.

SECTION 7229n. 943.24 (2) of the statutes is amended to read:

943.24 **(2)** Whoever issues any single check or other order for the payment of more than ~~$1,000~~ $1,500 or whoever within a 15–day period issues more than one check or other order amounting in the aggregate to more than ~~$1,000~~ $1,500 which, at the time of issuance, the person intends shall not be paid is guilty of a Class E felony.

SECTION 7229p. 943.26 (2) of the statutes is amended to read:

943.26 **(2)** If the security is impaired by more than ~~$1,000~~ $1,500, the mortgagor or vendee is guilty of a Class E felony.

SECTION 7229q. 943.34 (1) (a) of the statutes is amended to read:

943.34 **(1)** (a) A Class A misdemeanor, if the value of the property does not exceed ~~$1,000~~ $1,500.

SECTION 7229r. 943.34 (1) (b) of the statutes is amended to read:

943.34 **(1)** (b) A Class E felony, if the value of the property exceeds ~~$1,000~~ $1,500 but not more than $2,500.

SECTION 7229rc. 943.38 (1) (a) of the statutes is renumbered 943.38 (1m) and amended to read:

943.38 **(1m)** ~~A~~ Whoever with intent to defraud falsely makes or alters a writing or object whereby legal rights or obligations are created, terminated or

transferred, or any writing commonly relied upon in business or commercial transactions as evidence of debt or property rights~~; or~~, so that the writing or object purports to have been made by another, at another time, with different provisions or by authority of one who did not give that authority, is guilty of a Class C felony if the value or purported value, whichever is greater, of the writing or object is $1,500 or more and a Class A misdemeanor if the value or purported value of the writing or object is less than $1,500.

SECTION 7229rd. 943.38 (2) of the statutes is amended to read:

943.38 **(2)** Whoever utters as genuine or possesses with intent to utter as false or as genuine any forged writing or object mentioned in sub. (1), knowing it to have been thus falsely made or altered, is guilty of a Class C felony. Whoever utters as genuine or possesses with intent to utter as false or as genuine any forged writing or object mentioned in sub. (1m), knowing it to have been thus falsely made or altered, is guilty of a Class C felony if the value or purported value, whichever is greater, of the writing or object is $1,500 or more and a Class A misdemeanor if the value or purported value of the writing or object is less than $1,500.

SECTION 7229re. 943.39 (2) of the statutes is amended to read:

943.39 **(2)** By means of deceit obtains a signature to a writing which is the subject of forgery under s. 943.38 (1) or (1m); or

SECTION 7229s. 943.395 (2) (a) of the statutes is amended to read:

943.395 **(2)** (a) Is guilty of a Class A misdemeanor if the value of the claim or benefit does not exceed ~~$1,000~~ $1,500.

SECTION 7229t. 943.395 (2) (b) of the statutes is amended to read:

943.395 **(2)** (b) Is guilty of a Class E felony if the value of the claim or benefit exceeds ~~$1,000~~ $1,500.

SECTION 7229tm. 943.40 (2) of the statutes is amended to read:

943.40 **(2)** Completely erases, obliterates or destroys any writing which is the subject of forgery under s. 943.38 ~~(1) (a)~~ (1m).

SECTION 7229u. 943.41 (8) (c) of the statutes is amended to read:

943.41 **(8)** (c) Any person violating any provision of sub. (5) or (6) (a), (b) or (d), if the value of the money, goods, services or property illegally obtained does not exceed ~~$1,000~~ $1,500 is guilty of a Class A misdemeanor; if the value of the money, goods, services or property exceeds ~~$1,000~~ $1,500 but does not exceed $2,500, in a single transaction or in separate transactions within a period not exceeding 6 months, the person is guilty of a Class E felony; or if the value of the money, goods, services or property exceeds $2,500, the person is guilty of a Class C felony.

SECTION 7229v. 943.50 (4) (a) of the statutes is amended to read:

943.50 **(4)** (a) A Class A misdemeanor, if the value of the merchandise does not exceed ~~$1,000~~ $1,500.

SECTION 7229w. 943.50 (4) (b) of the statutes is amended to read:

943.50 **(4)** (b) A Class E felony, if the value of the merchandise exceeds ~~$1,000~~ $1,500 but not $2,500.

SECTION 7229x. 943.61 (5) (a) of the statutes is amended to read:

943.61 **(5)** (a) A Class A misdemeanor, if the value of the library materials does not exceed ~~$1,000~~ $1,500.

SECTION 7229y. 943.61 (5) (b) of the statutes is amended to read:

943.61 **(5)** (b) A Class E felony, if the value of the library materials exceeds ~~$1,000~~ $1,500 but not $2,500.

SECTION 7230. 943.62 (2m) of the statutes is amended to read:

943.62 **(2m)** This section does not apply to a savings and loan association, credit union, bank, savings bank, or a mortgage banker, loan originator or loan solicitor registered under s. ~~440.72~~ 224.72.

SECTION 7231m. 945.095 (1) (d), (f), (g) and (h) of the statutes, as created by 1995 Wisconsin Act 11, is amended to read:

945.095 **(1)** (d) The person provides the gaming ~~commission~~ board, prior to the importation of the gambling devices into the state, all records that account for the gambling devices, including the identification number affixed to each gambling device by the manufacturer, and that identify the location where the gambling devices will be stored prior to the installation of the gambling devices on the vessel.

(f) If the person removes used gambling devices from a vessel, the person shall provide the gaming ~~commission~~ board with an inventory of the used gambling devices prior to their removal from the vessel. The inventory shall include the identification number affixed to each gambling device by the manufacturer.

(g) The person submits documentation to the gaming ~~commission~~ board, no later than 30 days after the date of delivery, that the vessel equipped with gambling devices has been delivered to the customer who ordered the work performed on the vessel.

(h) The person does not sell a gambling device to any other person except to a customer who shall use or possess the gambling device outside of this state in a locality where the use or possession of the gambling device is lawful. If a person sells a gambling device to such a customer, the person shall submit documentation to the gaming ~~commission~~ board, no later than 30 days after the date of delivery, that the gambling device has been delivered to the customer.

SECTION 7232. 946.13 (10) of the statutes is amended to read:

946.13 **(10)** Subsection (1) (a) does not apply to a member of a private industry council or ~~a state job training coordinating council~~ appointed under the job training partnership act, 29 USC 1512, or to a member of the governor's council on workforce excellence appointed under s. 15.227 (24).

SECTION 7232g. 946.41 (1) of the statutes is amended to read:

946.41 **(1)** ~~Whoever~~ Subject to sub. (1m), whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority, is guilty of a Class A misdemeanor.

SECTION 7232r. 946.41 (1m) of the statutes is created to read:

946.41 **(1m)** (a) A person may not be prosecuted under sub. (1) if all of the following apply:

1. The person violates sub. (1) solely by knowingly giving false information to an officer.

2. The person corrects the false information by providing the officer or the officer's department with the correct information not later than 48 hours after giving the false information to the officer.

(b) If a prosecutor filed a complaint that charges a person with violating sub. (1) and par. (a) applies, the prosecutor shall comply with s. 968.03 (4).

SECTION 7233m. 946.42 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts 377 and 385, is amended to read:

946.42 **(1)** (a) "Custody" includes without limitation actual custody of an institution, including a secured juvenile correctional facility, a secure detention facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a peace officer or institution guard and constructive custody of prisoners and juveniles subject to an order under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366 temporarily

outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to which the prisoner was transferred after conviction. "Custody" also includes the custody by the department of health and social services of a child who is placed in the community under corrective sanctions supervision under s. 48.533 ~~and custody by the department of corrections of a person who is placed in the community under youthful offender supervision under s. 48.537~~. It does not include the custody of a probationer or parolee by the department of corrections or a probation or parole officer or the custody of a person who has been released to aftercare supervision under ch. 48 unless the person is in actual custody.

SECTION 7233p. 946.42 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts 377 and 385 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

946.42 **(1)** (a) "Custody" includes without limitation actual custody of an institution, including a secured juvenile correctional facility, a secured child caring institution, as defined in s. 48.02 (15g), a secure detention facility, as defined under s. 48.02 (16), or a juvenile portion of a county jail, or of a peace officer or institution guard and constructive custody of prisoners and juveniles subject to an order under s. 48.34 (4m), 48.357 (4) or (5) (e) or 48.366 temporarily outside the institution whether for the purpose of work, school, medical care, a leave granted under s. 303.068, a temporary leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means, without limitation, that of the sheriff of the county to which the prisoner was transferred after conviction. "Custody" also includes the custody by the department of corrections of a child who is placed in the community under corrective

sanctions supervision under s. 48.533 or serious juvenile offender supervision under s. 48.538. It does not include the custody of a probationer or parolee by the department of corrections or a probation or parole officer or the custody of a person who has been released to aftercare supervision under ch. 48 unless the person is in actual custody.

SECTION 7234m. 946.44 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts 377 and 486, is amended to read:

946.44 **(1)** (a) Any officer or employe of an institution where prisoners are detained or any officer or employe providing corrective sanctions supervision under s. 48.533 ~~or youthful offender supervision under s. 48.537~~ who intentionally permits a prisoner in the officer's or employe's custody to escape; or

SECTION 7234p. 946.44 (1) (a) of the statutes, as affected by 1993 Wisconsin Acts 377 and 486 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

946.44 **(1)** (a) Any officer or employe of an institution where prisoners are detained or any officer or employe providing corrective sanctions supervision under s. 48.533 or serious juvenile offender supervision under s. 48.538 who intentionally permits a prisoner in the officer's or employe's custody to escape; or

SECTION 7234r. 946.44 (2) (c) of the statutes is amended to read:

946.44 **(2)** (c) "Institution" includes a secured juvenile correctional facility and a secured child caring institution.

SECTION 7234t. 946.44 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts 377 and 491, is amended to read:

946.44 **(2)** (d) "Prisoner" includes a person who is ~~committed to the custody of the department of corrections under s. 48.34 (4g) or~~ placed in a secured correctional

facility under s. 48.34 (4m) or 48.357 (4) or (5) (e) or who is subject to an order under s. 48.366.

SECTION 7234v. 946.44 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts 377 and 491 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

946.44 **(2)** (d) "Prisoner" includes a person who is under the supervision of the department of corrections under s. 48.34 (4h) or placed in a secured correctional facility or secured child caring institution under s. 48.34 (4m) or 48.357 (4) or (5) (e) or who is subject to an order under s. 48.366.

SECTION 7235m. 946.45 (1) of the statutes, as affected by 1993 Wisconsin Act 377, is amended to read:

946.45 **(1)** Any officer or employe of an institution where prisoners are detained or any officer or employe providing corrective sanctions supervision under s. 48.533 ~~or youthful offender supervision under s. 48.537~~ who, through his or her neglect of duty, allows a prisoner in his or her custody to escape is guilty of a Class B misdemeanor.

SECTION 7235p. 946.45 (1) of the statutes, as affected by 1993 Wisconsin Act 377 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

946.45 **(1)** Any officer or employe of an institution where prisoners are detained or any officer or employe providing corrective sanctions supervision under s. 48.533 or serious juvenile offender supervision under s. 48.538 who, through his or her neglect of duty, allows a prisoner in his or her custody to escape is guilty of a Class B misdemeanor.

SECTION 7235r. 946.45 (2) (c) of the statutes is amended to read:

946.45 **(2)** (c) "Institution" includes a secured juvenile correctional facility and a secured child caring institution.

SECTION 7235t. 946.45 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts 377 and 491, is amended to read:

946.45 **(2)** (d) "Prisoner" includes a person who is ~~committed to the custody of the department of corrections under s. 48.34 (4g) or~~ placed in a secured correctional facility under s. 48.34 (4m) or 48.357 (4) or (5) (e) or who is subject to an order under s. 48.366.

SECTION 7235v. 946.45 (2) (d) of the statutes, as affected by 1993 Wisconsin Acts 377 and 491 and 1995 Wisconsin Act .... (this act), is repealed and recreated to read:

946.45 **(2)** (d) "Prisoner" includes a person who is under the supervision of the department of corrections under s. 48.34 (4h) or placed in a secured correctional facility or secured child caring institution under s. 48.34 (4m) or 48.357 (4) or (5) (e) or who is subject to an order under s. 48.366.

SECTION 7235x. 946.46 of the statutes, as affected by 1993 Wisconsin Act 385, is amended to read:

946.46 Encouraging violation of probation or parole. Whoever intentionally aids or encourages a parolee or probationer or any person committed to the custody or supervision of the department of corrections~~, the department of health and social services~~ or a county department under s. 46.215, 46.22 or 46.23 by reason of crime or delinquency to abscond or violate a term or condition of parole or probation is guilty of a Class A misdemeanor.

SECTION 7236. 948.01 (1) of the statutes is amended to read:

948.01 **(1)** "Child" means a person who has not attained the age of 18 years, except that for purposes of prosecuting a person who is alleged to have violated a state or federal criminal law, "child" does not include a person who has attained the age of 17 years.

SECTION 7236c. 948.01 (1g) of the statutes is amended to read:

948.01 **(1g)** "Joint legal custody" has the meaning given in s. 767.001 ~~(1)~~ (1m).

SECTION 7237. 948.31 (1) (a) 2. of the statutes is amended to read:

948.31 **(1)** (a) 2. The department of health and social services or the department of corrections or any person, county department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency, if custody of the child has been transferred under ch. 48 to that department, person or agency.

SECTION 7238. 948.35 (1) (a) of the statutes is amended to read:

948.35 **(1)** (a) Except as provided in pars. (b) to (d) or s. 161.455, any person who has attained the age of ~~18~~ 17 years and who, with the intent that a felony be committed and under circumstances that indicate unequivocally that he or she has the intent, knowingly solicits, advises, hires, directs or counsels a ~~child~~ person 17 years of age or under to commit that felony may be fined or imprisoned or both, not to exceed the maximum penalty for the felony.

SECTION 7239. 948.36 (1) of the statutes is amended to read:

948.36 **(1)** Any person who has attained the age of ~~18~~ 17 years and who, with the intent that a Class A felony be committed and under circumstances that indicate unequivocally that he or she has that intent, knowingly solicits, advises, hires, directs, counsels, employs, uses or otherwise procures a ~~child~~ person 17 years of age or under to commit that Class A felony may, if the Class A felony is committed by the

child, be imprisoned for not more than 5 years in excess of the maximum period of imprisonment provided by law for that Class A felony.

SECTION 7240. 948.45 (1) of the statutes is amended to read:

948.45 **(1)** Except as provided in sub. (2), any person ~~18~~ 17 years of age or older who, by any act or omission, knowingly encourages or contributes to the truancy, as defined under s. 118.16 (1) (c), of a ~~child~~ person 17 years of age or under is guilty of a Class C misdemeanor.

SECTION 7241. 948.45 (2) of the statutes is amended to read:

948.45 **(2)** Subsection (1) does not apply to a person who has under his or her control a child who has been sanctioned under s. ~~49.50 (7) (h)~~ 49.26 (1) (h).

SECTION 7242. 948.60 (title), (2) and (3) of the statutes are amended to read:

948.60 (title) **Possession of a dangerous weapon by a ~~child~~ person under 18.**

(2) (a) Any ~~child~~ person under 18 years of age who possesses or goes armed with a dangerous weapon is guilty of a Class A misdemeanor.

(b) Except as provided in par. (c), any person who intentionally sells, loans or gives a dangerous weapon to a ~~child~~ person under 18 years of age is guilty of a Class E felony.

(c) Whoever violates par. (b) is guilty of a Class D felony if the ~~child~~ person under 18 years of age under par. (b) discharges the firearm and the discharge causes death to himself, herself or another.

(d) A ~~child~~ person under 17 years of age who has violated this subsection is subject to the provisions of ch. 48 unless jurisdiction is waived under s. 48.18

(3) (a) This section does not apply to a ~~child~~ person under 18 years of age who possesses or is armed with a dangerous weapon when the dangerous weapon is being

used in target practice under the supervision of an adult or in a course of instruction in the traditional and proper use of the dangerous weapon under the supervision of an adult. This section does not apply to an adult who transfers a dangerous weapon to a ~~child~~ person under 18 years of age for use only in target practice under the adult's supervision or in a course of instruction in the traditional and proper use of the dangerous weapon under the adult's supervision.

(b) This section does not apply to a ~~child~~ person under 18 years of age who is a member of the armed forces or national guard and who possesses or is armed with a dangerous weapon in the line of duty. This section does not apply to an adult who is a member of the armed forces or national guard and who transfers a dangerous weapon to a ~~child~~ person under 18 years of age in the line of duty.

(c) This section does not apply to a ~~child~~ person under 18 years of age who possesses or is armed with a firearm having a barrel 12 inches in length or longer and who is in compliance with ss. 29.226 and 29.227. This section does not apply to an adult who transfers a firearm having a barrel 12 inches in length or longer to a ~~child~~ person under 18 years of age who is in compliance with ss. 29.226 and 29.227.

SECTION 7243. 948.61 (4) of the statutes is amended to read:

948.61 **(4)** A ~~child~~ person under 17 years of age who has violated this section is subject to the provisions of ch. 48, unless jurisdiction is waived under s. 48.18.

SECTION 7243m. 949.08 (2) (g) of the statutes is amended to read:

949.08 **(2)** (g) Has been certified to the department under s. ~~46.255~~ 49.855 (7) as being delinquent in child support or maintenance payments.

SECTION 7245. 967.02 (2) of the statutes is amended to read:

967.02 **(2)** "Department" means the department of corrections, except as provided in ~~s.~~ ss. 973.135 (1) (a) and 975.001.

SECTION 7245m. 967.052 of the statutes is created to read:

967.052 Prosecution of certain misdemeanor offenses; restriction on penalty. (1) (a) Except as provided in sub. (2), if a prosecutor decides to charge a person with a misdemeanor offense that is punishable by imprisonment and s. 939.615 (1) applies to the offense and to the person to be charged with the offense, the complaint shall specify that the penalty for the offense is the fine and any penalties, other than imprisonment, authorized by law for the offense.

(b) If a prosecutor decides to charge a person with a misdemeanor offense that is punishable by imprisonment and s. 939.615 (1) does not apply to the person to be charged with the offense because he or she has previously been convicted of any state or federal crime, the complaint shall include all of the following:

1. A statement specifying the penalties, including imprisonment, authorized by law for the offense.

2. An allegation that s. 939.615 (1) does not apply to the defendant because he or she has previously been convicted of a state or federal crime.

(2) Notwithstanding s. 939.615 (1), a prosecutor may seek imprisonment authorized by law in a case in which s. 939.615 (1) applies to the offense and to the person to be charged if the prosecutor does all of the following:

(a) Specifies in the complaint the penalties, including imprisonment, authorized by law for the offense.

(b) Specifies in the complaint his or her reasons for seeking imprisonment in the case.

(3) If, after filing a complaint under sub. (1) (a), a prosecutor decides to seek imprisonment authorized by law for the offense charged, he or she may move to dismiss the complaint filed under sub. (1) (a). The court shall grant a motion to

dismiss under this subsection if jeopardy has not attached in the case. If a motion to dismiss under this subsection is granted, the prosecutor may file a new complaint under sub. (2). A prosecutor may not seek imprisonment for an offense charged in a complaint filed under sub. (1) (a) by amending the complaint.

SECTION 7246. 967.08 (2) (intro.) of the statutes is amended to read:

967.08 **(2)** (intro.) The court may permit the following proceedings to be conducted under sub. (1) ~~with the consent of the defendant~~ on the request of either party. The ~~defendant's consent and any~~ request and the opposing party's showing of good cause for not conducting the proceeding under sub. (1) may be made by telephone.

SECTION 7246m. 968.03 (4) of the statutes is created to read:

968.03 **(4)** If a prosecutor filed a complaint that charges a person with violating s. 946.41 (1) and the person may not be prosecuted under s. 946.41 (1m), the prosecutor shall move the court to dismiss the complaint. The motion shall be in writing and shall state the grounds for dismissing the complaint under s. 946.41 (1m). Upon the filing of a motion under this subsection, the court shall dismiss the complaint with prejudice.

SECTION 7247. 970.01 (1) of the statutes is amended to read:

970.01 **(1)** Any person who is arrested shall be taken within a reasonable time before a judge in the county in which the offense was alleged to have been committed. The ~~person may waive physical appearance and request that the~~ initial appearance may be conducted on the record by telephone or live audiovisual means under s. 967.08. If the initial appearance is conducted by telephone or live audiovisual means, the person may waive physical appearance. Waiver of physical appearance shall be placed on the record of the initial appearance and does not waive other

grounds for challenging the court's personal jurisdiction. If the person does not waive physical appearance, conducting the initial appearance by telephone or live audiovisual means under s. 967.08 does not waive any grounds that the person has for challenging the court's personal jurisdiction.

SECTION 7247m. 970.02 (1) (a) of the statutes is amended to read:

970.02 **(1)** (a) Of the charge against the defendant and shall furnish the defendant with a copy of the complaint which, subject to s. 967.052 (1) and (2), shall contain the possible penalties for the offenses set forth ~~therein~~ in the complaint. In the case of a felony, the judge shall also inform the defendant of the penalties for the felony with which the defendant is charged.

SECTION 7249. 971.23 (10) of the statutes is created to read:

971.23 **(10)** PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT DEFENDANTS. When the state public defender or a private attorney appointed under s. 977.08 requests photocopies of any item that is discoverable under this section, the state public defender shall pay any fee charged for the photocopies from the appropriation under s. 20.550 (1) (a). If the person providing photocopies under this section charges the state public defender a fee for the photocopies, the fee may not exceed the actual, necessary and direct cost of photocopying.

SECTION 7249m. 971.29 (2m) of the statutes is created to read:

971.29 **(2m)** Amendment of a complaint filed under s. 967.052 (1) (a) is subject to the restriction provided in s. 967.052 (3).

SECTION 7250. 973.01 of the statutes is repealed.

SECTION 7251. 973.011 of the statutes is repealed.

SECTION 7252. 973.012 of the statutes is repealed.

SECTION 7253. 973.013 (3m) of the statutes is amended to read:

973.013 **(3m)** If a person who has not attained the age of 16 years is sentenced to the Wisconsin state prisons, the department of corrections shall place the person at a secured juvenile correctional facility or a secured child caring institution, unless the department of ~~health and social services, after consultation with the department of~~ corrections~~,~~ determines that placement in an institution under s. 302.01 is appropriate based on the person's prior record of adjustment in a correctional setting, if any; the person's present and potential vocational and educational needs, interests and abilities; the adequacy and suitability of available facilities; the services and procedures available for treatment of the person within the various institutions; the protection of the public; and any other considerations promulgated by the department of ~~health and social services~~ corrections by rule. This subsection does not preclude the department of corrections from designating an adult correctional institution as a reception center for the person and subsequently transferring the person to a secured juvenile correctional facility or a secured child caring institution. Section 302.11 and ch. 304 apply to all persons placed in a secured juvenile correctional facility or a secured child caring institution under this subsection.

SECTION 7255. 973.032 (2) (a) of the statutes is amended to read:

973.032 **(2)** (a) A court may sentence a person under sub. (1) if the department provides a presentence investigation report recommending that the person be sentenced to the program. If the department does not make the recommendation, a court may order the department to assess and evaluate the person. After that assessment and evaluation, the court may sentence the person to the program unless the department objects on the ground that ~~the presumptively appropriate sentence under the sentencing guideline matrices is~~ it recommends that the person be placed on probation.

SECTION 7255b. 973.045 (2) of the statutes is amended to read:

973.045 **(2)** After the clerk determines the amount due, the clerk of court shall collect and transmit the amount to the county treasurer under s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration under s. 59.20 (5) (b).

SECTION 7255e. 973.045 (3) (a) (intro.) of the statutes is amended to read:

973.045 **(3)** (a) (intro.) The clerk shall record the crime victim and witness surcharge in 2 parts. Part A is the portion that the ~~state treasurer~~ secretary of administration shall credit to the appropriation account under s. 20.455 (5) (g) and part B is the portion that the ~~state treasurer~~ secretary of administration shall credit to the appropriation account under s. 20.455 (5) (gc), as follows:

SECTION 7255h. 973.045 (4) of the statutes is amended to read:

973.045 **(4)** If an inmate in a state prison or a person sentenced to a state prison has not paid the crime victim and witness assistance surcharge under this section, the department shall assess and collect the amount owed from the inmate's wages or other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~ secretary of administration.

SECTION 7255L. 973.046 (2) of the statutes is amended to read:

973.046 **(2)** After the clerk of court determines the amount due, the clerk shall collect and transmit the amount to the county treasurer under s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration under s. 59.20 (5) (b).

SECTION 7255p. 973.046 (3) of the statutes is amended to read:

973.046 **(3)** All moneys collected from deoxyribonucleic acid analysis surcharges shall be deposited by the ~~state treasurer~~ secretary of administration as specified in s. 20.455 (2) (Lm) and utilized under s. 165.77.

SECTION 7255r. 973.046 (4) of the statutes is amended to read:

973.046 **(4)** If an inmate in a state prison or a person sentenced to a state prison has not paid the deoxyribonucleic acid analysis surcharge under this section, the department shall assess and collect the amount owed from the inmate's wages or other moneys. Any amount collected shall be transmitted to the ~~state treasurer~~ secretary of administration.

SECTION 7255u. 973.055 (2) (a) of the statutes is amended to read:

973.055 **(2)** (a) If the assessment is imposed by a court of record, after the court determines the amount due, the clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. 59.395 (5). The county treasurer shall then make payment to the ~~state treasurer~~ secretary of administration as provided in s. 59.20 (5) (b).

SECTION 7255y. 973.055 (2) (b) of the statutes is amended to read:

973.055 **(2)** (b) If the assessment is imposed by a municipal court, after a determination by the court of the amount due, the court shall collect and transmit the amount to the treasurer of the county, city, town or village, and that treasurer shall make payment to the ~~state treasurer~~ secretary of administration as provided in s. 66.12 (1) (b).

SECTION 7256. 973.055 (3) of the statutes is amended to read:

973.055 **(3)** All moneys collected from domestic abuse assessments shall be deposited by the ~~state treasurer~~ secretary of administration in s. 20.435 ~~(7)~~ (1) (hh) and utilized in accordance with s. 46.95.

SECTION 7257. 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) ~~(a)~~.

SECTION 7257d. 973.075 (1) (b) (intro.) of the statutes is amended to read:

973.075 **(1)** (b) (intro.) All vehicles, as defined in s. 939.22 (44), which are used to transport any property or weapon used or to be used or received in the commission of any felony, which are used in the commission of a crime under s. 946.70, which are used in the commission of a crime in violation of s. 944.30, 944.31, 944.32, 944.33 or 944.34, which are used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47 or which are used to cause more than ~~$1,000~~ $1,500 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012, but:

SECTION 7257g. 973.09 (1m) of the statutes is created to read:

973.09 **(1m)** If a person is convicted of a misdemeanor to which s. 939.615 (1) applies, the court may place the person on probation under sub. (1) (a) but may not require as a condition of probation that the person be confined under sub. (4).

SECTION 7257r. 973.09 (4) of the statutes is amended to read:

973.09 **(4)** ~~The~~ Except as provided in sub. (1m), the court may also require as a condition of probation that the probationer be confined during such period of the term of probation as the court prescribes, but not to exceed one year. The court may grant the privilege of leaving the county jail, Huber facility or tribal jail during the hours or periods of employment or other activity under s. 303.08 (1) (a) to (e) while confined under this subsection. The court may specify the necessary and reasonable

hours or periods during which the probationer may leave the jail, Huber facility or tribal jail or the court may delegate that authority to the sheriff. In those counties without a Huber facility under s. 303.09 or an agreement under s. 302.445, the probationer shall be confined in the county jail. In those counties with a Huber facility under s. 303.09, the sheriff shall determine whether confinement under this subsection is to be in that facility or in the county jail. The sheriff may transfer persons confined under this subsection between a Huber facility and the county jail. In those counties with an agreement under s. 302.445, the sheriff shall determine whether confinement under this subsection is to be in the tribal jail or the county jail, unless otherwise provided under the agreement. In those counties, the sheriff may transfer persons confined under this subsection between a tribal jail and a county jail, unless otherwise provided under the agreement. While subject to this subsection, the probationer is subject to s. 303.08 (1), (3) to (6), (8) to (12) and (14), all the rules of the county jail, Huber facility or tribal jail and the discipline of the sheriff.

SECTION 7258. 973.135 (title) of the statutes is amended to read:

973.135 (title) **Courts to report convictions to the ~~state superintendent~~ department of ~~public instruction~~ education.**

SECTION 7259. 973.135 (1) (a) of the statutes is renumbered 973.135 (1) (am).

SECTION 7260. 973.135 (1) (a) of the statutes is created to read:

973.135 **(1)** (a) "Department" means the department of education.

SECTION 7261. 973.135 (1) (b) of the statutes is repealed.

SECTION 7262. 973.135 (2) of the statutes is amended to read:

973.135 **(2)** If a court determines that a person convicted of a crime specified in ch. 948, including a crime specified in s. 948.015, a felony for which the maximum

term of imprisonment is at least 5 years, 4th degree sexual assault under s. 940.225 (3m) or a crime in which the victim was a child, is employed by an educational agency, the clerk of the court in which such conviction occurred shall promptly forward to the ~~state superintendent~~ department the record of conviction.

SECTION 7263. 973.135 (3) of the statutes is amended to read:

973.135 **(3)** If a conviction under sub. (2) is reversed, set aside or vacated, the clerk of the court shall promptly forward to the ~~state superintendent~~ department a certificate stating that the conviction has been reversed, set aside or vacated.

SECTION 7263d. 977.02 (4m) of the statutes is created to read:

977.02 **(4m)** Promulgate rules to establish fixed rates for payments required under s. 977.075.

SECTION 7263g. 977.02 (7r) (a) (intro.) of the statutes is amended to read:

977.02 **(7r)** (a) (intro.) Promulgate rules to allow the reduction of payment rates for cases assigned by the state public defender under s. 977.08 (4m) for any of the following:

SECTION 7263i. 977.02 (7r) (am) of the statutes is created to read:

977.02 **(7r)** (am) For any rule to be promulgated by the board regarding a reduction under par. (a) that is submitted to the legislative council staff under s. 227.15 on or after the effective date of this paragraph .... [revisor inserts date], the board shall submit the rule to the joint committee on finance for review under the procedures specified in s. 13.10 and shall obtain approval from the joint committee on finance for the rule.

SECTION 7263m. 977.03 (3) of the statutes is created to read:

977.03 **(3)** The state public defender may establish procedures by rule under which the state public defender may appoint attorneys without regard to s. 977.08

(3) (c) and (d) based on the state public defender's evaluation of the attorneys' performance.

SECTION 7263p. 977.05 (4) (i) 3. of the statutes is amended to read:

977.05 **(4)** (i) 3. Cases involving persons charged with a misdemeanor that is punishable by imprisonment ~~but is not specified under subd. 1~~ and to which s. 939.615 (1) does not apply.

SECTION 7264m. 977.05 (4) (i) 7. of the statutes is amended to read:

977.05 **(4)** (i) 7. Cases involving paternity determinations, as specified under ~~ch. 767~~ s. 767.52, in which the state is the petitioner under s. 767.45 (1) (g) or in which the action is commenced on behalf of the child by an attorney appointed under s. 767.045 (1) (c).

SECTION 7265. 977.05 (4) (j) of the statutes is amended to read:

977.05 **(4)** (j) ~~At~~ Subject to sub. (6) (e) and (f), at the request of any person determined by the state public defender to be indigent or upon referral of any court, prosecute a writ of error, appeal, action or proceeding for habeas corpus or other postconviction or post–commitment remedy ~~or attack the conditions of confinement~~ on behalf of the person before any court, if the state public defender determines the case should be pursued. The state public defender must pursue the case of any indigent person entitled to counsel under s. 971.17 (7) (b) 1. or 980.03 (2) (a).

SECTION 7266. 977.05 (6) (title) of the statutes is amended to read:

977.05 **(6)** (title) ~~RESTRICTION~~ RESTRICTIONS.

SECTION 7267. 977.05 (6) of the statutes is renumbered 977.05 (6) (a) and amended to read:

977.05 **(6)** (a) The state public defender ~~shall~~ may not provide legal services or assign counsel for cases involving a person subject to contempt of court proceedings

involving the alleged failure of the person to pay a forfeiture to a county or municipality.

SECTION 7268. 977.05 (6) (b) of the statutes is created to read:

977.05 **(6)** (b) The state public defender may not provide legal services or assign counsel for a person subject to contempt of court proceedings under s. 767.30 or 767.305 for failure to pay child or family support, if any of the following applies:

1. The action is not brought by the state, its delegate under s. 59.458 (1) or an attorney appointed under s. 767.045 (1) (c).

2. The judge or family court commissioner before whom the proceedings shall be held certifies to the state public defender that the person will not be incarcerated if he or she is found in contempt of court.

SECTION 7268b. 977.05 (6) (c) of the statutes is created to read:

977.05 **(6)** (c) The state public defender may not provide legal services or assign counsel for any of the following persons:

1. An adult who has not yet been charged with a crime.

2. A child who is not yet subject to a proceeding under ch. 48 for which counsel is required under s. 48.23 or for which counsel may be appointed under s. 48.23.

SECTION 7268k. 977.05 (6) (e) of the statutes is created to read:

977.05 **(6)** (e) The state public defender may not provide legal services or assign counsel for a person who files a motion to modify sentence under s. 973.19 (1) (a), or for a person who appeals, under s. 973.19 (4), the denial of a motion to modify sentence filed under s. 973.19 (1) (a), unless the person does one of the following:

1. Files the notice of intent to pursue postconviction relief within the time limit specified in s. 809.30 (2) (b).

2. Files the motion to modify sentence under s. 973.19 (1) (a) within 20 days after the sentence or order is entered.

SECTION 7268p. 977.05 (6) (f) of the statutes is created to read:

977.05 **(6)** (f) The state public defender may not provide legal services or assign counsel in cases involving an appeal or postconviction motion under s. 809.30 (2) if the notice of intent to pursue postconviction relief is not filed within the time limit specified in s. 809.30 (2) (b).

SECTION 7268s. 977.05 (6) (g) of the statutes is created to read:

977.05 **(6)** (g) The state public defender may not provide legal services or assign counsel in cases involving modification of the conditions of probation under s. 973.09 (3) unless all of the following apply:

1. The probationer is contesting the modification of the conditions of probation.

2. The state or the court seeks to modify the conditions of probation to include a period of confinement under s. 973.09 (4).

SECTION 7268w. 977.05 (6) (h) of the statutes is created to read:

977.05 **(6)** (h) The state public defender may not provide legal services or assign counsel in parole revocation proceedings unless all of the following apply:

1. The parolee is contesting the revocation of parole.

2. The department of corrections seeks to have the parolee imprisoned upon the revocation of parole.

SECTION 7268y. 977.05 (6) (i) of the statutes is created to read:

977.05 **(6)** (i) The state public defender may not provide legal services or assign counsel in probation revocation proceedings unless all of the following apply:

1. The probationer is contesting the revocation of probation.

2. The department of corrections seeks to have the probationer imprisoned upon the revocation of probation or a stayed sentence of imprisonment will be imposed on the probationer upon the revocation of probation.

SECTION 7269. 977.06 of the statutes is created to read:

977.06 Indigency determinations; redeterminations; verification; collection. (1) DUTIES. The state public defender shall determine whether persons are indigent and shall establish a system to do all of the following:

(a) Verify the information regarding assets, income and expenses and income specified under s. 977.07 (2).

(b) Redetermine indigency during the course of representation of persons receiving representation.

(c) Record the amount of time spent on each case by the attorney appointed under s. 977.08.

(d) Collect for the cost of representation from persons who are indigent in part or who have been otherwise determined to be able to reimburse the state public defender for the cost of providing counsel.

SECTION 7270. 977.06 (2) (title) of the statutes is created to read:

977.06 **(2)** (title) VERIFICATIONS.

SECTION 7271. 977.06 (3) (title) of the statutes is created to read:

977.06 **(3)** (title) REDETERMINATIONS.

SECTION 7272. 977.06 (4) (title) of the statutes is created to read:

977.06 **(4)** (title) OVERSIGHT.

SECTION 7273. 977.07 (2) (a) of the statutes is renumbered 977.07 (2) and amended to read:

977.07 **(2)** The representative of the state public defender or the authority for indigency determinations specified under sub. (1) making a determination of indigency shall ascertain the assets of the person which exceed the amount needed for the payment of reasonable and necessary expenses incurred, or which must be incurred to support the person and the person's immediate family. The assets shall include disposable income, cash in hand, stocks and bonds, bank accounts and other property which can be converted to cash within a reasonable period of time and is not needed to hold a job, or to shelter, clothe and care for the person and the person's immediate family. Assets which cannot be converted to cash within a reasonable period of time, such as a person's home, car, household furnishings, clothing and other property which has been declared exempt from attachment or execution by law, shall be calculated to be assets equivalent in dollars to the amount of the loan which could be, in fact, raised by using these assets as collateral. Assets also include any money expended by the person to post bond to obtain release regarding the current alleged offense. If the person's assets, less reasonable and necessary living expenses, are not sufficient to cover the anticipated cost of effective representation when the length and complexity of the anticipated proceedings are taken fully into account, the person shall be determined to be indigent in full or in part. The determination of the ability of the person to contribute to the cost of legal services shall be based upon specific written standards relating to income, assets and the anticipated cost of representation. ~~If found to be indigent in full or in part, the person shall be promptly informed of the state's right to payment or recoupment under s. 48.275 (2), 757.66 or 973.06 (1) (e), and the possibility that the payment of attorney fees may be made a condition of probation, should the person be placed on probation. Furthermore, if found to be indigent in part, the person shall be promptly informed of the extent to~~

~~which he or she will be expected to pay for counsel, and whether the payment shall be in the form of a lump sum payment or periodic payments. The person shall be informed that the payment amount may be adjusted if his or her financial circumstances change by the time of sentencing. The payment and payment schedule shall be set forth in writing. Payments for services of the state public defender or other counsel provided under this chapter made pursuant to this subsection shall be paid to the state public defender for deposit in the state treasury and credited to the appropriation under s. 20.550 (1) (ja).~~ Under this subsection, reasonable and necessary living expenses equal the applicable payment amount under s. 49.19 (11) (a) 1. plus other specified, emergency or essential costs. The representative or authority making the determination of indigency shall consider any assets of the spouse of the person claiming to be indigent as if they were assets of the person, unless the spouse was the victim of a crime allegedly committed by the person.

SECTION 7274. 977.07 (2) (b) of the statutes is renumbered 977.06 (3) and amended to read:

977.06 **(3)** Unless the court has made an adjustment under s. 973.06 (1) (e), upon determination at the conclusion of a case that a person's financial circumstances are changed, the state public defender ~~may~~ shall adjust the amount of payment for counsel under ~~par. (a)~~ s. 977.07 (2) in accordance with ~~par. (a) and sub.~~ s. 977.07 (1) (a) and (2).

SECTION 7275. 977.07 (2) (c) of the statutes is renumbered 977.06 (2) (a) and 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 child who is entitled to be represented by counsel under s.

48.23, 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 ~~par. (a)~~ s. 977.07 (2) at its fair market value at the time it was disposed of, minus the amount of compensation received for the asset.

SECTION 7276. 977.07 (2) (d) of the statutes is renumbered 977.06 (2) (b).

SECTION 7276m. 977.07 (2m) of the statutes is created to read:

977.07 **(2m)** If the person is found to be indigent in full or in part, the person shall be promptly informed of the state's right to payment or recoupment under s. 48.275 (2), 757.66 or 973.06 (1) (e), and the possibility that the payment of attorney fees may be made a condition of probation, should the person be placed on probation. Furthermore, if found to be indigent in part, the person shall be promptly informed of the extent to which he or she will be expected to pay for counsel, and whether the payment shall be in the form of a lump sum payment or periodic payments. The person shall be informed that the payment amount may be adjusted if his or her financial circumstances change by the time of sentencing. The payment and payment schedule shall be set forth in writing. This paragraph does not apply to persons who have paid under s. 977.075.

SECTION 7277. 977.07 (3) of the statutes is renumbered 977.06 (4) (a).

SECTION 7278. 977.07 (3m) (a) (intro.) of the statutes is renumbered 977.06 (4) (b) (intro.) and amended to read:

977.06 **(4)** (b) (intro.) The state public defender shall promptly release a copy of any statement, affidavit or other information provided by a person regarding

financial eligibility under this ~~section~~ s. 977.07 only if the state public defender or a circuit court finds all of the following:

SECTION 7279. 977.07 (3m) (a) 1. of the statutes is renumbered 977.06 (4) (b) 1.

SECTION 7280. 977.07 (3m) (a) 2. of the statutes is renumbered 977.06 (4) (b) 2.

SECTION 7281. 977.07 (3m) (b) of the statutes is renumbered 977.06 (4) (c) and amended to read:

977.06 **(4)** (c) Paragraph ~~(a)~~ (b) does not limit the authority of the state public defender to release a copy of the statement, affidavit or other information under other circumstances.

SECTION 7281m. 977.075 of the statutes is created to read:

977.075 Prepayment for counsel. The state public defender shall establish by rule fixed amounts as flat payments for the cost of representation that persons found indigent in full or in part may elect to pay. The rule shall require all of the following:

(1) If a person elects to pay the applicable fixed amount, the person cannot be held liable for any additional payment for counsel.

(2) The person may pay the fixed amount only at the beginning of the representation.

SECTION 7281r. 977.077 of the statutes is created to read:

977.077 Deposit of payments received. Payments for services of the state public defender or other counsel provided under this chapter made pursuant to s. 977.07 or 977.075 shall be paid to the state public defender for deposit in the state treasury and credited to the appropriation under s. 20.550 (1) (L).

SECTION 7281t. 977.08 (2) (c) of the statutes is amended to read:

977.08 **(2)** (c) Cases involving persons charged with a misdemeanor that is punishable by imprisonment ~~but is not specified under par. (a)~~ and to which s. 939.615 (1) does not apply.

SECTION 7282. 977.08 (2) (f) of the statutes is repealed.

SECTION 7284. 977.08 (3) (f) of the statutes is amended to read:

977.08 **(3)** (f) Beginning on October 1, 1993, the state public defender ~~may~~ shall enter into as many annual contracts as possible with private local attorneys or law firms for the provision of legal representation ~~in cases involving the operation of a vehicle~~. Under any such contract, the state public defender shall assign cases without regard to pars. (c) and (d), shall set a fixed–fee total amount for all cases handled and shall pay ~~the~~ that amount ~~specified in the contract, which shall not exceed the amount~~, except that the state public defender may not pay an attorney more for a case than he or she would receive according to the rates under sub. (4m). The contract shall include a procedure authorizing the state public defender to make additional payments for a case or to reassign a case if the circumstances surrounding the case justify the additional payment or reassignment.

SECTION 7284m. 977.08 (3) (fm) of the statutes is created to read:

977.08 **(3)** (fm) Contracts entered into under par. (f) must terminate before January 1, 1998.

SECTION 7285. 977.08 (3) (g) of the statutes is created to read:

977.08 **(3)** (g) The state public defender may appoint an attorney without regard to pars. (c) and (d) based on the state public defender's evaluation of that attorney's performance if the state public defender board promulgates rules under s. 977.03 (3).

SECTION 7285g. 977.08 (4m) of the statutes is amended to read:

977.08 **(4m)** (a) Unless otherwise provided by a rule promulgated under s. 977.02 (7r), for cases assigned before December 1, 1992, private local attorneys shall be paid $45 per hour for time spent in court; $35 per hour for time spent out of court, excluding travel, related to a case; and $25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

(b) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after December 1, 1992, private local attorneys shall be paid $50 per hour for time spent in court; $40 per hour for time spent out of court, excluding travel, related to a case; and $25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

SECTION 7285m. 977.08 (4m) (c) of the statutes is created to read:

977.08 **(4m)** (c) Unless otherwise provided by a rule promulgated under s. 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after the effective date of this paragraph .... [revisor inserts date], private local attorneys shall be paid $40 per hour for time spent related to a case, excluding travel, and $25 per hour for time spent in travel related to a case if any portion of the trip is outside the county in which the attorney's principal office is located or if the trip requires traveling a distance of more than 30 miles, one way, from the attorney's principal office.

SECTION 7286. 977.08 (5) (b) (intro.) of the statutes is amended to read:

977.08 **(5)** (b) (intro.) ~~For the period before January 1, 1993, any~~ Any of the following constitutes an annual caseload standard for an assistant state public defender in the subunit responsible for trials:

SECTION 7287. 977.08 (5) (bd) of the statutes is repealed.

SECTION 7288. 977.08 (5) (bg) of the statutes is repealed.

SECTION 7289. 977.085 (1) (c) of the statutes is amended to read:

977.085 **(1)** (c) In ~~the last 3 quarterly reports for fiscal year 1993–94 and in~~ all of the quarterly reports for fiscal ~~year 1994–95~~ years 1995–96 and 1996–97, information regarding the status of contracting under s. 977.08 (3) (f) and in the first 2 quarterly reports for fiscal year 1997–98, including information showing the cost savings achieved through the contracting.

SECTION 7290m. 977.10 (title) of the statutes is repealed.

SECTION 7290p. 977.10 of the statutes is renumbered 977.085 (3) and amended to read:

977.085 **(3)** ~~On or before each January 15, the state public defender~~ The board shall ~~report~~ provide quarterly reports to the joint committee on finance on the status of reimbursement for or recoupment of payments under ss. 48.275, 757.66 ~~and~~, 977.06, 977.07 (2) and 977.075, 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 7290t. 978.045 (2) (a) of the statutes is amended to read:

978.045 **(2)** (a) The court shall fix the amount of compensation for any attorney appointed as a special prosecutor under sub. (1r) according to the rates specified in s. 977.08 (4m) (b).

SECTION 7291. 978.05 (4m) of the statutes is amended to read:

978.05 **(4m)** WELFARE FRAUD INVESTIGATIONS. Cooperate with the department of ~~health and social services~~ industry, labor and human relations regarding the fraud investigation program under s. 49.197 (1m).

SECTION 7292. 978.05 (6) (b) of the statutes is amended to read:

978.05 **(6)** (b) Enforce the provisions of all general orders of the department of ~~industry, labor and human relations~~ development relating to the sale, transportation and storage of explosives.

SECTION 7292m. 978.06 (6) of the statutes is amended to read:

978.06 **(6)** No district attorney, deputy district attorney or assistant district attorney may appear in a civil action or proceeding under s. ~~46.25~~ 49.143 (7), 59.07 (97), 767.075, 767.08 or 767.45 or ch. 769.

SECTION 7293. 978.07 (1) (a) of the statutes is amended to read:

978.07 **(1)** (a) Any district attorney record, after it has first been microfilmed or transferred to optical disk or electronic storage and preserved in accordance with s. 16.61.

SECTION 7293e. 978.12 (5) (c) 1. of the statutes is amended to read:

978.12 **(5)** (c) 1. The salaries authorized under this section for the district attorney and the state employes of the office of district attorney shall be paid by the ~~state treasurer~~ secretary of administration to the county treasurer pursuant to a voucher submitted by the district attorney to the department of administration. The

county treasurer shall pay the amounts directly to the district attorney and state employes of the office of district attorney and the amounts paid shall be subject to the retirement system established under chapter 201, laws of 1937.

SECTION 7293f. 978.13 (1) of the statutes is repealed.

SECTION 7293v. 978.13 (2) of the statutes is amended to read:

978.13 **(2)** ~~Except as provided in sub. (1), each~~ Each county in a district attorney's prosecutorial unit has financial responsibility for all costs related to the operation of the district attorney's office, other than the salaries of the district attorney and other state employes in the district attorney's office, the compensation of special prosecutors and the cost of benefits under the Wisconsin retirement system and the insurance benefit plans under ch. 40 for which the district attorney and other state employes in the district attorney's office are eligible. The nature and level of materials, supplies, equipment, services and facilities provided for the district attorney's office by the county shall be adequate and sufficient to fulfill the responsibilities of that office.

SECTION 7294. 990.01 (3) of the statutes is amended to read:

990.01 **(3)** ADULT. ~~An adult is~~ "Adult" means a person who has attained the age of 18 years, except that for purposes of prosecuting a person who is alleged to have violated any state or federal criminal law, "adult" means a person who has attained the age of 17 years.

SECTION 7295. 990.01 (20) of the statutes is amended to read:

990.01 **(20)** MINOR. ~~A minor is~~ "Minor" means a person who has not attained the age of 18 years, except that for purposes of prosecuting a person who is alleged to have violated a state or federal criminal law, "minor" does not include a person who has attained the age of 17 years.

SECTION 7299. 1993 Wisconsin Act 16, section 9126 (15v) is renumbered 49.45 (6s) of the statutes and amended to read:

49.45 **(6s)** SUPPLEMENTAL PAYMENTS TO COUNTY HOMES. Notwithstanding ~~section 49.45~~ sub. (6m) ~~of the statutes, as affected by this act~~, the department ~~of health and social services~~ shall, from the appropriation under ~~section~~ s. 20.435 (1) (o) ~~of the statutes~~, distribute not more than $20,000,000 in fiscal year ~~1993–94~~ 1995–96 and not more than $20,000,000 in fiscal year ~~1994–95~~ 1996–97, to provide supplemental payments for care to recipients of medical assistance provided in county homes established under ~~section~~ s. 49.14 (1) ~~of the statutes~~, except that the department shall also distribute for this same purpose from the appropriation under s. 20.435 (1) (o) any additional federal medical assistance funds that were not anticipated before enactment of the biennial budget act or other legislation affecting s. 20.435 (1) (o), were not used to fund nursing home rate increases under sub. (6m) (ag) 8. and are matched by county funds under sub. (6u) (b) 2. and certified under sub. (6u) (b) 2m. The total amount certified under sub. (6u) (b) 2m. and under this subsection may not exceed 100% of otherwise–unreimbursed care.

SECTION 7299m. 1993 Wisconsin Act 16, section 9145 (1t) (a) is renumbered 119.55 (1) (a) of the statutes and amended to read:

119.55 **(1)** (a) ~~Notwithstanding section 118.16 (4) (c) of the statutes, as created by this act, the~~ The board ~~of school directors of the Milwaukee public schools~~ shall establish one or more youth service centers for the counseling of children who are taken into custody under ~~section~~ s. 48.19 (1) (d) 9. or 10 ~~of the statutes, as created by this act,~~. for being absent from school without an acceptable excuse under ~~section~~ s. 118.15 ~~of the statutes, as affected by this act~~. The board shall contract with the boys and girls clubs of Greater Milwaukee for the operation of the centers.

SECTION 7300. 1993 Wisconsin Act 16, section 9145 (1t) (b) 2. (intro.) and (c) are amended to read:

[1993 Wisconsin Act 16] Section 9145 (1t) (b) 2. (intro.) From the appropriation under section 20.255 (2) (ed) of the statutes, as created by this act, the state superintendent of public instruction shall provide to the city of Milwaukee $193,000 in the ~~1993–94 fiscal year and $193,000 in the 1994–95~~ 1995–96 fiscal year to pay the costs of salaries and fringe benefits for not more than 4 law enforcement officers, subject to the following restrictions:

(c) This subsection does not apply after June 30, ~~1995~~ 1996.

SECTION 9101. Nonstatutory provisions; administration.

(1) TRANSFER OF NATIONAL AND COMMUNITY SERVICE BOARD.

(a) *Assets and liabilities*. On the effective date of this subsection, the assets and liabilities of the department of administration primarily related to the functions of the national and community service board, as determined by the secretary of administration, shall become the assets and liabilities of the department of industry, labor and human relations.

(b) *Positions and employes*.

1. On the effective date of this subdivision, all full–time equivalent positions in the department of administration having duties primarily related to the functions of the national and community service board, as determined by the secretary of administration, are transferred to the department of industry, labor and human relations.

2. All incumbent employes holding positions specified in subdivision 1. are transferred on the effective date of this subdivision to the department of industry, labor and human relations.

3. Employes transferred under subdivision 2. have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of industry, labor and human relations that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(c) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration that is primarily related to the functions of the national and community service board, as determined by the secretary of administration, is transferred to the department of industry, labor and human relations.

(d) *Contracts.* All contracts entered into by the department of administration in effect on the effective date of this paragraph that are primarily related to the functions of the national and community service board, as determined by the secretary of administration, remain in effect and are transferred to the department of industry, labor and human relations. The department of industry, labor and human relations shall carry out any such contractual obligations until modified or rescinded by the department of industry, labor and human relations to the extent allowed under the contracts.

(2) INITIAL STATE VENDOR CHARGES AND FEES. In prescribing initial charges and fees under sections 16.701, 16.702 (1) and 16.855 (22) of the statutes, as created by this act, for the 1995–97 fiscal biennium the department of administration shall attempt to ensure gross revenue to the state of $5,000,000 per fiscal year.

(3) DOCUMENT SALES AND MAIL DISTRIBUTION. On the effective date of this subsection, all assets acquired and liabilities incurred under the appropriation

under section 20.505 (1) (ka), 1993 stats., that are attributable to state document sales or mail distribution, as determined by the secretary of administration, are transferred to the appropriation account under section 20.505 (1) (kd) of the statutes, as affected by this act.

(4) PUBLIC RECORDS AND FORMS. On the effective date of this subsection, all assets acquired and liabilities incurred under the appropriation under section 20.505 (1) (kg), 1993 stats., are transferred to the appropriation account under section 20.505 (1) (kd) of the statutes, as affected by this act.

(5) PROSECUTION OF DRUG CRIMES, MILWAUKEE COUNTY. From federal and program revenue moneys appropriated to the department of administration for the office of justice assistance under section 20.505 (6) (g) of the statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend $204,300 in fiscal year 1995–96 and $220,600 in fiscal year 1996–97 to provide the multi–jurisdictional enforcement group serving Milwaukee County with funding for 3 assistant district attorneys to prosecute criminal violations of chapter 161 of the statutes, as affected by this act. The funding is not subject to the grant procedure under section 16.964 (2m) of the statutes.

(6) PROSECUTION OF DRUG CRIMES, DANE COUNTY. From federal and program revenue moneys appropriated to the department of administration for the office of justice assistance under section 20.505 (6) (g) of the statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes, the department shall expend $70,900 in fiscal year 1995–96 and $77,100 in fiscal year 1996–97 to provide the multi–jurisdictional enforcement group serving Dane County with funding for one assistant district attorney to prosecute criminal violations of chapter 161 of the

statutes, as affected by this act. The funding is not subject to the grant procedure under section 16.964 (2m) of the statutes.

(8) PUBLIC RECORDS AND FORMS BOARD. Notwithstanding section 15.105 (4) of the statutes, as affected by this act, the member serving on the public records and forms board as a representative of a newspaper published in this state and the member serving on the public records and forms board as a representative of the permit information center may continue to serve as members of the public records board, as affected by this act, until a representative of a local unit of government, as defined in section 16.20 (1) (e) of the statutes, as affected by this act, and another member are appointed and qualify.

(9) KICKAPOO VALLEY RESERVE ADMINISTRATION TRANSFER.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the department of administration primarily related to administration of the Kickapoo valley reserve, as determined by the department of administration, shall become the assets and liabilities of the department of tourism, as created by this act.

(b) *Positions and employes.*

1. On the effective date of this subdivision, the authorized FTE positions for the department of administration are decreased by 2.0 SEG positions having responsibility for administration of the Kickapoo valley reserve. On the effective date of this subdivision, any incumbent in a position identified in this subdivision shall, upon his or her request, be transferred to the department of tourism, as created by this act.

2. On the effective date of this subdivision, the authorized FTE positions for the department of tourism, as created by this act, are increased by 2.0 SEG positions.

The secretary of tourism shall initially appoint any incumbents who request to be transferred under subdivision 1. to the positions authorized in this subdivision which correspond to the positions held by the incumbents on the day prior to the effective date of this subdivision.

(c) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration primarily related to administration of the Kickapoo valley reserve, as determined by the secretary of administration, is transferred to the department of tourism, as created by this act.

(d) *Contracts.* All contracts entered into by the department of administration in effect on the effective date of this paragraph that are primarily related to the administration of the Kickapoo valley reserve, as determined by the secretary of administration, remain in effect and are transferred to the department of tourism, as created by this act. The department of tourism shall carry out any such contractual obligations unless modified or rescinded by the department of tourism to the extent allowed under the contracts.

(14) SENTENCING COMMISSION.

(a) *Rules and guidelines.* On the effective date of this paragraph, all rules and guidelines promulgated by the sentencing commission are void.

(b) *Contracts.* All contracts entered into by the sentencing commission in effect on the effective date of this paragraph remain in effect and are transferred to the department of administration. The department of administration shall carry out any such contractual obligations until modified or rescinded by the department of administration to the extent allowed under the contract.

(15) PRIVACY COUNCIL AND PRIVACY ADVOCATE.

(a) *Contracts.* All contracts entered into by the privacy council or the privacy advocate in effect on the effective date of this paragraph remain in effect and are transferred to the department of administration. The department of administration shall carry out any such contractual obligations until modified or rescinded by the department of administration to the extent allowed under the contract.

(b) *Pending matters.* Any matter pending with either the privacy council or the privacy advocate on the effective date of this paragraph is transferred to the department of administration and all materials submitted to or actions taken by the privacy council or the privacy advocate with respect to the pending matter are considered as having been submitted to or taken by the department of administration.

(16) RECYCLING MARKET DEVELOPMENT BOARD.

(a) On the effective date of this paragraph, the assets and liabilities of the department of administration primarily related to the functions of the recycling market development board, as determined by the secretary of administration, shall become the assets and liabilities of the board of regents of the University of Wisconsin System.

(b) On the effective date of this paragraph, the tangible personal property, including records, of the department of administration primarily used by the recycling market development board, as determined by the secretary of administration, is transferred to the board of regents of the University of Wisconsin System.

(c) All contracts entered into by the department of administration in effect on the effective date of this paragraph that are related primarily to the functions of the recycling market development board, as determined by the secretary of

administration, remain in effect and are transferred to the board of regents of the University of Wisconsin System. The board of regents of the University of Wisconsin System shall carry out any obligations under those contracts unless modified or rescinded by the board of regents of the University of Wisconsin System to the extent allowed under the contract.

(eg) Notwithstanding section 15.105 (20) (c) 3. of the statutes, as affected by this act, all of the persons who are, immediately before the effective date of this paragraph, members of the recycling market development board representing responsible units shall continue to serve on the board until their terms expire.

(em) The recycling market development board shall submit the initial strategic plan required under section 159.41 of the statutes, as created by this act, to the appropriate standing committees of the legislature, as determined by the presiding officer of each house, in the manner provided in section 13.172 (3) of the statutes, by November 1, 1995, or the 90th day after the effective date of this paragraph, whichever is later.

(17) CLEAN WATER FUND ADMINISTRATION EMERGENCY RULES. Using the procedure under section 227.24 of the statutes, the department of administration may promulgate rules for the clean water fund program under sections 144.241 and 144.2415 of the statutes, as affected by this act, for the period before permanent rules take effect, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(18t) PUBLIC DEFENDER INFORMATION SYSTEM REPORT. Prior to submitting a request to the governor under section 16.505 (2) (a) of the statutes or taking action

under section 16.515 (1) of the statutes to authorize full–time equivalent positions or to provide funding for the purpose of establishing an information system for the office of the state public defender, the secretary of administration shall submit a report to the cochairpersons of the joint committee on finance concerning:

(a) An implementation plan and associated costs for the proposed system.

(b) The costs of long–term support for the proposed system, including maintenance and training associated with the proposed system.

(c) The planned integration of the proposed system with other judicial and justice information systems.

(19) PAYMENT TO THE DIRECTOR OF STATE COURTS. From the appropriations under section 20.505 (6) (g) of the statutes, as affected by this act, and section 20.505 (6) (pb) of the statutes, the department of administration shall pay $154,600 in fiscal year 1995–96 and $160,000 in fiscal year 1996–97 to the director of state courts to reimburse Milwaukee County for costs incurred in operating one circuit court branch in the 1st judicial administrative district that primarily handles drug–related cases.

(20g) TRANSFER OF DIVISION OF TRUST LANDS AND INVESTMENTS.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the department of administration relating to the division of trust lands and investments shall become the assets and liabilities of the office of the state treasurer.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration relating to the division of trust lands and investments are transferred to the office of the state treasurer.

(c) *Contracts.* All contracts entered into by the department of administration relating to the division of trust lands and investments, which are in effect on the effective date of this paragraph, remain in effect and are transferred to the office of the state treasurer. The office of the state treasurer shall carry out any such contractual obligations until modified or rescinded by the office of the state treasurer to the extent allowed under the contract.

(d) *Employe transfers and status.* On the effective date of this paragraph, all incumbent employes holding positions in the department of administration relating to the division of trust lands and investments, as determined by the secretary of administration, are transferred to the office of the state treasurer. Employes transferred under this paragraph have all rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes that they enjoyed in the department of administration. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class may be required to serve a probationary period.

(e) *Pending matters.* Any matter pending with the department of administration relating to the division of trust lands and investments on the effective date of this paragraph, is transferred to the office of the state treasurer and all materials submitted to or actions taken by the department of administration with respect to the pending matter are considered as having been submitted to or taken by the office of the state treasurer.

(f) *Rules and orders.* All rules promulgated by the department of administration relating to the division of trust lands and investments that are in effect on the effective date of this paragraph, remain in effect until their specified expiration dates or until amended or repealed by the office of the state treasurer. All

orders issued by the department of administration relating to the division of trust lands and investments that are in effect on the effective date of this paragraph, remain in effect until their specified expiration dates or until amended or repealed by the office of the state treasurer.

(20m) ESTABLISHMENT OF PRINT–TO–MAIL CENTER. The department of administration shall submit to the cochairpersons of the joint committee on finance a report containing a plan for establishment of a print–to–mail center, at least 6 months prior to establishment of such a center. The plan shall include descriptions of the funding and position modifications required to establish such a center and the impact of the proposed center on individual state agencies, and shall provide information concerning protection of privacy and access to public records in relation to operation of the center.

(20t) PLAN FOR CENTRALIZED STATE CHECK PROCESSING. No later than January 1, 1996, the department of administration shall submit a plan to the cochairpersons of the joint committee on finance for creation and operation of a centralized center for the processing of checks issued by the state.

(21g) INFORMATION TECHNOLOGY INFRASTRUCTURE STANDARDS IMPLEMENTATION PLAN. The department of administration shall, pursuant to section 16.971 (2) (j) of the statutes, prescribe basic infrastructure standards for information technology systems development by the department and other executive branch agencies as defined in section 16.97 (5m) of the statutes, as created by this act. No later than January 1, 1996, the department shall submit to the cochairpersons of the joint committee on information policy a plan for implementation of the standards. The plan shall include a schedule for implementation of the standards, and an analysis

of funding requirements for direct and related costs of implementation, including software conversion, technical support and staff training.

(21h) STANDARDIZED INFORMATION TECHNOLOGY PROJECT COSTING METHODOLOGY.

(a) In this subsection "information technology" has the meaning given in section 16.97 (6) of the statutes.

(b) No later than January 1, 1996, the department of administration shall develop and submit to the cochairpersons of the joint committee on finance and the cochairpersons of the joint committee on information technology a standardized methodology for evaluating and measuring the cost of any information technology project and the cost savings to be realized by the state as a result of implementation of the project.

(21ho) PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES. No later than January 1, 1996, the department of administration shall submit to the cochairpersons of the joint committee on information policy proposed legislation that:

(a) Provides for speedier and more flexible competitive procedures for state procurement of information technology equipment, systems and services.

(b) Establishes terms and conditions under which an agency that is required to procure computer services from the division of information technology services under section 16.78 (1) of the statutes may instead procure services from a private vendor.

(c) Limits the application of services provided under section 16.76 (4) of the statutes to telecommunications services.

(21i) INITIAL INFORMATION TECHNOLOGY DEVELOPMENT PROJECTS.

(a) In accordance with section 16.515 (1) of the statutes, the secretary of administration shall provide a single notification to the cochairpersons of the joint committee on finance of all information technology development projects for which the department of administration proposes to award grants under section 16.971 (5) of the statutes, as created by this act, in the 1995–96 fiscal year. The notification shall include a detailed description of each project proposed to be funded, the total cost of the project, the anticipated annual commitment from the information technology investment fund required to complete the project and the project completion date.

(b) In approving grants under section 16.971 (5) of the statutes, as created by this act, for the 1995–96 fiscal year, the department of administration shall accord priority consideration to the following projects:

1. Department of administration: state information technology operations.

2. Department of agriculture, trade and consumer protection: consumer information.

3. Department of corrections: distance education.

4. Department of corrections: integrated learning.

5. Department of corrections: records imaging.

6. Department of corrections: scheduling software.

7. Department of development: interactive voice response.

8. Department of development: Wisconsin travel information center automation.

9. Department of health and social services: information technology services.

10. Department of justice: updating of departmental networks.

11. Department of natural resources: all–terrain vehicle–boat–snowmobile registration.

12. Department of natural resources: campground telephone reservation.

13. Department of natural resources: outdoor skills initiative.

14. Department of public instruction: voice response–facsimile transmission return.

15. Department of revenue: Milwaukee refund inquiry.

16. Board of regents of the University of Wisconsin System: distance education.

(22g) EDUCATIONAL TECHNOLOGY BOARD. Notwithstanding the length of term specified in section 15.105 (26) (a) (intro.) of the statutes, as created by this act, the initial terms of the members appointed under section 15.105 (26) (a) 1. and 9. of the statutes, as created by this act, expire on May 1, 1996; the initial terms of the members appointed under section 15.105 (26) (a) 2. and 5. of the statutes, as created by this act, expire on May 1, 1997; the initial terms of the members appointed under section 15.105 (26) (a) 3. and 6. of the statutes, as created by this act, expire on May 1, 1998; and the initial terms of the members appointed under section 15.105 (26) (a) 7. and 8. of the statutes, as created by this act, expire on May 1, 1999.

SECTION 9102. Nonstatutory provisions; adolescent pregnancy prevention and pregnancy services board.

(1z) EDUCATION NOW AND BABIES LATER CURRICULUM DEVELOPMENT. Of the amounts appropriated under section 20.434 (1) (a) of the statutes, as affected by this act, the adolescent pregnancy prevention and pregnancy services board shall expend not more than $10,000 in fiscal year 1996–97 to develop, or purchase, and provide the education now and babies later curriculum.

SECTION 9104. Nonstatutory provisions; agriculture, trade and consumer protection.

(2g) FARMLAND PRESERVATION REPORT. The department of agriculture, trade and consumer protection shall examine alternative methods for administering a farmland preservation tax credit payback requirement for persons who withdraw from the farmland preservation program and shall submit the results of its findings to the legislature, in the manner provided under section 13.172 (2) of the statutes, and to the governor no later than January 1, 1996. The report shall include, at a minimum, all of the following:

(a) A cost–benefit analysis of a system under which the amount of the payback is based on an amount per acre scale that considers the length of time that the landowner has participated in the program and the total amount of tax credits received on the land removed from the program.

(b) An estimate of the impact on collections of a provision that requires the payback to be made in full before final approval by the local unit of government of a request to rezone farmland from exclusive agricultural use.

(3) PLAT REVIEW TRANSFER.

(a) On the effective date of this paragraph, the assets and liabilities of the department of agriculture, trade and consumer protection primarily related to plat review, as determined by the secretary of administration, shall become the assets and liabilities of the department of development.

(b) On the effective date of this paragraph, the employes of the department of agriculture, trade and consumer protection primarily performing duties related to plat review, as determined by the secretary of administration, are transferred to the department of development.

(c) Employes transferred under paragraph (b) to the department of development have all of the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of development that they enjoyed in the department of agriculture, trade and consumer protection immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, all tangible personal property, including records, of the department of agriculture, trade and consumer protection that is primarily related to plat review, as determined by the secretary of administration, is transferred to the department of development.

(e) All contracts entered into by the department of agriculture, trade and consumer protection in effect on the effective date of this paragraph that are primarily related to plat review, as determined by the secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any obligations under those contracts unless modified or rescinded by the department of development to the extent allowed under the contract.

(f) All rules promulgated by the department of agriculture, trade and consumer protection relating to plat review that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of development. All orders issued by the department of agriculture, trade and consumer protection relating to plat review that are in effect on the effective date of this paragraph remain in effect until their

specified expiration date or until rescinded or modified by the department of development.

(g) Any matter pending with the department of agriculture, trade and consumer protection on the effective date of this paragraph relating to plat review is transferred to the department of development and all materials submitted to or actions taken by the department of agriculture, trade and consumer protection with respect to the pending matter are considered to have been submitted to or taken by the department of development.

(5) EFFICIENCY MEASURES. By September 1, 1995, the department of agriculture, trade and consumer protection shall submit a report to the joint committee on finance recommending how savings in fiscal year 1996–97 of $513,100 resulting from budgetary efficiency measures should be allocated among the department's general purpose revenue appropriations. The report shall identify the programs, positions and expenditure categories to be eliminated or reduced. If the cochairpersons of the joint committee on finance do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the report within 14 working days after the date that the department submits the report, the department's recommendations shall be implemented. If, within 14 working days after the date that the department submits the report, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the report, the department's recommendations may be implemented only upon approval of the committee.

(5g) RULES ON FEES FOR LABORATORY CERTIFICATION. The department of agriculture, trade and consumer protection shall submit proposed rules required

under section 93.12 (7) of the statutes, as affected by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than March 1, 1996.

(5q) BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION. Notwithstanding the requirement under section 15.13 of the statutes, as affected by this act, that the board of agriculture, trade and consumer protection consist of 5 members with an agricultural background and 2 members who are consumer representatives, beginning on July 1, 1996, the board shall continue to consist of 6 members with an agricultural background and one consumer representative until such time as a vacancy occurs among the members with an agricultural background. At the time that such a vacancy occurs, a consumer representative shall be appointed for a 6–year term to fill the vacancy or, if the vacancy has occurred because a member has resigned, a consumer representative shall be appointed to fill the unexpired term. Thereafter, the board of agriculture, trade and consumer protection shall consist of 5 members with an agricultural background and 2 members who are consumer representatives.

SECTION 9105. Nonstatutory provisions; arts board.

(1) TRANSFER OF ARTS BOARD TO DEPARTMENT OF TOURISM.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration that are primarily related to the functions of the arts board, as determined by the secretary of administration, shall become the assets and liabilities of the department of tourism, as created by this act.

(b) *Employe transfers.* All incumbent employes holding positions in the department of administration performing duties that are primarily related to the functions of the arts board, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of tourism.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of tourism that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration that is primarily related to the functions of the arts board, as determined by the secretary of administration, is transferred to the department of tourism.

(e) *Contracts.* All contracts entered into by the department of administration in effect on the effective date of this paragraph that are primarily related to the functions of the arts board, as determined by the secretary of administration, remain in effect and are transferred to the department of tourism. The department of tourism shall carry out any such contractual obligations unless modified or rescinded by the department of tourism to the extent allowed under the contract.

(2) EFFICIENCY MEASURES. By September 1, 1995, the arts board shall submit a report to the joint committee on finance recommending how savings in fiscal year 1995–96 of $141,700 and in fiscal year 1996–97 of $283,400 resulting from budgetary efficiency measures should be allocated among the board's general purpose revenue appropriations. The report shall include a specific plan for implementing the allocations that identifies the programs, positions and expenditure categories to be reduced or eliminated. If the cochairpersons of the committee do not notify the arts board that the committee has scheduled a meeting for the purpose of reviewing the report within 14 working days after the date of the submittal, the recommendation

may be implemented as proposed by the arts board. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the arts board that the committee has scheduled a meeting for the purpose of reviewing the report, the recommendation may be implemented only upon approval of the committee.

(3g) FUNDING REPORT; ELIMINATION OF ARTS BOARD.

(a) *Report to joint committee on finance.* By September 1, 1996, the arts board shall submit a funding report to the cochairpersons of the joint committee on finance specifying how the arts board will identify and secure revenue sources for the purpose of funding the operations of the arts board, including grant programs. The joint committee on finance, following its review, shall approve or disapprove the funding report. If the funding report is not approved by the joint committee on finance by May 1, 1997, all of the following shall occur:

1. The cochairpersons of the joint committee on finance shall send a notice of disapproval to the revisor of statutes for publication in the Wisconsin administrative register.

2. The arts board and all of its functions shall be eliminated, effective July 1, 1997, except for the transfer of the fine arts in state buildings program to the department of administration under paragraph (b).

(b) *Transfer of fine arts in state buildings program.*

1. 'Assets and liabilities.' On the effective date of this subdivision, the assets and liabilities of the department of tourism, as created by this act, that are primarily related to the fine arts in state buildings program of the arts board, as determined by the secretary of administration, shall become the assets and liabilities of the department of administration.

2. 'Positions and employes.'

a. On the effective date of this subdivision 2. a., all full–time equivalent positions in the department of tourism, as created by this act, having duties primarily related to the fine arts in state buildings program, as determined by the secretary of administration, are transferred to the department of administration.

b. All incumbent employes holding positions specified in subdivision 2. a. are transferred on the effective date of this subdivision 2. b. to the department of administration.

c. Employes transferred under subdivision 2. b. have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of tourism immediately before the transfer. Notwithstanding section 230.28 (4) of the statues, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

3. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the department of tourism that is primarily related to the fine arts in state buildings program of the arts board, as determined by the secretary of administration, is transferred to the department of administration.

4. 'Contracts.' All contracts entered into by the department of tourism in effect on the effective date of this subdivision that are primarily related to the fine arts in state buildings program of the arts board, as determined by the secretary of administration, remain in effect and are transferred to the department of administration. The department of administration shall carry out any such contractual obligations unless modified or rescinded by the department of administration to the extent allowed under the contract.

5. 'Application.' This paragraph applies if the joint committee on finance does not approve the funding report of the arts board under paragraph (a).

SECTION 9106. Nonstatutory provisions; banking.

(1) TRANSFER OF FUNCTIONS TO DIVISION OF BANKING.

(a) On the effective date of this paragraph, the assets and liabilities of the office of the commissioner of banking shall become the assets and liabilities of the division of banking.

(b) On the effective date of this paragraph, 74.0 FTE PR positions in the office of the commissioner of banking and the incumbent employes holding those positions are transferred to the division of banking.

(c) Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the division of banking that they enjoyed in the office of the commissioner of banking immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, 14.5 FTE PR positions in the office of the commissioner of banking are deauthorized.

(e) On the effective date of this paragraph, all tangible personal property, including records, of the office of the commissioner of banking is transferred to the division of banking.

(f) All contracts entered into by the office of the commissioner of banking in effect on the effective date of this paragraph remain in effect and are transferred to the division of banking. The division of banking shall carry out any such contractual

obligations until modified or rescinded by the division of banking to the extent allowed under the contract.

(g) All rules promulgated by the office of the commissioner of banking that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the division of banking. All orders issued by the office of the commissioner of banking that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the administrator of the division of banking.

(h) All matters pending with the office of the commissioner of banking on the effective date of this paragraph are transferred to the division of banking and all materials submitted to or actions taken by the office of the commissioner of banking with respect to the pending matter are considered as having been submitted to or taken by the division of banking.

SECTION 9108. Nonstatutory provisions; building commission.

(1) 1995–97 AUTHORIZED STATE BUILDING PROGRAM. For the fiscal years beginning on July 1, 1995, and ending on June 30, 1997, the authorized state building program is as follows:

(a) DEPARTMENT OF ADMINISTRATION

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

Chiller conversion — Madison	$ 2,500,000
Eau Claire office building addition	6,300,000
Hangar construction and acquisition — Madison	927,000

Records center and office facility — Madison	5,000,000
2. *Agency totals:*	
Program revenue supported borrowing	14,727,000
Total — All sources of funds	$ 14,727,000

(b) DEPARTMENT OF CORRECTIONS

1. *Projects financed by general fund supported borrowing:*	
Green Bay Correctional Institution — master plan implementation	$ 10,225,000
Oakhill Correctional Institution — master plan implementation	7,750,000
Winnebago Mental Health Institute — Kempster Hall remodeling	5,800,000
Prison expansion project	25,000,000
(Total project all funding sources $75,000,000)	
800 Megahertz radio systems	1,400,000
Correctional centers housing unit	3,400,000
2. *Projects financed by program revenue supported borrowing:*	
Racine Correctional Institution — industries laundry	3,910,000
Industries building	1,500,000
3. *Projects financed by federal funds:*	
Prison expansion project	50,000,000

	(Total project all funding sources $75,000,000)	
4.	*Agency totals:*	
	General fund supported borrowing	53,575,000
	Program revenue supported borrowing	5,410,000
	Federal funds	50,000,000
	Total — All sources of funds	$108,985,000
(c)	EDUCATIONAL COMMUNICATIONS BOARD	
1.	*Projects financed by general fund supported borrowing:*	
	Satellite uplink conversion	$ 200,000
	(Total project all funding sources $353,800)	
2.	*Projects financed by moneys appropriated to the agency from any revenue source:*	
	Satellite uplink conversion	153,800
	(Total project all funding sources $353,800)	
3.	*Projects financed by federal funds:*	
	Replacement of network broadcast facilities	800,000
4.	*Agency totals:*	
	General fund supported borrowing	200,000
	Moneys appropriated to the agency from any revenue source	153,800
	Federal funds	800,000
	Total — All sources of funds	$ 1,153,800

(d) DEPARTMENT OF HEALTH AND SOCIAL SERVICES	
1. *Projects financed by general fund supported borrowing:*	
Juvenile assessment and evaluation center	$ 9,300,000
Lincoln Hills School — security cottage	3,320,000
Wisconsin Resource Center expansion	12,100,000
Southern Wisconsin Center for the Developmentally Disabled — female youth center expansion — 75 beds	3,783,300
Secured Wisconsin juvenile school	10,000,000
Central Wisconsin Center for the Developmentally Disabled — laundry facility	684,000
2. *Agency totals:*	
General fund supported borrowing	38,503,300
Total — All sources of funds	$ 38,503,300
(e) STATE HISTORICAL SOCIETY	
1. *Projects financed by general fund supported borrowing:*	
Collection storage building — Madison	$ 400,000
2. *Projects financed by program revenue supported borrowing:*	
Old Wade House sawmill and dam reconstruction	2,016,600
3. *Agency Totals:*	
General fund supported borrowing	400,000

Program revenue supported borrowing	2,016,600
Total — All sources of funds	$ 2,416,600

(f) LEGISLATURE

1. *Projects financed by general fund supported borrowing:*

Capitol south wing renovation and restoration	$ 1,540,000

2. *Projects financed by moneys appropriated from miscellaneous appropriations (general purpose revenue):*

Capitol south wing renovation and restoration	15,000,000
(Total project all funding sources $16,540,000)	

3. *Agency totals:*

General fund supported borrowing	1,540,000
Moneys appropriated from miscellaneous appropriations (general purpose revenue)	15,000,000
Total — All sources of funds	$ 16,540,000

(g) DEPARTMENT OF MILITARY AFFAIRS

1. *Projects financed by general fund supported borrowing:*

Organizational maintenance shop — Hayward	$ 183,000
(Total project all funding sources $2,008,000)	
Aircraft parking expansion — Madison	111,000
(Total project all funding sources $1,800,000)	

2. *Projects financed by federal funds:*

Lake Michigan erosion control — Racine	2,000,000
Organizational maintenance shop — Hayward	1,825,000
(Total project all funding sources $2,008,000)	
Aircraft parking expansion — Madison	1,689,000
(Total project all funding sources $1,800,000)	
Organizational maintenance shop — Madison	605,000

3. *Agency totals:*

General fund supported borrowing	294,000
Federal funds	6,119,000
Total — All sources of funds	$ 6,413,000

(h) DEPARTMENT OF NATURAL RESOURCES

1. *Projects financed by existing general fund supported borrowing authority — stewardship general property development funds:*

Kettle Moraine State Forest — wastewater system	$ 657,100
Devil's Lake State Park — water supply system	300,000
Statewide — toilet/shower buildings	1,100,000
Chippewa Moraine ice age unit — interpretive exhibits	50,000
(Total project all funding sources $550,000)	

2. *Projects financed by existing general fund supported borrowing authority — stewardship trail funds:*

State park trail improvements	457,400
(Total project all funding sources $947,000)	
3. *Projects financed by segregated fund supported borrowing:*	
Havenwoods State Forest landfill cap — Milwaukee	600,000
Hatchery water supply system — Bayfield	1,060,000
Ranger station storage building — Rhinelander	360,000
Lake Winnebago Comprehensive Project — Phase 2 — Terrells Island breakwall	1,700,000
4. *Projects financed by segregated fund revenue:*	
Kettle Moraine State Forest — Lapham Peak unit recreation development — Phase 1	798,000
Governor Knowles State Forest family campground	263,400
(Total project all funding sources $523,400)	
5. *Projects financed by gifts, grants and other receipts:*	
Governor Knowles State Forest family campground	260,000
(Total project all funding sources $523,400)	
6. *Projects financed by federal funds:*	
State park trail improvements	489,600
(Total project all funding sources $947,000)	
Chippewa Moraine ice age unit — interpretive exhibits	500,000

	(Total project all funding sources $550,000)	
7.	*Agency totals:*	
	Existing general fund supported borrowing authority — stewardship general property development funds	2,107,100
	Existing general fund supported borrowing authority — stewardship trail funds	457,400
	Segregated fund supported borrowing	3,720,000
	Segregated fund revenue	1,061,400
	Gifts, grants and other receipts	260,000
	Federal funds	989,600
	Total — All sources of funds	$ 8,595,500
(i)	STATE FAIR PARK BOARD	
1.	*Projects financed by general fund supported borrowing:*	
	Youth and athlete facility	$ 5,000,000
	(Total project all funding sources $15,000,000)	
2.	*Projects financed by program revenue supported borrowing:*	
	Youth and athlete facility	5,000,000
	(Total project all funding sources $15,000,000)	
	Coliseum renovation	5,000,000
	Racetrack improvements	1,250,000
3.	*Projects financed by gifts, grants and other receipts:*	

Youth and athlete facility	5,000,000
(Total project all funding sources $15,000,000)	
4. *Agency totals:*	
General fund supported borrowing	5,000,000
Program revenue supported borrowing	11,250,000
Gifts, grants and other receipts	5,000,000
Total — All sources of funds	$ 21,250,000

(j) DEPARTMENT OF TRANSPORTATION

1. *Projects financed by segregated fund supported revenue borrowing:*	
Wisconsin Rapids office building renovation	$ 900,000
Rice Lake licensing facility	1,130,600
Tower and building — Footville	398,900
Tower and building — Wittenberg	355,900
2. *Agency totals:*	
Segregated fund supported revenue borrowing	2,785,400
Total — All sources of funds	$ 2,785,400

(k) DEPARTMENT OF VETERANS AFFAIRS

1. *Projects financed by general fund supported borrowing:*	
Southeast Wisconsin State Veterans Cemetery	$ 984,000
(Total project all funding sources $1,968,000)	

2. *Projects financed by existing general fund supported borrowing authority:*	
Wisconsin Veterans Home at King — food service renovations	525,000
(Total project all funding sources $1,500,000)	
3. *Projects financed by program revenue supported borrowing:*	
Wisconsin Veterans Home at King — independent living unit	1,629,400
(Total project all funding sources $4,655,000)	
4. *Projects financed by federal funds:*	
Southeast Wisconsin State Veterans Cemetery	984,000
(Total project all funding sources $1,968,000)	
Wisconsin Veterans Home at King — food service renovations	975,000
(Total project all funding sources $1,500,000)	
Wisconsin Veterans Home at King — independent living unit	3,025,600
(Total project all funding sources $4,655,000)	
5. *Agency totals:*	
General fund supported borrowing	984,000
Existing general fund supported borrowing authority	525,000

Program revenue supported borrowing	1,629,400
Federal funds	4,984,600
Total — All sources of funds	$ 8,123,000

(m) UNIVERSITY OF WISCONSIN SYSTEM

1. *Projects financed by general fund supported borrowing:*

Madison — Utility improvements	$ 2,245,000
(Total project all funding sources $3,645,000)	
— Lathrop Hall renovation	2,730,000
(Total project all funding sources $4,930,000)	
— Armory (Red Gym) renovation	5,500,000
(Total project all funding sources $11,000,000)	
— Cogeneration project	8,600,000
Milwaukee — Fine arts courtyard enclosure	426,000
— Bolton Hall remodeling	3,282,000
Oshkosh — Nursing education remodeling	900,000
Parkside — Physical education addition and remodeling	3,795,000
(Total project all funding sources $4,465,000)	
Platteville — Doudna Hall capital renewal — Phase 2	3,759,000
— Russell Hall remodeling	7,297,000
River Falls — Ames Teacher Education Center	6,500,000
Whitewater — Hyer Hall capital renewal	6,480,000

System — Instructional technology improvements	8,500,000
2. *Projects financed by program revenue supported borrowing:*	
Eau Claire — Hilltop Center kitchen/serving remodeling	1,916,000
Madison — Environmental Management Center	1,425,000
(Total project all funding sources $4,725,000)	
— University Station building acquisition	6,787,000
— East side ambulatory care facility	10,000,000
— Outpatient treatment center	4,189,000
— Parking ramp	14,900,000
— Multipurpose sports arena	27,000,000
(Total project all funding sources $72,000,000)	
Parkside — Physical education addition and remodeling	670,000
(Total project all funding sources $4,465,000)	
— Student residence hall	8,818,000
Platteville — Student center remodeling	5,020,000
Whitewater — Parking and pedestrian circulation	1,862,700
— Drumlin dining hall remodeling	521,000
Extension — 3817 Mineral Point Road acquisition — Madison	780,000

3. *Projects financed by program revenue:*	
Madison — McClain Student Academic Center	500,000
(Total project all funding sources $2,400,000)	
Extension — Wisconsin Center addition and renovation	700,000
(Total project all funding sources $13,000,000)	
4. *Projects financed by gifts, grants and other receipts:*	
Madison — Lathrop Hall renovation	2,200,000
(Total project all funding sources $4,930,000)	
— Armory (Red Gym) renovation	5,500,000
(Total project all funding sources $11,000,000)	
— Robert M. Bock Laboratory renovation	1,873,000
(Total project all funding sources $7,950,000)	
— Research greenhouses	3,000,000
(Total project all funding sources $5,000,000)	
— Waisman Center addition and remodeling	17,500,000
— McClain Student Academic Center	1,900,000
(Total project all funding sources $2,400,000)	
— Medical school office and research addition	8,250,000
— Multipurpose sports arena	45,000,000

(Total project all funding sources $72,000,000)	
System — Great Lakes Research Facility Molecular	
Probe Center	250,000
(Total project all funding sources $500,000)	
5. *Agency totals:*	
General fund supported borrowing	60,014,000
Program revenue supported borrowing	83,888,700
Program revenue	1,200,000
Gifts, grants and other receipts	85,473,000
Total — All sources of funds	$230,575,700

(n) WISCONSIN INITIATIVE FOR STATE TECHNOLOGY AND APPLIED RESEARCH; NONMATCHING PROJECTS

1. *Projects financed by existing general fund supported borrowing authority:*	
University of Wisconsin–Madison — Utility	
improvements	$ 1,400,000
(Total project all funding sources $3,645,000)	
— Environmental Management Center	3,300,000
(Total project all funding sources $4,725,000)	
University of Wisconsin–Stout — Applied arts	
building remodeling	4,500,000

University of Wisconsin–Extension — Wisconsin Center addition and renovation	12,300,000
All agency projects — Facilities repair and renovation	791,000
2. *Totals:*	
Existing general fund supported borrowing authority	22,291,000
Total — All sources of funds	$ 22,291,000

(o) WISCONSIN INITIATIVE FOR STATE TECHNOLOGY AND APPLIED RESEARCH; MATCHING PROJECTS

1. *Projects financed by existing general fund supported borrowing authority:*	
University of Wisconsin–La Crosse — Medical Health Science Education and Research Center	$ 13,400,000
(Total project all funding sources $26,800,000)	
University of Wisconsin–Madison — School of Pharmacy	15,000,000
(Total project all funding sources $30,000,000)	
University of Wisconsin–Madison — Robert M. Bock Laboratory renovation	6,077,000
(Total project all funding sources $7,950,000)	
University of Wisconsin–Madison — Research greenhouses	2,000,000
(Total project all funding sources $5,000,000)	

University of Wisconsin System — Great Lakes	
Research Facility Molecular Probe Center	250,000
(Total project all funding sources $500,000)	
2. *Projects financed by program revenue supported borrowing:*	
University of Wisconsin–La Crosse — Medical Health	
Science Education and Research Center	13,400,000
(Total project all funding sources $26,800,000)	
3. *Projects financed by gifts, grants and other receipts:*	
University of Wisconsin–Madison — School of	
Pharmacy	15,000,000
(Total project all funding sources $30,000,000)	
4. *Totals:*	
Existing general fund supported borrowing authority	36,727,000
Program revenue supported borrowing	13,400,000
Gifts, grants and other receipts	15,000,000
Total — All sources of funds	$65,127,000

(p) ALL AGENCY PROJECT FUNDING

1. *Projects financed by general fund supported borrowing:*	
Facilities repair and renovation	$ 30,000,000
(Total program all funding sources $72,320,000)	
Utilities repair and renovation	25,000,000

(Total program all funding sources $50,722,000)	
Health, safety and environment	25,000,000
(Total program all funding sources $31,312,000)	
Wisconsin energy initiative	10,000,000
Preventive maintenance program	4,000,000
Capital equipment allocation	5,250,000
2. *Projects financed by existing general fund supported borrowing — stewardship general property development funds:*	
Facilities repair and renovation	627,000
(Total program all funding sources $72,320,000)	
Utilities repair and renovation	1,382,000
(Total program all funding sources $50,722,000)	
Health, safety and environment	300,000
(Total program all funding sources $31,312,000)	
3. *Projects financed by program revenue supported borrowing:*	
Facilities repair and renovation	40,800,000
(Total program all funding sources $72,320,000)	
Utilities repair and renovation	6,414,000
(Total program all funding sources $50,722,000)	
Health, safety and environment	4,607,000

(Total program all funding sources $31,312,000)	
Land and property acquisition	2,000,000
4. *Projects financed by segregated fund supported borrowing:*	
Facilities repair and renovation	255,000
(Total program all funding sources $72,320,000)	
Utilities repair and renovation	239,000
(Total program all funding sources $50,722,000)	
Health, safety and environment	280,000
(Total program all funding sources $31,312,000)	
5. *Projects financed by program revenue:*	
Utilities repair and renovation	4,618,000
(Total program all funding sources $50,722,000)	
6. *Projects financed by segregated fund revenue:*	
Facilities repair and renovation	29,000
(Total program all funding sources $72,320,000)	
Utilities repair and renovation	2,009,000
(Total program all funding sources $50,722,000)	
7. *Projects financed by moneys appropriated to agencies from any revenue source:*	
Facilities repair and renovation	53,000
(Total program all funding sources $72,320,000)	

8. *Projects financed by gifts, grants and other receipts:*	
Utilities repair and renovation	10,000,000
(Total program all funding sources $53,222,000)	
9. *Projects financed by federal funds:*	
Facilities repair and renovation	556,000
(Total program all funding sources $72,320,000)	
Utilities repair and renovation	1,060,000
(Total program all funding sources $50,722,000)	
Health, safety and environment	1,125,000
(Total program all funding sources $31,312,000)	
10. *All agency totals:*	
General fund supported borrowing	99,250,000
Existing general fund supported borrowing — stewardship general property development funds	2,309,000
Program revenue supported borrowing	53,821,000
Segregated fund supported borrowing	774,000
Program revenue	4,618,000
Segregated fund revenue	2,038,000
Moneys appropriated to agencies from any revenue source	53,000
Gifts, grants and other receipts	10,000,000
Federal funds	2,741,000

Total — All sources of funds	$175,604,000
(q) SUMMARY	
Total general fund supported borrowing	$260,444,300
Total existing general fund supported borrowing authority — stewardship general property development funds	4,416,100
Total existing general fund supported borrowing authority — stewardship trail funds	457,400
Total other existing general fund supported borrowing authority	59,543,000
Total program revenue supported borrowing	186,142,700
Total segregated fund supported borrowing	4,494,000
Total segregated fund supported revenue borrowing	2,785,400
Total program revenue	5,818,000
Total segregated fund revenue	3,099,400
Total moneys appropriated to agencies from any revenue source	206,800
Total moneys appropriated from miscellaneous appropriations (general purpose revenue)	15,000,000
Total gifts, grants and other receipts	115,733,000
Total federal funds	65,634,200
Total — All sources of funds	$723,774,300

(1mt) REVISION OF BUILDING PROJECTS FINANCED BY PUBLIC DEBT; REVIEW. Notwithstanding section 20.924 (1) of the statutes and subsection (1), the building commission shall not authorize the construction of any building project enumerated under subsection (1) that is financed in whole or in part from public debt before the commission submits to the cochairpersons of the joint committee on finance a revised list of the authorized state building projects under subsection (1) that are financed in whole or in part from public debt. The list shall contain changes in funding sources or cost reductions or deletions of projects sufficient to ensure that the maximum amounts of authorized public debt under section 20.866 (2) of the statutes, as affected by this act, are not exceeded. If the cochairpersons of the committee do not notify the commission that the committee has scheduled a meeting for the purpose of reviewing the revised list of authorized state building projects under this subsection within 14 working days after the date of the commission's submittal, the commission may authorize projects to be constructed as proposed in the list submitted by the commission. If, within 14 working days after the date of the commission's submittal, the cochairpersons of the committee notify the commission that the committee has scheduled a meeting for the purpose of reviewing the revised list of authorized state building projects under this subsection, the commission shall not authorize construction of any project enumerated in subsection (1) that is funded in whole or in part from public debt without the approval of a revised list of authorized state building projects by the committee. Notwithstanding subsection (1), the authorized state building program for the 1995–97 fiscal biennium with respect to all projects funded in whole or in part from public debt is the program specified in the revised list, as approved under this subsection if approval is required.

(2) 1993–95 STATE BUILDING PROGRAM DELETIONS. In 1993 Wisconsin Act 16, section 9108 (1) (m) 2., under projects financed by program revenue supported borrowing, the 1993–95 state building program project identified as "Wisconsin veterans home at King – Wastewater treatment plant expansion" is deleted and the appropriate totals are decreased accordingly.

(2g) JUVENILE FACILITY CONSTRUCTION PLAN APPROVAL. Prior to acting under section 13.48 (10) of the statutes to approve the construction, reconstruction, remodeling of or addition to any of the following projects, the building commission shall submit to the joint committee on finance plans for that construction, reconstruction, remodeling or addition and obtain the approval of that committee of those plans:

(a) The 250 juvenile secured correctional program beds authorized under 1993 Wisconsin Act 377, section 9108 (1) (a).

(b) The juvenile assessment and evaluation center authorized under subsection (1) (d) 1.

(c) The 75–bed female youth center expansion at the Southern Wisconsin Center for the Developmentally Disabled authorized under subsection (1) (d) 1.

(3) PROGRAMS PREVIOUSLY AUTHORIZED. In addition to the projects and financing authority enumerated under subsection (1), the building and financing authority enumerated under the previous authorized state building programs is continued in the 1995–97 fiscal biennium.

(4) LOANS. During the 1995–97 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 which are to be

utilized for programs not funded by general purpose revenue and which are authorized under subsection (1) (p).

(5) PROJECT CONTINGENCY FUNDING RESERVE. During the 1995–97 fiscal biennium, the building commission may allocate moneys from the appropriation under section 20.866 (2) (yg) of the statutes, as affected by this act, for contingency expenses in connection with any project in the authorized state building program.

(6) CAPITAL EQUIPMENT FUNDING ALLOCATION.

(a) During the 1995–97 fiscal biennium, the building commission may allocate moneys from the appropriation under section 20.866 (2) (ym) of the statutes, as affected by this act, for capital equipment acquisition in connection with any project in the authorized state building program.

(b) During the 1995–97 fiscal biennium, the building commission may allocate moneys from the appropriation under section 20.866 (2) (ym) of the statutes, as affected by this act, for the replacement of capital equipment of the educational communications board. The money allocated under this paragraph may be used in conjunction with any matching funds available to the educational communications board.

(c) During the 1995–97 fiscal biennium, the building commission may allocate moneys from the appropriation under section 20.866 (2) (ym) of the statutes, as affected by this act, to acquire other priority capital equipment for state agencies, as defined in section 20.001 (1) of the statutes.

(7) PRISON EXPANSION PROJECT. Notwithstanding section 20.924 (1) (d) of the statutes, the building commission may not authorize the contracting of public debt under section 18.06 (4) of the statutes for, or the construction under section 13.48 (10) of the statutes of, the project identified under subsection (1) (b) 4. as "Prison

expansion project", unless the state receives at least $50,000,000 in federal funding for the project.

(11g) STATE CAPITOL SOUTH WING RENOVATION AND RESTORATION. No contract for the renovation and restoration of the south wing of the state capitol may be entered into without completion of final plans, arrangement for supervision of construction and prior approval by the building commission. Upon such completion, arrangement and approval, the department of administration shall proceed with construction and shall transfer the amounts required to finance the construction from the appropriation account under section 20.855 (9) (a) of the statutes, as created by this act, to the capital improvement fund.

(12) STATE FAIR PARK PROJECTS. Notwithstanding section 18.04 (2) of the statutes, the building commission shall not authorize public debt to be contracted for the building projects identified in subsection (1) (i) as the "Youth and athlete facility" or the "Coliseum renovation" until the commission receives a copy of and approves the report required under SECTION 9152 (1z) of this act.

SECTION 9110. Nonstatutory provisions; circuit courts.

(1t) COURT REPORTER OVERTIME STUDY. The director of state courts shall conduct a study of court reporter overtime, training costs and transcript volume, ways to reduce the costs related to court reporter overtime and more efficient methods of transcribing court proceedings. By January 1, 1997, the director of state courts shall submit a report of the results of that study to the governor and to the joint committee on finance.

SECTION 9111. Nonstatutory provisions; conservation corps board.

(1) TRANSFER TO THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration primarily related to the functions of the Wisconsin conservation corps board, as determined by the secretary of administration, shall become the assets and liabilities of the department of industry, labor and human relations.

(b) *Employe transfers.*

1. All incumbent employes holding positions in the department of administration who are performing duties primarily related to the functions of the Wisconsin conservation corps board, as determined by the secretary of administration, are transferred on the effective date of this subdivision to the department of industry, labor and human relations.

2. All corps enrollees as described under section 16.20 (10) (a) of the statutes, as affected by this act, are transferred on the effective date of this subdivision to the department of industry, labor and human relations.

(c) *Employe status.* Employes transferred under paragraph (b) 1. have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of industry, labor and human relations that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration that is primarily related to the functions of the Wisconsin conservation corps board,

as determined by the secretary of administration, is transferred to the department of industry, labor and human relations.

(e) *Contracts*. All contracts entered into by the department of administration in effect on the effective date of this paragraph that are primarily related to the functions of the Wisconsin conservation corps board, as determined by the secretary of administration, remain in effect and are transferred to the department of industry, labor and human affairs. The department of industry, labor and human relations shall carry out any such contractual obligations until modified or rescinded by the department of industry, labor and human relations to the extent allowed under the contract.

(3p) INCREASE IN MINIMUM WAGE. If the Wisconsin conservation corps board submits a request under section 13.101 of the statutes, as affected by this act, that the joint committee on finance take action to fund increased corps enrollee support costs related to an increase in the minimum wage as required to be paid under section 16.20 (10) (c) of the statutes, as affected by this act, the requirement of a finding of emergency under section 13.101 (3) (a) 1. of the statutes does not apply to such a request. This subsection does not apply after June 30, 1997.

(3x) REPORT ON EMPLOYMENT OF CREW LEADERS. Before February 1, 1996, the Wisconsin conservation corps board shall submit a report to the joint committee on finance detailing the board's strategic plan and evaluating crew leaders' length of employment. The report shall include an analysis detailing whether maintaining the organizational stability of the Wisconsin conservation corps is more important than providing promotional opportunities for corps members.

SECTION 9112. Nonstatutory provisions; corrections.

(1) ELECTRONIC MONITORING. All contracts entered into by the department of corrections under section 301.135 (1), 1993 stats., relating to electronic monitoring services for children and in effect immediately before the effective date of this subsection remain in effect. The department shall carry out any such contractual obligations until modified or rescinded by the department to the extent allowed under the contract.

(1t) SECURED JUVENILE CORRECTIONAL FACILITY STAFFING. Of the moneys appropriated to the department of corrections under section 20.410 (3) (hm) of the statutes, as created by this act, $10,093,400 of the amount appropriated in fiscal year 1996–97 may not be encumbered until the department of corrections submits a plan to the joint committee on finance for the staffing of the secured correctional facility established under SECTION 9126 (26v) of this act that specifies how those funds will be expended and the joint committee on finance approves that plan.

(1u) JUVENILE CORRECTIONAL INSTITUTION RATES. No later than January 15, 1996, the secretary of corrections shall submit to the secretary of administration and to the cochairpersons of the joint committee on finance proposed rates under section 301.26 (4) (d) 3m. of the statutes, as created by this act, and section 301.26 (4) (d) 4. of the statutes, as created by this act, for maintaining a child in a juvenile correctional institution. The rates may not vary according to the juvenile correctional institution in which a child is placed. The rates shall reflect the average daily cost associated with maintaining a child in a juvenile correctional institution. The secretary of administration shall evaluate the rates and, if the secretary of administration approves of the rates, the secretary of administration shall, no later than March 1, 1996, submit a report to the cochairpersons of the joint committee on finance containing proposed legislation providing for those rates effective on July 1,

1996. The department of health and social services shall assist the department of corrections in proposing those rates.

(1v) YOUTH AIDS FORMULA EVALUATION. The department of corrections shall evaluate the formula used by the department of health and social services to determine the allocation of community youth and family aids to counties under section 46.26 of the statutes and shall, by no later than July 1, 1996, submit to the secretary of administration and the cochairpersons of the joint committee on finance a proposed formula for the allocation of community youth and family aids to counties that reflects the factors specified in paragraphs (a) to (f). The secretary of administration shall evaluate that proposed formula and, if the secretary of administration approves of that proposed formula, the secretary of administration shall include that proposed formula in the 1997–99 budget compilation under section 16.43 of the statutes. The department of health and social services shall assist the department of corrections in making that evaluation. In making that evaluation, the department of corrections shall consider all of the following factors:

(a) The number of children placed under the legal custody or supervision of the department of health and social services or in child caring institutions as a result of any of the violations specified in section 48.34 (4h) (a) of the statutes, as created by this act, during state fiscal years 1993–94, 1994–95 and 1995–96.

(b) The number of children whom the department of corrections anticipates will be placed under the supervision of that department under the serious juvenile offender program under section 48.34 (4h) of the statutes, as created by this act, during state fiscal year 1996–97.

(c) Factors that target the need for juvenile delinquency–related services, including early intervention and chronic offender services.

(d) The number of children in this state living in poverty according to the latest U.S. bureau of the census figures available.

(e) The number of Part I juvenile arrests, including violent Part I juvenile arrests reported statewide under the uniform crime reporting system of the office of justice assistance in the department of administration during the most recent 2–year period for which that information is available.

(f) Various models for cost sharing between counties and the state.

(1x) JUVENILE PSYCHOLOGIST POSITIONS. If the department of corrections is unable to fill 2.0 PR vacant psychologist positions at the Lincoln Hills school in fiscal year 1996–97, that department shall use $93,600 from the appropriation under section 20.410 (3) (hm) of the statutes, as created by this act, to hire one or more limited–term employe psychologists or to contract for the provision of psychological services at the Lincoln Hills school.

(2t) EFFICIENCY MEASURES. By January 1, 1996, the department of corrections shall submit a report to the joint committee on finance recommending how savings in fiscal year 1996–97 of $1,700,000 resulting from budget efficiency measures should be allocated among the department's general purpose revenue appropriations and how many positions should be abolished. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed action within 14 working days after the date that the department submits the report, the department's allocation request shall be implemented and the positions shall be abolished. If, within 14 working days after the date that the department submits the report, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed action, the allocation request shall not be

implemented and the positions shall not be abolished unless the committee approves the action. Notwithstanding section 16.505 (1) of the statutes, as affected by this act, the department or the committee may abolish positions under this subsection.

(2x) EXCHANGE OF MCNAUGHTON CORRECTIONAL CENTER PROPERTY. Before July 1, 1996, the department of corrections shall transfer the property under its jurisdiction that is owned by the state in the town of Lake Tomahawk, Oneida County, to the department of natural resources in exchange for land owned by the state in Oneida County that is under the jurisdiction of the department of natural resources, that the department of natural resources offers in exchange and that the department of corrections finds to be suitable for the building of a correctional facility.

(3g) PROBATIONER AND PAROLEE REIMBURSEMENT FEE; EMERGENCY RULES. Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate rules required under section 304.074 (5) of the statutes, as created by this act, for the period before permanent rules take effect, but not to exceed the period under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(3x) ADMINISTRATIVE AND MINIMUM SUPERVISION; EMERGENCY RULES. Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate rules required under section 304.073 (3) of the statutes, as created by this act, for the period before permanent rules take effect, but not to exceed the period under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 of the statutes, the department need not provide evidence of the necessity of

preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

SECTION 9115. Nonstatutory provisions; credit unions.

(1) TRANSFER OF FUNCTIONS TO OFFICE OF CREDIT UNIONS.

(a) On the effective date of this paragraph, the assets and liabilities of the office of the commissioner of credit unions shall become the assets and liabilities of the office of credit unions.

(b) On the effective date of this paragraph, 21.0 FTE PR positions in the office of the commissioner of credit unions and the incumbent employes holding those positions are transferred to the office of credit unions.

(c) Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the office of credit unions that they enjoyed in the office of the commissioner of credit unions immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, 2.0 FTE PR positions in the office of the commissioner of credit unions are deauthorized.

(e) On the effective date of this paragraph, all tangible personal property, including records, of the office of the commissioner of credit unions is transferred to the office of credit unions.

(f) All contracts entered into by the office of the commissioner of credit unions in effect on the effective date of this paragraph remain in effect and are transferred to the office of credit unions. The office of credit unions shall carry out any such

contractual obligations until modified or rescinded by the office of credit unions to the extent allowed under the contract.

(g) All rules promulgated by the office of the commissioner of credit unions that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the office of credit unions. All orders issued by the office of the commissioner of credit unions that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the director of credit unions.

(h) All matters pending with the office of the commissioner of credit unions on the effective date of this paragraph are transferred to the office of credit unions and all materials submitted to or actions taken by the office of the commissioner of credit unions with respect to the pending matter are considered as having been submitted to or taken by the office of credit unions.

SECTION 9116. Nonstatutory provisions; development.

(1) HAZARDOUS POLLUTION PREVENTION COUNCIL. Notwithstanding section 15.157 (5) of the statutes, as created by this act, the initial members of the hazardous pollution prevention council shall be appointed for the following terms:

(a) Two members, to be determined by the governor, for terms expiring on July 1, 1996.

(b) Three members, to be determined by the governor, for terms expiring on July 1, 1997.

(c) Two members, to be determined by the governor, for terms expiring on July 1, 1998.

(2) INITIAL TERMS OF NEW COUNCIL MEMBERS. Notwithstanding the length of terms specified for the members of the council on main street programs under section

15.157 (7) (a) (intro.) of the statutes, as affected by this act, the initial members of the council under section 15.157 (7) (a) 11. of the statutes, as created by this act, shall be appointed for the following terms:

(a) One member for a term expiring on July 1, 1996.

(b) Two members for terms expiring on July 1, 1997.

(c) One member for a term expiring on July 1, 1998.

(4) TRANSFER OF DIVISION OF TOURISM TO DEPARTMENT OF TOURISM.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of development that are primarily related to the functions of the division of tourism, as determined by the secretary of administration, shall become the assets and liabilities of the department of tourism, as created by this act.

(b) *Employe transfers.* All incumbent employes holding positions in the department of development performing duties that are primarily related to the functions of the division of tourism, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of tourism.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of tourism that they enjoyed in the department of development immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of development that

is primarily related to the functions of the division of tourism, as determined by the secretary of administration, is transferred to the department of tourism.

(e) *Contracts.* All contracts entered into by the department of development in effect on the effective date of this paragraph that are primarily related to the functions of the division of tourism, as determined by the secretary of administration, remain in effect and are transferred to the department of tourism. The department of tourism shall carry out any such contractual obligations unless modified or rescinded by the department of tourism to the extent allowed under the contract.

(f) *Rules and orders.* All rules promulgated by the department of development in effect on the effective date of this paragraph that are primarily related to the functions of the division of tourism, as determined by the secretary of administration, remain in effect until their specified expiration dates or until amended or repealed by the department of tourism. All orders issued by the department of development in effect on the effective date of this paragraph that are primarily related to the functions of the division of tourism, as determined by the secretary of administration, remain in effect until their specified expiration dates or until modified or rescinded by the department of tourism.

(g) *Pending matters.* Any matter pending with the department of development on the effective date of this paragraph that is primarily related to the functions of the division of tourism, as determined by the secretary of administration, is transferred to the department of tourism and all materials submitted to or actions taken by the department of development with respect to the pending matter are considered as having been submitted to or taken by the department of tourism.

(h) *Tourism offices and tourist information centers.* All tourism offices established by the department of development under section 560.25 of the statutes, as affected by this act, and all tourist information centers established by the department of development under section 560.23 (3) (c) of the statutes, as affected by this act, that are in existence on the effective date of this paragraph are transferred to the department of tourism.

(5) AGENCY NAME CHANGE.

(a) Wherever the term "department of development" appears in the statutes, as affected by the acts of 1995, the term "department of commerce" is substituted.

(b) Wherever the term "secretary of development" appears in the statutes, as affected by the acts of 1995, the term "secretary of commerce" is substituted.

(c) Beginning on July 1, 1996, the department of commerce has the powers and duties granted or assigned the department of development by SECTIONS 9101 to 9159 of this act that do not terminate before paragraph (a) takes effect. Beginning on July 1, 1996, the secretary of commerce has the powers and duties granted or assigned the secretary of development by SECTIONS 9101 to 9159 of this act that do not terminate before paragraph (b) takes effect.

(6g) EXPENDITURE REDUCTIONS.

(a) Notwithstanding section 20.001 (3) (a), (b) and (c) of the statutes and subject to the approval of the joint committee on finance under paragraph (c), in each of fiscal years 1995–96 and 1996–97 the department of development may not encumber or expend a total of $500,000 from one or more sum certain appropriations made to the department of development from general purpose revenue. The department of development shall indicate its preference for allocation of the

expenditure reductions in the plan submitted to the joint committee on finance under paragraph (c).

(b) Notwithstanding section 20.001 (3) (a), (b) and (c) of the statutes, the secretary of administration shall lapse to the general fund by the end of the 1995–97 fiscal biennium a total of $1,000,000 from the appropriation accounts subject to the reductions required under paragraph (a), as approved by the joint committee on finance under paragraph (c).

(c) On or before January 1, 1996, the department of development shall submit to the joint committee on finance for review and approval a plan identifying the department's preference for allocation of the expenditure reductions under paragraph (a) among the sum certain appropriations made to the department from general purpose revenue. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed plan within 14 days after the date of the department's submittal, the department may implement the plan. If within 14 days after the date of the department's submittal the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, the department may not implement the plan until it is approved by the committee, as submitted or as modified.

(d) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 1997–99 biennial budget bill, the department of development shall submit information concerning the sum certain appropriations made to the department from general purpose revenue as though the amounts appropriated to the department under those appropriations for fiscal year 1996–97 were $500,000 less than the amounts in the schedule.

(7gg) LABOR TRAINING AND SERVICES GRANT.

(a) The department of development may make a grant of not more than $480,000 from the appropriation under section 20.143 (1) (c) of the statutes, as affected by this act, to the private industry council serving Milwaukee County to fund a labor training and employment services program to provide employes of Briggs and Stratton Corporation who are being laid off from the facility in Wauwatosa with job training and related employment services, if all of the following apply:

1. The labor training and employment services are not eligible for funding under the federal job training partnership act, 29 USC 1501 to 1781, or any other federal or state job training program.

2. The private industry council submits a plan to the department of development detailing the proposed use of the grant and the secretary of development approves the plan.

3. The private industry council enters into a written agreement with the department of development that specifies the conditions for use of the grant proceeds, including reporting and auditing requirements.

4. The private industry council agrees in writing to submit to the department of development the report required under paragraph (b) by the time required under paragraph (b).

(b) If the private industry council serving Milwaukee County receives a grant under this subsection, it shall submit to the department of development, within 6 months after spending the full amount of the grant, a report detailing how the grant proceeds were used.

(c) The department of development may not pay grant proceeds under this subsection after July 1, 1996.

(7m) CODE DEVELOPMENT ASSISTANCE; DUTIES PENDING TRANSFER OF SAFETY AND BUILDINGS FUNCTIONS FROM THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS.

(a) *Code development assistance to department of industry, labor and human relations.* Notwithstanding SECTION 9130 (1g) of this act, the department of development shall, at the request of the department of industry, labor and human relations, provide to the department of industry, labor and human relations the services of the employes transferred to the department of development under SECTION 9130 (1g) of this act. The department of industry, labor and human relations may use the services of an employe provided under this paragraph only for the development and promulgation of codes and rules relating to the functions of the division of safety and buildings in the department of industry, labor and human relations. For the purposes of chapter 230 of the statutes, the department of development is the appointing authority of the employes transferred to the department of development under SECTION 9130 (1g) of this act except that, notwithstanding section 230.06 (1) (b) of the statutes, an employe whose services are provided to the department of industry, labor and human relations under this paragraph shall be assigned duties and supervised by the department of industry, labor and human relations. This paragraph does not apply after June 30, 1996.

(b) *Duties pending transfer of safety and buildings function.* In anticipation of the transfer under this act of functions relating to the regulation of industry, safety and buildings from the department of industry, labor and human relations to the department of development, the department of development may, beginning on the effective date of this paragraph, develop and, to the extent permitted under section 227.11 (2) (d) of the statutes, promulgate administrative rules relating to the administration and enforcement of laws regulating industry, safety and buildings

under chapters 101, 107, 145 and 168 and sections 32.19 to 32.27, 167.10, 167.11 and 167.27 of the statutes, as affected by this act prior to the effective date of this paragraph and as otherwise provided by statute. In developing and promulgating rules under this paragraph, the department of development may, when appropriate, seek advice from or consult with the dwelling code council, the contractor financial responsibility council, the fire prevention council and the multifamily dwelling code council. This paragraph does not apply after June 30, 1996.

SECTION 9117. Nonstatutory provisions; educational communications board.

(2g) CONSOLIDATION; COST SAVINGS AND EFFICIENCIES. In consultation with the department of administration, the educational communications board and the board of regents of the University of Wisconsin System shall jointly identify to the governor and to the joint committee on finance, no later than January 15, 1996, cost savings and efficiencies that may result from the consolidation of services, finances, personnel and functions of the educational communications board and the University of Wisconsin–Extension's division of extension communications.

SECTION 9119. Nonstatutory provisions; employe trust funds.

(1t) OPTICAL IMAGING PROJECT.

(a) Of the moneys appropriated to department of employe trust funds under section 20.515 (1) (t) of the statutes, $2,170,000 for fiscal year 1995–96 and $1,706,700 for fiscal year 1996–97 is allocated for an electronic document imaging system for retirement system records and may not be encumbered or expended until the secretary of administration submits to the cochairpersons of the joint committee on finance and the cochairpersons of the joint committee on information policy a report which includes all of the following:

1. The results of a review of the project by the division of technology management in the department of administration.

2. The specific objectives of the optical imaging project.

3. The schedule for implementation of the project, including a projection of the effect, during the period of the actual records conversion to the optical imaging system, on the ability of the department to process affected records received prior to and during the conversion, and any expected backlogs in processing.

4. An evaluation of the effectiveness of the project activities, if any, to date.

5. The additional funding requirements, if any, for the project in the 1995–97 fiscal biennium, including any additional costs such as overtime or other personnel costs likely to be incurred as a result of any projected processing backlog.

6. The funding requirements for the completion of the project and operation of the optical imaging system in future fiscal biennia.

(b) Notwithstanding section 16.50 (1) and (2) of the statutes, the secretary of administration shall not waive submission of expenditure estimates for the project identified in paragraph (a) and shall not approve such estimates for the amounts specified in paragraph (a) until 14 working days after the secretary submits the report required under paragraph (a) and until the secretary has responded in writing to any concerns that are communicated to the secretary prior to the end of the 14–day period by the cochairpersons of the joint committee on finance or the cochairpersons of the joint committee on information policy.

SECTION 9120. Nonstatutory provisions; employment relations commission.

(1) ADJUDICATION OF CLAIMS ARISING BEFORE TERMINATION OF COVERAGE. Notwithstanding SECTION 9420 (2) of this act, any employe of the University of

Wisconsin Hospitals and Clinics Authority who was included in a collective bargaining unit under subchapter V of chapter 111 of the statutes to which a collective bargaining agreement applied on June 30, 1997, may file or pursue any claim arising prior to July 1, 1997, under that agreement or any rights granted under that agreement until the claim is appropriately adjudicated and any appropriate relief is granted.

(1m) EFFICIENCY STUDY. The employment relations commission shall study its current procedures in all areas of its responsibility, identify areas that could become more efficient, develop recommendations to streamline its procedures and improve its operations and identify any positions that could be eliminated as a result of the efficiencies and improved procedures identified in the study. The employment relations commission shall submit its findings and recommendations to the secretary of administration and the joint committee on finance by October 31, 1996.

(3g) TRANSCRIPT, FACT–FINDING, MEDIATION AND ARBITRATION FEES; SUBMISSION OF TRANSCRIPT, FACT–FINDING, MEDIATION AND ARBITRATION FEES RULES TO LEGISLATIVE COUNCIL STAFF. The employment relations commission shall submit the proposed rules under sections 111.09 (1) and (2), 111.71 (1) and (2) and 111.94 (1) and (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 October 1, 1995. Notwithstanding the requirement under sections 111.09 (1), 111.71 (1) and 111.94 (1) of the statutes, as affected by this act, that the uniform rate per page shall be set by rule, the employment relations commission may set a temporary uniform rate per page to be charged for transcripts that are requested beginning on January 1, 1996, but before the effective date of the rules. Notwithstanding the requirement under sections 111.09 (2), 111.71 (2) and 111.94 (2) of the statutes, as affected by this act, that the filing fees under those

sections shall be set by rule, the employment relations commission may set temporary filing fees for requests specified under those sections that are filed beginning on January 1, 1996, but before the effective date of the rules.

(3h) SURVEY OF MEDIATION ACTIVITIES. The employment relations commission shall submit a report to the department of administration at the same time that the commission submits its 1997–99 biennial budget request, under section 16.42 of the statutes, that specifies all of the employment relations commission's mediation activities, and the amount of time that the employment relations commission spent on these activities, for a period that begins no later than 30 days after the effective date of this subsection and continues for one year.

SECTION 9123. Nonstatutory provisions; gaming commission.

(3) ADMINISTRATION OF SIMULCAST RACING. The gaming commission shall administer section 562.057 (4) of the statutes, as affected by this act, on a case–by–case basis during the period prior to the effective date of the rules promulgated under section 562.057 (5) of the statutes, as created by this act.

(4) SUBMISSION OF ANIMAL TESTING RULES TO LEGISLATIVE COUNCIL STAFF. The gaming commission shall submit the proposed rules under section 562.09 (2) (b) 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 3rd month after the effective date of this subsection.

(5) ADMINISTRATION OF ANIMAL TESTING. The gaming commission shall administer section 562.09 (2) (b) 2. of the statutes, as affected by this act, on a case–by–case basis during the period prior to the effective date of the rules promulgated under section 562.09 (2) (b) 2. of the statutes, as affected by this act.

(6pp) AGENCY NAME CHANGE. On July 1, 1996, wherever the term "commission" appears in chapters 561, 562, 563, 564 and 569 of the statutes, as affected by the acts of 1995, the term "board" is substituted.

(6pq) LOTTERY CONFLICT OF INTEREST LAWS. Notwithstanding section 565.05 (1) (a), 1993 stats., and section 565.05 (1) (a) of the statutes, as affected by this act, an employe of the gaming commission, the gaming board or the lottery division in the department of revenue, but not including any member of the gaming commission or gaming board or the administrator of the lottery division in the gaming commission or the administrator in the lottery division in the department of revenue, whose position is eliminated between the effective date of this subsection and June 30, 1997, may be employed by any vendor, as defined in section 565.01 (7) of the statutes, immediately following the employe's termination of service.

(6pr) SUBMISSION OF GAMING COMMISSION REORGANIZATION PLANS TO JOINT COMMITTEE ON FINANCE.

(a) *Implementation plan.* The gaming commission and the secretaries of revenue and administration shall jointly develop a plan to transfer the operation and administration of the state lottery from the gaming commission to the department of revenue and shall submit the plan to the joint committee on finance by February 1, 1996. If the cochairpersons of the committee do not notify the gaming commission and the secretaries of revenue and administration within 14 working days after the date of the submission of the plan to the committee that the committee has scheduled a meeting for the purpose of reviewing the plan, the gaming commission and the secretaries of revenue and administration may proceed with the proposed plan. If, within 14 working days after the date of the submission of the plan, the cochairpersons of the committee notify the gaming commission and the secretaries

of revenue and administration that the committee has scheduled a meeting for the purpose of reviewing the plan, the gaming commission and the secretaries of revenue and administration may not proceed with the proposed plan until the committee approves the plan. Notwithstanding section 13.10 (4) of the statutes, the governor does not have the authority to approve or object to any committee action under this paragraph.

(b) *Lottery privatization plan.* The gaming commission and the secretaries of revenue and administration shall jointly develop a plan relating to the privatization of the state lottery and shall submit the plan to the joint committee on finance by April 1, 1996. The plan shall address the implementation of contracts and contract oversight mechanisms involving sales administration, marketing, ticket warehousing, instant ticket data processing, telephone sales and ticket delivery and the plan shall specify the state employe position reductions associated with each privatization initiative. If the cochairpersons of the committee do not notify the gaming commission and the secretaries of revenue and administration within 14 working days after the date of the submission of the plan to the committee that the committee has scheduled a meeting for the purpose of reviewing the plan, the gaming commission and the secretaries of revenue and administration may proceed with the proposed plan. If, within 14 working days after the date of the submission of the plan, the cochairpersons of the committee notify the gaming commission and the secretaries of revenue and administration that the committee has scheduled a meeting for the purpose of reviewing the plan, the gaming commission and the secretaries of revenue and administration may not proceed with the proposed plan until the committee approves the plan. Notwithstanding section 13.10 (4) of the

statutes, the governor does not have the authority to approve or object to any committee action under this paragraph.

(c) *Coordination of gaming security functions plan.* The gaming commission, a designee of the attorney general in the division of criminal investigation in the department of justice and the secretaries of revenue and administration shall jointly develop a plan relating to the coordination of gaming security functions and shall submit the plan to the joint committee on finance by June 1, 1996. The plan may allow, but not require, the contracting out of warehouse and building protection to the department of administration. If the cochairpersons of the committee do not notify the gaming commission, a designee of the attorney general in the division of criminal investigation in the department of justice and the secretaries of revenue and administration within 14 working days after the date of the submission of the plan to the committee that the committee has scheduled a meeting for the purpose of reviewing the plan, the gaming commission, a designee of the attorney general in the division of criminal investigation in the department of justice and the secretaries of revenue and administration may proceed with the proposed plan. If, within 14 working days after the date of the submission of the plan, the cochairpersons of the committee notify the gaming commission, a designee of the attorney general in the division of criminal investigation in the department of justice and the secretaries of revenue and administration that the committee has scheduled a meeting for the purpose of reviewing the plan, the gaming commission, a designee of the attorney general in the division of criminal investigation in the department of justice and the secretaries of revenue and administration may not proceed with the proposed plan until the committee approves the plan. Notwithstanding section 13.10 (4) of the

statutes, the governor does not have the authority to approve or object to any committee action under this paragraph.

(6ps) GAMING COMMISSION REORGANIZATION.

(a) *Assets and liabilities.* On July 1, 1996, all assets and liabilities of the gaming commission shall become the assets and liabilities of the gaming board, except that those assets and liabilities that relate to the state lottery shall become the assets and liabilities of the department of revenue.

(b) *Tangible personal property.* On July 1, 1996, all tangible personal property, including records, of the gaming commission is transferred to the gaming board, except that the tangible personal property, including records, of the gaming commission that relate to the state lottery is transferred to the department of revenue.

(c) *Contracts.*

1. Except as provided in subdivision 2., all contracts entered into by the gaming commission which are in effect on July 1, 1996, remain in effect and are transferred to the gaming board. The gaming board shall carry out any such contractual obligations until modified or rescinded by the gaming board to the extent allowed under the contract.

2. All contracts entered into by the gaming commission that relate to the state lottery which are in effect on July 1, 1996, remain in effect and are transferred to the department of revenue. The department of revenue shall carry out any such contractual obligations until modified or rescinded by the department of revenue to the extent allowed under the contract.

(d) *Employe transfers and status.* On July 1, 1996, all incumbent employes holding positions in the gaming commission are transferred to the gaming board,

except that all incumbent employes holding positions in the gaming commission that are funded from the lottery fund are transferred to the department of revenue. Employes transferred under this paragraph have all rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes that they enjoyed in the gaming commission. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class may be required to serve a probationary period.

(e) *Pending matters.*

1. Except as provided in subdivision 2., any matters pending with the gaming commission on July 1, 1996, are transferred to the gaming board and all materials submitted to or actions taken by the gaming commission with respect to any pending matter are considered as having been submitted to or taken by the gaming board.

2. Any matters pending with the gaming commission that relate to the state lottery on July 1, 1996, are transferred to the department of revenue and all materials submitted to or actions taken by the gaming commission with respect to any pending matter are considered as having been submitted to or taken by the department of revenue.

(f) *Rules and orders.* All rules promulgated by the gaming commission that relate to the state lottery and that are in effect on July 1, 1996, remain in effect until their specified expiration date or until amended or repealed by the gaming board. All orders issued by the gaming commission that relate to the state lottery and that are in effect on July 1, 1996, remain in effect until their specified expiration date or until modified or rescinded by the gaming board.

(6pt) GAMING COMMISSION MEMBERS. Notwithstanding section 15.06 (1) (f), 1993 stats., the terms of all members of the gaming commission holding office under section 15.06 (1) (f), 1993 stats., shall expire on June 30, 1996.

(6pu) INITIAL TERMS OF MEMBERS OF THE GAMING BOARD. Notwithstanding section 15.64 of the statutes, as affected by this act, the initial term of one member of the gaming board shall expire on July 1, 2000, the initial term of 2 of the members of the gaming board shall expire on July 1, 1999, and the initial term of 2 of the members of the gaming board shall expire on July 1, 1998.

SECTION 9125. Nonstatutory provisions; health and educational facilities authority.

(1) RURAL HOSPITAL LOAN FUND TRANSFER. On August 1, 1995, the Wisconsin Health and Educational Facilities Authority shall transfer to the department of administration for deposit in the general fund any balance remaining in the rural hospital loan fund under section 231.36 of the statutes on that date, after deducting an amount sufficient to pay any outstanding claims, and to fund the outstanding guarantees, under the rural hospital loan guarantee program under section 231.35 of the statutes, as affected by this act.

SECTION 9126. Nonstatutory provisions; health and social services.

(2) FEES FOR PLAN REVIEWS OF HOSPITALS AND NURSING HOMES. Until the department of health and social services promulgates rules as required under sections 50.02 (2) (b) 2. and 50.36 (2) (b) of the statutes, as affected by this act, or until June 30, 1996, whichever is earlier, the department may, for conducting nursing home and hospital plan reviews under sections 50.02 (2) (b) 1. and 50.36 (2) (a) of the statutes, as affected by this act, collect fees that are equal in amount to the fees collectible on September 30, 1995, under sections 50.02 (2) (b) and 50.36 (2), 1993

stats., and for examination of nursing home and hospital plans under section 101.19 (1) (a), 1993 stats.

(3) ENHANCED COMMUNITY INTEGRATION PROGRAM REIMBURSEMENT. By January 1, 1996, and before providing enhanced reimbursement under section 46.278 (6) (e) of the statutes, as created by this act, the department of health and social services shall submit to the department of administration for approval the formula developed by the department of health and social services for determining the enhanced reimbursement rate.

(4) COMMUNITY OPTIONS PROGRAM SERVICES IN CERTAIN FACILITIES. By October 1, 1995, the department of health and social services shall submit to the department of administration for approval the standards developed by the department of health and social services under section 46.27 (7) (cm) 2. of the statutes, as created by this act, for approving the provision of certain community options program services in certain community–based residential facilities.

(5) STANDARDS AND RULES REVIEW AND APPROVAL AND EMERGENCY RULES.

(a) By October 1, 1995, the department of health and social services shall submit all of the following to the department of administration for review and approval:

2. Proposed rules required under sections 46.27 (2) (h) 2. and 46.277 (5r) of the statutes, as created by this act, for the granting of hardship exceptions to the requirements under sections 46.27 (6r) (c) and 46.277 (5) (d) 3. of the statutes, as created by this act.

(b) The department of health and social services shall submit proposed rules required under sections 46.27 (2) (h) 2. and 46.277 (5r) of the statutes, as created by

this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than November 1, 1995.

(c) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules required under sections 46.27 (2) (h) 2. and 46.277 (5r) of the statutes, as created by this act, for the period after December 30, 1995, and prior to the effective date of the rules submitted under paragraph (b) , but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating the rules under this paragraph.

(6) RULES ON ASSISTED LIVING FACILITIES. The department of health and social services shall submit proposed rules required under sections 49.45 (2) (a) 23. and 50.034 (2) of the statutes, as created by this act, to the department of administration for review no later than December 1, 1995. The department of health and social services shall submit the proposed rules, as approved by the department of administration, to the joint legislative council staff for review under section 227.15 (1) of the statutes no later than January 1, 1996.

(7) MEDICAL ASSISTANCE SCHOOL SERVICES. The department of health and social services shall submit in proposed form the rules required under section 49.45 (39) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than March 1, 1996.

(8) RULES FOR MEDICAL ASSISTANCE SERVICES RELATED TO TUBERCULOSIS. Using the procedure under section 227.24 of the statutes, the department of health and social services may promulgate rules regarding the provision of medical assistance

services under section 49.46 (2) (bm) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 49.46 (2) (bm) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(13) GENERAL RELIEF AND RELIEF OF NEEDY INDIAN PERSONS. The department of health and social services shall submit in proposed form the rules required under section 49.02 (7m) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than October 1, 1995.

(14) ALCOHOL AND OTHER DRUG TREATMENT PROGRAMS. During fiscal year 1995–96, the department of health and social services shall allocate $400,000 from the appropriation under section 20.435 (6) (gb) of the statutes for alcohol and other drug treatment programs in community aids under section 46.40 of the statutes, as affected by this act.

(15) TRANSFER OF CERTAIN PUBLIC ASSISTANCE, CHILD SUPPORT AND PATERNITY PROGRAMS.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the department of health and social services that are primarily related to the programs in section 49.855 and subchapter III of chapter 49 of the statutes, as affected by this act, as determined by the secretary of administration, shall become the assets and liabilities of the department of industry, labor and human relations.

(b) *Employe transfers.*

1. All incumbent employes holding positions in the department of health and social services that are primarily related to the programs in section 49.855 and subchapter III of chapter 49 of the statutes, as affected by this act, as determined by the secretary of administration, are transferred on the effective date of this subdivision to the department of industry, labor and human relations.

2. Upon final determination of the personnel to be transferred to the department of industry, labor and human relations under subdivision 1. , the secretary of health and social services and the secretary of industry, labor and human relations shall, by the date that is established for submittal of requests for consideration at the 4th quarterly meeting for 1995 of the joint committee on finance under section 13.10 of the statutes, request the joint committee on finance to transfer moneys between the general purpose revenue appropriations for the department of health and social services and the department of industry, labor and human relations, between the program revenue appropriations for the department of health and social services and the department of industry, labor and human relations, between the program revenue–service appropriations for the department of health and social services and the department of industry, labor and human relations and between the federal revenues appropriations for the department of health and social services and the department of industry, labor and human relations, if necessary to adjust previously allocated costs in accordance with the transfer of personnel.

(c) *Employe status.* Employes transferred under paragraph (b) 1. have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of industry, labor and human relations that they enjoyed in the department of health and social services immediately before the transfer.

Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and social services that is primarily related to the programs in section 49.855 and subchapter III of chapter 49 of the statutes, as affected by this act, as determined by the secretary of administration, is transferred to the department of industry, labor and human relations.

(e) *Contracts.* All contracts entered into by the department of health and social services in effect on the effective date of this paragraph that are primarily related to the programs in section 49.855 and subchapter III of chapter 49 of the statutes, as affected by this act, as determined by the secretary of administration, remain in effect and are transferred to the department of industry, labor and human relations. The department of industry, labor and human relations shall carry out any such contractual obligations until modified or rescinded by the department of industry, labor and human relations to the extent allowed under the contracts.

(f) *Rules and orders.*

1. All rules promulgated by the department of health and social services that are in effect on the effective date of this subdivision and that are primarily related to the programs in section 49.855 and subchapter III of chapter 49 of the statutes, as affected by this act, remain in effect until their specified expiration date or until amended or repealed by the department of industry, labor and human relations. All orders issued by the department of health and social services that are in effect on the effective date of this subdivision and that are primarily related to the programs in section 49.855 and subchapter III of chapter 49 of the statutes, as affected by this act,

remain in effect until their specified expiration date or until modified or rescinded by the department of industry, labor and human relations.

2. The secretary of health and social services and the secretary of industry, labor and human relations shall, by December 31, 1995, meet and specify the apportionment of rules and standards, between the 2 departments, with respect to the supervision of employes of county departments under sections 46.215, 46.22 and 46.23 of the statutes, as affected by this act, and with respect to eligibility requirements for certain programs of public assistance, in order to effect the intent of this act.

(g) *Pending matters.* Any matter pending with the department of health and social services on the effective date of this paragraph that is primarily related to any of the programs in section 49.855 or subchapter III of chapter 49 of the statutes, as affected by this act, is transferred to the department of industry, labor and human relations and all materials submitted to or actions taken by the department of health and social services with respect to the pending matter are considered as having been submitted to or taken by the department of industry, labor and human relations.

(15p) TRANSFER OF THE LOW-INCOME ENERGY ASSISTANCE PROGRAM.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the department of health and social services that are primarily related to the low–income energy assistance program under section 16.385 of the statutes, as affected by this act, as determined by the secretary of administration, shall become the assets and liabilities of the department of administration.

(b) *Employe transfers.*

1. All incumbent employes holding positions in the department of health and social services that are primarily related to the low–income energy assistance

program under section 16.385 of the statutes, as affected by this act, as determined by the secretary of administration, are transferred on the effective date of this subdivision to the department of administration.

2. Upon final determination of the personnel to be transferred to the department of administration under subdivision 1. , the secretary of health and social services and the secretary of administration shall, by the date that is established for submittal of requests for consideration at the 4th quarterly meeting for 1995 of the joint committee on finance under section 13.10 of the statutes, request the joint committee on finance to transfer moneys between the general purpose revenue appropriations for the department of health and social services and the department of administration, between the program revenue appropriations for the department of health and social services and the department of administration, between the program revenue–service appropriations for the department of health and social services and the department of administration and between the federal revenues appropriations for the department of health and social services and the department of administration, if necessary to adjust previously allocated costs in accordance with the transfer of personnel.

(c) *Employe status.* Employes transferred under paragraph (b) 1. have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of health and social services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and social

services that is primarily related to the low–income energy assistance program under section 16.385 of the statutes, as affected by this act, as determined by the secretary of administration, is transferred to the department of administration.

(e) *Contracts.* All contracts entered into by the department of health and social services in effect on the effective date of this paragraph that are primarily related to the low–income energy assistance program under section 16.385 of the statutes, as affected by this act, as determined by the secretary of administration, remain in effect and are transferred to the department of administration. The department of administration shall carry out any such contractual obligations until modified or rescinded by the department of administration to the extent allowed under the contracts.

(f) *Rules and orders.* All rules promulgated by the department of health and social services that are in effect on the effective date of this paragraph and that are primarily related to the low–income energy assistance program under section 16.385 of the statutes, as affected by this act, remain in effect until their specified expiration date or until amended or repealed by the department of administration. All orders issued by the department of health and social services that are in effect on the effective date of this subdivision and that are primarily related to the low–income energy assistance program under section 16.385 of the statutes, as affected by this act, remain in effect until their specified expiration date or until modified or rescinded by the department of administration.

(g) *Pending matters.* Any matter pending with the department of health and social services on the effective date of this paragraph that is primarily related to the low–income energy assistance program under section 16.385 of the statutes, as affected by this act, is transferred to the department of administration and all

materials submitted to or actions taken by the department of health and social services with respect to the pending matter are considered as having been submitted to or taken by the department of administration.

(16) PLAN OF REORGANIZATION. By April 1, 1996, the department of health and social services shall submit to the department of administration, for review, a proposed plan of reorganization, beginning on July 1, 1996, for the department of health and social services, in order to effect the intent of this act. After reviewing the proposed reorganization plan, the secretary of administration shall submit the plan, including any suggested modifications to the plan, no later than May 1, 1996, to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after the date of the plan's submittal that the committee has scheduled a meeting to take place no later than June 30, 1996, for the purpose of reviewing the plan, the secretary of administration shall proceed with the reorganization plan, including the secretary's suggested modifications. If, within 14 working days after the date of the plan's submittal, the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan, the secretary of administration shall proceed with the plan, after incorporating any changes to the plan that are made by the joint committee on finance at the meeting.

(17) VOCATIONAL REHABILITATION SUBUNIT TRANSFER.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of health and social services primarily related to the subunit of the department of health and social services that administers vocational rehabilitation services, as determined by the secretary of administration, shall become the assets and liabilities of the department of industry, labor and human

relations, except that those assets and liabilities of the department of health and social services primarily related to nonvocational services for the hearing and visually impaired shall remain the assets and liabilities of the department of health and social services.

(b) *Employe transfers.*

1. All incumbent employes holding positions in the subunit of the department of health and social services that administers vocational rehabilitation services, as determined by the secretary of administration, are transferred on the effective date of this subdivision to the department of industry, labor and human relations, except that those incumbent employes in the department of health and social services primarily related to nonvocational services for the hearing and visually impaired shall remain in the department of health and social services.

2. Upon final determination of the personnel to be transferred to the department of industry, labor and human relations under subdivision 1. , the secretary of health and social services and the secretary of industry, labor and human relations shall, by the date that is established for submittal of requests for consideration at the 4th quarterly meeting for 1995 of the joint committee on finance under section 13.10 of the statutes, request the joint committee on finance to transfer moneys, as of July 1, 1996, between the general purpose revenue appropriations for the department of health and social services and the department of industry, labor and human relations, between the program revenue appropriations for the department of health and social services and the department of industry, labor and human relations, between the program revenue–service appropriations for the department of health and social services and the department of industry, labor and human relations and between the federal revenues appropriations for the

department of health and social services and the department of industry, labor and human relations, if necessary to adjust previously allocated costs in accordance with the transfer of personnel.

(c) *Employe status.* Employes transferred under paragraph (b) to the department of industry, labor and human relations have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes, in the department of industry, labor and human relations that they enjoyed in the subunit of the department of health and social services that administers vocational rehabilitation services before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and social services that is primarily related to the functions of the subunit of the department of health and social services that administers vocational rehabilitation services, as determined by the secretary of administration, is transferred to the department of industry, labor and human relations, except that the tangible personal property, including records, of the department of health and social services primarily related to nonvocational services for the hearing and visually impaired remain in the department of health and social services.

(e) *Contracts.* All contracts entered into by the department of health and social services primarily related to the subunit of the department of health and social services that administers vocational rehabilitation services in effect on the effective date of this paragraph remain in effect and are transferred to the department of industry, labor and human relations, except that those contracts primarily related

to nonvocational services for the hearing and visually impaired remain in the department of health and social services. The secretary of industry, labor and human relations shall carry out any such contractual obligations, except that the secretary of health and social services shall carry out any contractual obligations primarily related to nonvocational services for the hearing and visually impaired.

(f) *Contracts of the subunit of the department of health and social services that administers vocational rehabilitation services.* All contracts entered into by the subunit of the department of health and social services that administers vocational rehabilitation services in effect on the effective date of this paragraph remain in effect and are transferred to the department of industry, labor and human relations, except those contracts primarily related to nonvocational services for the hearing and visually impaired shall remain in the department of health and social services. The department of industry, labor and human relations shall carry out any such contractual obligations, except that the secretary of health and social services shall carry out any contractual obligations primarily related to nonvocational services for the hearing and visually impaired.

(g) *Rules and orders.* All rules promulgated by the department of health and social services primarily related to the subunit of the department of health and social services that administers vocational rehabilitation services that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of industry, labor and human relations, except that those rules promulgated by the department of health and social services primarily related to nonvocational services to the hearing and visually impaired remain in effect until their expiration date or until amended or repealed by the department of health and social services. All orders issued by the department

of health and social services primarily related to the subunit of the department of health and social services that administers vocational rehabilitation services that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of industry, labor and human relations, except that those orders issued by the department of health and social services primarily related to nonvocational services to the hearing and visually impaired remain in effect until their expiration date or until modified or rescinded by the department of health and social services.

(h) *Pending matters.* Any matter pending with the department of health and social services on the effective date of this paragraph primarily related to the subunit of the department of health and social services that administers vocational rehabilitation services, except any matter primarily related to nonvocational services for the hearing and visually impaired, is transferred to the department of industry, labor and human relations, and all materials submitted to or actions taken by the department of health and social services before the effective date of this paragraph with respect to pending matters, except pending matters primarily related to nonvocational services for the hearing and visually impaired, are considered as having been submitted to or taken by the department of industry, labor and human relations.

(i) *Transfer proposals.* After reviewing the proposed transfer of assets and liabilities under paragraph (a), employes under paragraph (b), tangible personal property under paragraph (d) and contracts under paragraphs (e) and (f), the secretary of administration shall submit the proposals, including any suggested modifications to the proposals, no later than June 1, 1996, to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of

administration within 14 working days after the date of the proposals' submittal that the committee has scheduled a meeting to take place in June 1996, for the purpose of reviewing the proposals, the secretary of administration shall proceed with the proposals, including the secretary's suggested modifications. If, within 14 working days after the date of the proposal's submittal, the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the proposals, the secretary of administration shall proceed with the proposals, after incorporating any changes to the proposals that are made by the joint committee on finance at the meeting.

(17m) VOCATIONAL REHABILITATION REPORT. The department of health and social services shall report to the joint committee on finance, at the committee's 2nd quarterly meeting in 1996 under section 13.10 of the statutes, on all of the following:

(a) The extent of the waiting list, if any, for vocational rehabilitation services and the measures taken by the department of health and social services to minimize the waiting list in order to comply with the provision under section 47.02 (3) (f) of the statutes to make vocational rehabilitation services available in every county to all handicapped persons who are present in this state regardless of residency.

(b) The amount of 3rd–party funding that will be available as a match to federal funds under 29 USC 701 to 796i in federal fiscal year 1996–97.

(c) Whether additional funding is necessary to fully capture available federal matching funds and the sources of funding that could be reallocated within the budget of the department of health and social services.

(18) STATE USE BOARD MEMBERSHIP. Notwithstanding section 15.105 (22) of the statutes, as affected by this act, the member serving on the state use board as a representative of the subunit of health and social services that administers

vocational rehabilitation laws shall continue to serve as a member of the state use board until his or her successor is appointed and qualifies.

(19) AGENCY NAME CHANGE.

(a) Wherever the term "health and social services" appears in the statutes, as affected by the acts of 1995, the term "health and family services" is substituted.

(b) Beginning on July 1, 1996, the department of health and family services has the powers and duties granted or assigned the department of health and social services by SECTIONS 9101 to 9159 of this act that do not terminate before paragraph (a) takes effect. Beginning on July 1, 1996, the secretary of health and family services has the powers and duties granted or assigned the secretary of health and social services by SECTIONS 9101 to 9159 of this act that do not terminate before paragraph (a) takes effect.

(22x) SICK LEAVE POLICY. By October 1, 1995, the department of health and social services shall develop and implement a policy to address the use of scheduled and unscheduled leave, including sick leave, by employes of that department who are employed at the juvenile correctional institutions operated by that department and shall, by October 1, 1995, submit a report containing its findings and recommendations to the appropriate standing committees in the manner provided under section 13.172 (3) of the statutes and to the governor.

(23) TRANSFER OF JUVENILE SECURED CORRECTIONAL FACILITIES.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the department of health and social services that are primarily related to the division of youth services in that department shall become the assets and liabilities of the department of corrections. The departments of health and social services and corrections shall jointly determine these assets and liabilities and shall

jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the departments, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and social services that is primarily related to the division of youth services in that department is transferred to the department of corrections. The departments of health and social services and corrections shall jointly identify this tangible personal property, including records, and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the departments, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(c) *Pending matters.* Any matter pending with the department of health and social services on the effective date of this paragraph that is primarily related to the division of youth services in that department is transferred to the department of corrections. All materials submitted or actions taken by the department of health and social services with respect to the pending matter are considered as having been submitted to or taken by the department of corrections.

(d) *Contracts.* All contracts entered into by the department of health and social services in effect on the effective date of this paragraph that are primarily related to the division of youth services in that department remain in effect and are transferred to the department of corrections. The departments of health and social services and corrections shall jointly identify these contracts and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any

disagreement between the departments, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(e) *Rules and orders.* All rules promulgated by the department of health and social services in effect on the effective date of this paragraph that are primarily related to the division of youth services in that department remain in effect until their specified expiration date or until amended or repealed by the department of corrections. All orders issued by the department of health and social services in effect on the effective date of this paragraph that are primarily related to the division of youth services in that department remain in effect until their specified expiration date or until modified or rescinded by the department of corrections.

(f) *Transfer of positions and employes, change in funding source.*

1m. All incumbent employes holding positions in the division of youth services in the department of health and social services, except for the incumbent employe holding the unclassified division administrator position, are transferred on the effective date of this subdivision to the department of corrections.

3. On the effective date of this subdivision, 1.5 FTE PR positions in the division of management services in the department of health and social services funded from the appropriation under section 20.435 (8) (k) of the statutes, as affected by the acts of 1995, and the incumbent employes holding those positions are transferred to the department of corrections, and the positions become 1.5 FTE GPR positions to be funded from the appropriation under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995.

3m. On the effective date of this subdivision, 0.4 FTE PR position in the division of management services in the department of health and social services funded from the appropriation under section 20.435 (8) (k) of the statues, as affected

by the acts of 1995, and the incumbent employe holding that position are transferred to the department of corrections, and the position becomes 0.4 FTE PR position to be funded from the appropriation under section 20.410 (1) (kk) of the statutes, as affected by the acts of 1995.

5. On the effective date of this subdivision, 6.1 FTE GPR positions in the division of management services in the department of health and social services funded from the appropriation under section 20.435 (8) (a) of the statutes, as affected by the acts of 1995, and the incumbent employes holding those positions are transferred to the department of corrections, and the positions become 3.0 FTE GPR positions to be funded from the appropriation under section 20.410 (1) (a) of the statutes, as affected by the acts of 1995.

6. The departments of health and social services and corrections shall jointly determine the employes to be transferred under subdivisions 1m., 3., 3m. and 5. and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the departments, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

7. Upon final determination of the personnel to be transferred to the department of corrections under subdivisions 1m., 3., 3m. and 5., the joint committee on finance shall, by December 31, 1996, transfer moneys between the general purpose revenue appropriations for the department of health and social services and the department of corrections, between the program revenue appropriations for the department of health and social services and the department of corrections, between the program revenue–service appropriations for the department of health and social services and the department of corrections and between the federal revenues appropriations for the department of health and social services and the department

of corrections, if necessary to adjust previously allocated costs in accordance with the transfer of personnel.

(g) *Employe status.* Employes transferred under paragraph (f) have all the same rights and status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of corrections that they enjoyed in the department of health and social services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(h) *Custody.* On the effective date of this paragraph, all persons who are under the legal custody or supervision of the department of health and social services are transferred to the supervision of the department of corrections. The departments of health and social services and corrections shall jointly determine those persons and shall jointly develop a plan for the orderly transfer thereof. In the event of any disagreement between the departments, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(24x) EFFICIENCY MEASURES. Before September 1, 1995, the department of health and social services shall submit a report to the joint committee on finance recommending how savings in fiscal year 1995–96 of $703,100 and in fiscal year 1996–97 of $1,406,200 resulting from budget efficiency measures should be allocated among the department's general purpose revenue general program operations appropriations for programs under section 20.435 of the statutes and how many positions should be abolished. If the cochairpersons of the committee do not notify the department of health and social services that the committee has scheduled a meeting for the purpose of reviewing the report within 14 working days after the date of the submittal of the report by the department of health and social services, the

recommendations of the report may be implemented as proposed by the department of health and social services. If, within 14 working days after the date of the submittal of the report by the department of health and social services, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the report, the recommendations of the report may be implemented only upon approval of the committee. Notwithstanding section 16.505 (1) of the statutes, as affected by this act, the department or the committee may abolish positions under this subsection.

(26j) CONTRACT WITH RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWAS.

(a) The department of health and social services shall establish a pilot project under which the Red Cliff Band of Lake Superior Chippewas may directly negotiate a contract with the department of health and social services to provide certain social services for tribal members who reside within the boundaries of the reservation of the Red Cliff Band of Lake Superior Chippewas. Specific programs, services and funding levels that are to be provided under the project shall be determined by negotiations between the department of health and social services and the Red Cliff Band of Lake Superior Chippewas and shall be specified in the contract. As a condition of the contract, the Red Cliff Band of Lake Superior Chippewas shall contract for performance of an independent evaluation of the project.

(b) This subsection does not apply after June 30, 1997.

(26t) CAPACITY BUILDING FOR EARLY AND INTENSIVE INTERVENTION SERVICES. A county that receives funding under section 46.263 (1), 1993 stats., during the first 6 months of 1995 may expend that funding at any time during calendar year 1995.

(26v) SECURED JUVENILE CORRECTIONAL FACILITY. The department of health and social services, with the approval of the governor, may purchase or accept a gift of

land and an existing facility for a suitable site for an additional secured correctional facility, as defined in section 48.02 (15m) of the statutes, as affected by this act, for delinquent boys and renovate and equip such buildings as it considers necessary for that purpose. The facility shall be financed by SECTION 9108 (1) (d) 1. of this act, shall be located at a site selected by the building commission and shall be operational by July 1, 1996.

(26y) JUVENILE PSYCHOLOGIST POSITIONS. If the department of health and social services is unable to fill 2.0 PR vacant psychologist positions at the Lincoln Hills school in fiscal year 1995–96, that department shall use $93,600 from the appropriation under section 20.435 (3) (hm) of the statutes, as affected by this act, sections 829 and 830, to hire one or more limited–term employe psychologists or to contract for the provision of psychological services at the Lincoln Hills school.

(27) FUNERAL, BURIAL AND CEMETERY EXPENSES. No later than January 1, 1996, the department of health and social services shall amend the state plan for aid to families with dependent children under 42 USC 602 to make the funeral, burial and cemetery expenses paid under section 49.19 (5) (d) of the statutes, as affected by this act, a special–needs item under 45 CFR 233.20 (a) (2) (v).

(27g) TRANSFER OF CHILD WELFARE SERVICES. The department of health and social services shall submit to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor, by April 1, 1996, a proposal to transfer the duty and authority to provide child welfare services in a county that has a population of 500,000 or more from the county department of social services of that county to the department of health and social services. The proposal shall provide an implementation plan for the department of health and social services to provide child welfare services in that county or to contract for the provision of child welfare

services in that county, or both, beginning on January 1, 1998, and shall consider all funds expended from state and federal revenues, the county tax levy and any other source of revenue for child welfare services in that county, as determined by the department of health and social services. The county from which the duty and authority to provide child welfare services would be transferred by the proposal under this subsection shall maintain in 1996 and 1997 the same level of expenditure for child welfare services from state and federal revenues, the county tax levy and any other source of revenue as that county expended in 1995 for child welfare services, as determined by the department of health and social services.

(27h) PLAN FOR TRANSFER OF AGENCY HEALTH FUNCTIONS. By July 1, 1996, after first consulting with representatives of local health departments and other state agencies, as defined in section 20.001 (1) of the statutes, the department of health and social services shall develop and submit to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor a plan to transfer to a department health functions that are performed by state agencies. The plan shall include an inventory of all authorized positions and funding of the affected state agencies that are associated with the health functions.

(27i) LOW-INCOME ENERGY ASSISTANCE.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of health and social services primarily related to the functions of the low–income energy assistance program, as determined by the secretary of administration, shall become the assets and liabilities of the department of administration.

(b) *Employe transfers.* All incumbent employes holding positions in the department of health and social services performing duties primarily related to the

low–income energy assistance program, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of administration.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of health and social services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and social services that is primarily related to the functions of the low–income energy assistance program, as determined by the secretary of administration, is transferred to the department of administration.

(e) *Contracts.* All contracts entered into by the department of health and social services in effect on the effective date of this paragraph that are primarily related to the functions of the low–income energy assistance program, as determined by the secretary of administration, remain in effect and are transferred to the department of administration. The department of administration shall carry out any such contractual obligations until modified or rescinded by the department of administration to the extent allowed under the contract.

(f) *Rules and orders.* All rules promulgated by the department of health and social services that are primarily related to the functions of the low–income energy assistance program and that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by

the department of administration. All orders issued by the department of health and social services that are primarily related to the functions of the low–income energy assistance program and that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of administration.

(g) *Pending matters.* Any matter pending on the effective date of this paragraph with the department of health and social services that is primarily related to the functions of the low–income energy assistance program is transferred to the department of administration and all materials submitted to or actions taken by the department of health and social services that are primarily related to the functions of the low–income energy assistance program are considered as having been submitted to or taken by the department of administration.

(27q) TRANSFER OF OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the department of health and social services that are primarily related to the older American community service employment program under section 46.80 (2m) (c) of the statutes, as affected by this act, as determined by the secretary of administration, shall become the assets and liabilities of the department of industry, labor and human relations.

(b) *Employe transfer.* One FTE FED position in the department of health and social services performing duties primarily related to the older American community service employment program under section 46.80 (2m) (c) of the statutes, as affected by this act, as determined by the secretary of administration, and the incumbent employe holding that position are transferred on the effective date of this paragraph to the department of industry, labor and human relations.

(c) *Employe status.* The employe transferred under paragraph (b) has all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of industry, labor and human relations that the employe enjoyed in the department of health and social services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and social services that is primarily related to the older American community service employment program under section 46.80 (2m) (c) of the statutes, as affected by this act, as determined by the secretary of administration, is transferred to the department of industry, labor and human relations.

(e) *Contracts.* All contracts entered into by the department of health and social services in effect on the effective date of this paragraph that are primarily related to the older American community service employment program under section 46.80 (2m) (c) of the statutes, as affected by this act, as determined by the secretary of administration, remain in effect and are transferred to the department of industry, labor and human relations. The department of industry, labor and human relations shall carry out any such contractual obligations until modified or rescinded by the department of industry, labor and human relations to the extent allowed under the contracts.

(f) *Rules and orders.* All rules promulgated by the department of health and social services that are in effect on the effective date of this paragraph and that are primarily related to the older American community service employment program

under section 46.80 (2m) (c) of the statutes, as affected by this act, remain in effect until their specified expiration date or until amended or repealed by the department of industry, labor and human relations. All orders issued by the department of health and social services that are in effect on the effective date of this paragraph and that are primarily related to the older American community service employment program under section 46.80 (2m) (c) of the statutes, as affected by this act, remain in effect until their specified expiration date or until modified or rescinded by the department of industry, labor and human relations.

(g) *Pending matters.* Any matter pending with the department of health and social services on the effective date of this paragraph that is primarily related to the older American community service employment program under section 46.80 (2m) (c) of the statutes, as affected by this act, is transferred to the department of industry, labor and human relations and all materials submitted to or actions taken by the department of health and social services with respect to the pending matter are considered as having been submitted to or taken by the department of industry, labor and human relations.

(h) *Joint committee on finance review.* After reviewing the proposed transfer of assets and liabilities under paragraph (a), employes under paragraph (b), tangible personal property under paragraph (d) and contracts under paragraph (e), the secretary of administration shall submit the proposals, including any suggested modifications to the proposals, no later than June 1, 1996, to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after the date of the submittal that the committee has scheduled a meeting to take place in June 1996, for the purpose of reviewing the proposals, the secretary of administration shall proceed with the

proposals, including the secretary's suggested modifications. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the proposals, the secretary of administration shall proceed with the proposals, after incorporating any changes to the proposals that are made by the joint committee on finance at the meeting.

(27t) REPORT ON DATA COLLECTION EFFORTS. No later than July 1, 1996, the department of health and social services shall submit to the secretary of administration and to the cochairpersons of the joint committee on finance a report on data collection regarding county social and human services expenditures. The report shall include a description of current data collection efforts for social and human services expenditures and recommendations on how to modify current data collection efforts to ensure that information from counties is available to do all of the following:

(a) Accurately anticipate budget needs.

(b) Evaluate existing and proposed social and human services initiatives.

(c) Distribute additional funding for community aids received after the 1995–97 biennium based on the outcomes of county spending, rather than on across–the–board adjustments based on historical county allocations.

(27u) REGIONAL SERVICE DELIVERY FEASIBILITY STUDY. The department shall conduct a study of the feasibility of implementing a regional–based, rather than county–based, human and social services delivery system. In conducting the study, the department shall consult with representatives from the private and public sectors involved in the delivery of human and social services. The department shall

report the results of its feasibility study to the joint committee on finance at its 4th regularly scheduled quarterly meeting under section 13.10 of the statutes in 1996.

(27x) RULES ON GRANTS FOR LEAD POISONING OR LEAD EXPOSURE.

(a) The department of health and social services shall submit proposed rules required under section 254.151 of the statutes, as affected by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than November 1, 1995.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules required under section 254.151 of the statutes, as affected by this act, for the period after October 1, 1995, and prior to 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) and (2) (b) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating the rules under this paragraph.

(28g) STUDY OF CONSOLIDATING ALCOHOL AND OTHER DRUG ABUSE PROGRAMS.

(a) In this subsection, "agency" has the meaning given in section 16.045 (1) (a) of the statutes.

(b) The department of health and social services shall study the feasibility of consolidating into a single, statewide program all programs having to do with alcohol or other drug abuse that are administered by agencies in this state.

(c) By January 1, 1996, the department of health and social services shall submit the results of the study to the legislature in the manner provided under section 13.172 (2) of the statutes and to the governor.

(28q) PERSONAL CARE BENEFIT STUDY. The department of health and social services shall conduct a study of the personal care benefit under the medical assistance program. The department shall submit the results of its study to the governor and to the joint committee on finance no later than January 1, 1996. The study shall consider the following:

(a) The effect of modifying the medical assistance personal care benefit to create incentives for agencies or county social services staff to limit the provision of personal care services, such as requiring that program monitoring and supervision be provided by individuals who are not employed by the agency that employs the personal care worker.

(b) The effect and administrative feasibility of providing some personal care services through individuals who are not employed by home health agencies or personal–care–only agencies, including family members and neighbors of the individual receiving the personal care services.

(c) The potential cost savings of limited eligibility for the services, the amount and scope of personal care services, and the effect such proposals would have on individuals currently receiving personal care services.

(d) The adequacy of current medical assistance reimbursement rates for personal care services, the effect of paying for personal care services on a per–visit basis and recommendations for changing the current rate structure.

(28t) POSITIONS FUNDED BY THE FEDERAL WOMEN, INFANTS AND CHILDREN PROGRAM. The number of authorized FTE positions that may be supported by federal funds under 42 USC 1786 to administer the federal special supplemental food program for women, infants and children is limited to 14.0 FED positions in the department of health and social services during the 1995–97 biennium.

(29g) REPORT ON LIMITING FUNDING FOR CERTAIN CARE IN COMMUNITY-BASED RESIDENTIAL FACILITIES. By October 1, 1995, the department of health and social services shall submit for review and approval a report to the governor and to the joint committee on finance concerning proposed standards for the granting of a waiver under sections 46.27 (3) (f) and 46.277 (3) (c) of the statutes, as created by this act, for provision of long–term community support services for persons who reside in community–based residential facilities. If the cochairpersons of the committee do not notify the department of health and social services that the committee has scheduled a meeting for the purpose of reviewing the proposed standards within 14 working days after the date of the submittal, the standards may be implemented as proposed by the department of health and social services. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the department of health and social services that the committee has scheduled a meeting for the purpose of reviewing the proposed standards, the proposed standards may be implemented only upon approval of the committee.

(29h) REPORT ON MODEL CONTRACT FOR CERTAIN CARE IN COMMUNITY-BASED RESIDENTIAL FACILITIES. By January 1, 1996, the department of health and social services shall submit a report to the governor and to the joint committee on finance concerning the model contract required to be developed and approved under section 46.27 (2) (j) of the statutes, as created by this act, for purchase of community options program services for persons who reside in community–based residential facilities.

(30g) COMMUNITY OPTIONS PROGRAM DATA COLLECTION.

(a) 1. The department of health and social services shall survey counties with respect to their needs and priorities for additional data on the long–term support community options program under section 46.27 of the statutes, as affected by this

act, in order to best enhance efforts to coordinate the delivery and control the costs of the long–term community support services under the program.

2. The department of health and social services shall examine the benefits and costs of collecting all of the following data with respect to the long–term support community options program under section 46.27 of the statutes, as affected by this act:

a. Expenditure data, by type of service.

b. Cost–sharing by community options program clients.

c. Income and asset levels of community options program clients.

d. Costs of medical assistance benefits, by type of service, provided for community options program clients.

e. The amount and impact of informal support services provided to community options program clients by their families and friends.

f. A more detailed assessment of the needs of a community options program client for nursing care than is provided by the distinction between the level of care that is provided in a skilled nursing facility and that which is provided in an intermediate care facility.

(b) Based on the information obtained by the department of health and social services under paragraph (a), the department shall submit recommendations for consideration at the 4th quarterly 1995 meeting of the joint committee on finance under section 13.10 of the statutes for expenditure of $50,000 from the appropriation under section 20.865 (4) of the statutes to expand data collection for the long–term support community options program.

(31g) TRANSFER OF LABORATORY CERTIFICATION.

(a) *Assets and liabilities.* On the effective date of this paragraph, all assets and liabilities of the department of health and social services that are primarily related to the certification of laboratories under section 252.22 of the statutes, as affected by this act, as determined by the secretary of administration, shall become the assets and liabilities of the department of agriculture, trade and consumer protection.

(b) *Employe transfer.* On the effective date of this paragraph, 2.5 FTE PR positions in the department of health and social services performing duties primarily related to the certification of laboratories under section 252.22 of the statutes, as affected by this act, as determined by the secretary of administration, and the incumbent employes holding those positions are transferred to the department of agriculture, trade and consumer protection.

(c) *Employe status.* The employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of agriculture, trade and consumer protection that the employes enjoyed in the department of health and social services immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of health and social services that is primarily related to the certification of laboratories under section 252.22 of the statutes, as affected by this act, as determined by the secretary of administration, is transferred to the department of agriculture, trade and consumer protection.

(e) *Contracts.* All contracts entered into by the department of health and social services in effect on the effective date of this paragraph that are primarily related to the certification of laboratories under section 252.22 of the statutes, as affected by this act, as determined by the secretary of administration, remain in effect and are transferred to the department of agriculture, trade and consumer protection. The department of agriculture, trade and consumer protection shall carry out any such contractual obligations until modified or rescinded by the department of agriculture, trade and consumer protection to the extent allowed under the contracts.

(f) *Rules and orders.* All rules promulgated by the department of health and social services that are in effect on the effective date of this paragraph and that are primarily related to the certification of laboratories under section 252.22 of the statutes, as affected by this act, remain in effect until their specified expiration date or until amended or repealed by the department of agriculture, trade and consumer protection. All orders issued by the department of health and social services that are in effect on the effective date of this paragraph and that are primarily related to the certification of laboratories under section 252.22 of the statutes, as affected by this act, remain in effect until their specified expiration date or until modified or rescinded by the department of agriculture, trade and consumer protection.

(g) *Pending matters.* Any matter pending with the department of health and social services on the effective date of this paragraph that is primarily related to the certification of laboratories under section 252.22 of the statutes, as affected by this act, is transferred to the department of agriculture, trade and consumer protection and all materials submitted to or actions taken by the department of health and social services with respect to the pending matter are considered as having been

submitted to or taken by the department of agriculture, trade and consumer protection.

(h) *Joint committee on finance review.* After reviewing the proposed transfer of assets and liabilities under paragraph (a), employes under paragraph (b), tangible personal property under paragraph (d) and contracts under paragraph (e), the secretary of administration shall submit the proposals, including any suggested modifications to the proposals, no later than June 1, 1996, to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after the date of the submittal that the committee has scheduled a meeting to take place in June 1996, for the purpose of reviewing the proposals, the secretary of administration shall proceed with the proposals, including the secretary's suggested modifications. If, within 14 working days after the date of the plan's submittal, the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the proposals, the secretary of administration shall proceed with the proposals, after incorporating any changes to the proposals that are made by the joint committee on finance at the meeting.

(32g) RULES ON ESTATE RECOVERY FOR DISEASE AIDS COSTS.

(a) The department of health and social services shall submit proposed rules required under section 49.482 (5) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than January 1, 1996.

(b) Using the procedures under section 227.24 of the statutes, the department of health and social services shall promulgate rules required under section 49.482 (5) of the statutes, as created by this act, for the period prior to 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) and (3) of the statutes, the department is not required to make a finding of emergency.

SECTION 9127. Nonstatutory provisions; higher educational aids board.

(1) ELIMINATION OF AGENCY.

(a) Wherever the term "higher educational aids board" or "higher education aids board" appears in the statutes, as affected by the acts of 1995, the term "department of education" is substituted.

(b) Members of the council on financial aids in the higher educational aids board immediately prior to the effective date of this paragraph shall continue to serve as members of the council on financial aids in the department of education until they are removed by the secretary of education or their successors are appointed and qualify.

(c) On the effective date of this paragraph, the assets and liabilities of the higher educational aids board shall become the assets and liabilities of the department of education.

(d) All incumbent employes holding positions in the higher educational aids board, except the executive secretary of the board and the deputy to the executive secretary of the board, are transferred on the effective date of this paragraph to the department of education.

(e) Employes transferred under paragraph (d) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of education that they enjoyed in the higher educational aids board

immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(f) On the effective date of this paragraph, all tangible personal property, including records, of the higher educational aids board is transferred to the department of education.

(g) All contracts entered into by the higher educational aids board in effect on the effective date of this paragraph remain in effect and are transferred to the department of education. The department of education shall carry out any such contractual obligations until modified or rescinded by the department of education to the extent allowed under the contract.

(h) All rules promulgated by the higher educational aids board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of education. All orders issued by the higher educational aids board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the secretary of education.

(i) Any matter pending with the higher educational aids board on the effective date of this paragraph is transferred to the department of education and all materials submitted to or actions taken by the board with respect to the pending matter are considered as having been submitted to or taken by the department of education.

(1x) DETERMINATION OF FINANCIAL NEED. The higher educational aids board shall submit in proposed form the rules required under section 39.155 (1) of the

statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than January 1, 1996.

SECTION 9128. Nonstatutory provisions; historical society.

(1x) EFFICIENCY MEASURES. By September 1, 1995, the historical society shall submit a report to the joint committee on finance recommending how savings in fiscal year 1995–96 of $49,000 and in fiscal year 1996–97 of $250,700 resulting from budgetary efficiency measures should be allocated among the historical society's general purpose revenue appropriations for state operations. If the cochairpersons of the committee do not notify the historical society that the committee has scheduled a meeting for the purpose of reviewing the report within 14 working days after the date of the submittal, the recommendation may be implemented as proposed by the historical society. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the historical society that the committee has scheduled a meeting for the purpose of reviewing the report, the recommendation may be implemented only upon approval of the committee.

SECTION 9129. Nonstatutory provisions; housing and economic development authority.

(1g) WISCONSIN DEVELOPMENT RESERVE FUND TRANSFER. On the effective date of this subsection, the Wisconsin Housing and Economic Development Authority shall transfer to the department of administration for deposit in the general fund $240,900 from the Wisconsin development reserve fund under section 234.93 of the statutes.

SECTION 9130. Nonstatutory provisions; industry, labor and human relations.

(1) HOSPITAL AND NURSING HOME PLANS REVIEW TRANSFER.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of industry, labor and human relations primarily related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings, calculations and specifications of hospitals and nursing homes, as determined by the secretary of administration, shall become the assets and liabilities of the department of health and social services.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings, calculations and specifications of hospitals and nursing homes is transferred to the department of health and social services.

(e) *Contracts.* All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this paragraph that are primarily related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings, calculations and specifications of hospitals and nursing homes, as determined by the secretary of administration, remain in effect and are transferred to the department of health and social services. The department of health and social services shall carry out any such contractual obligations until modified or rescinded by the department of health and social services to the extent allowed under the contract.

(f) *Rules and orders.* All rules promulgated by the department of industry, labor and human relations primarily related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings, calculations and specifications of hospitals and nursing homes that are in effect on the effective date of this paragraph

remain in effect until their specified expiration date or until amended or repealed by the department of health and social services. All orders issued by the department of industry, labor and human relations primarily related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings, calculations and specifications of hospitals and nursing homes that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of health and social services.

(g) *Pending matters.* Any matter pending with the department of industry, labor and human relations on the effective date of this paragraph that is primarily related to the review, under section 101.12 (intro.), 1993 stats., of essential drawings, calculations and specifications of hospitals and nursing homes is transferred to the department of health and social services and all materials submitted to or actions taken by the department of industry, labor and human relations with respect to the pending matter are considered as having been submitted to or taken by the department of health and social services.

(1g) TRANSFER OF POSITIONS AND EMPLOYES RELATING TO CODE DEVELOPMENT. On the effective date of this subsection, 7.5 FTE PR positions having duties primarily related to the development of the codes and rules of the division of safety and buildings in the department of industry, labor and human relations, as determined by the secretary of administration, are transferred from the department of industry, labor and human relations to the department of development. Employes transferred under this subsection have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of development that they enjoyed in the department of industry, labor and human relations before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so

transferred who has attained permanent status in class is required to serve a probationary period.

(1m) EFFICIENCY STUDY. The labor and industry review commission shall study its current procedures in all areas of its responsibility, identify areas that could become more efficient, develop recommendations to streamline its procedures and improve its operations and identify any positions that could be eliminated as a result of the efficiencies and improved procedures identified in the study. The labor and industry review commission shall submit its findings and recommendations to the secretary of administration and the joint committee on finance by October 31, 1996.

(2) TRANSFER OF SAFETY AND BUILDINGS FUNCTIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of industry, labor and human relations primarily related to the functions of the division of safety and buildings, as determined by the secretary of administration, shall become the assets and liabilities of the department of development.

(b) *Employe transfers.*

1. All incumbent employes holding positions in the department of industry, labor and human relations performing duties primarily related to the functions of the division of safety and buildings, as determined by the secretary of administration, are transferred on the effective date of this subdivision to the department of development.

2. Upon final determination of the personnel to be transferred to the department of development under subdivision 1. , the secretary of industry, labor and human relations and the secretary of development shall, by the date that is established for submittal of requests for consideration at the 4th quarterly meeting

for 1995 of the joint committee on finance under section 13.10 of the statutes, request the joint committee on finance to transfer moneys between the general purpose revenue appropriations for the department of industry, labor and human relations and the department of development, between the program revenue appropriations for the department of industry, labor and human relations and the department of development, between the program revenue–service appropriations for the department of industry, labor and human relations and the department of development and between the federal revenues appropriations for the department of industry, labor and human relations and the department of development, if necessary to adjust previously allocated costs in accordance with the transfer of personnel.

(c) *Employe status.* Employes transferred under paragraph (b) 1. have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of development that they enjoyed in the department of industry, labor and human relations before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the functions of the division of safety and buildings, as determined by the secretary of administration, is transferred to the department of development.

(e) *Contracts.* All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this paragraph that are primarily related to the functions of the division of safety and buildings, as

determined by the secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations until modified or rescinded by the department of development to the extent allowed under the contracts.

(f) *Rules and orders.* All rules promulgated by the department of industry, labor and human relations that are in effect on the effective date of this paragraph and that are primarily related to the functions of the division of safety and buildings remain in effect until their specified expiration date or until amended or repealed by the department of development. All orders issued by the department of industry, labor and human relations that are in effect on the effective date of this paragraph and that are primarily related to the functions of the division of safety and buildings remain in effect until their specified expiration date or until modified or rescinded by the department of development.

(g) *Pending matters.* Any matter pending with the department of industry, labor and human relations on the effective date of this paragraph that is primarily related to the division of safety and buildings is transferred to the department of development and all materials submitted to or actions taken by the department of industry, labor and human relations with respect to any pending matter are considered as having been submitted to or taken by the department of development.

(2q) TRANSFER OF RELOCATION ASSISTANCE PROGRAM FUNCTIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of industry, labor and human relations primarily related to the functions of the relocation assistance program, as determined by the secretary of administration, shall become the assets and liabilities of the department of development.

(b) *Employe transfers.* All incumbent employes holding positions in the department of industry, labor and human relations performing duties primarily related to the functions of the relocation assistance program, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of development.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of development that they enjoyed in the department of industry, labor and human relations before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the functions of the relocation assistance program, as determined by the secretary of administration, is transferred to the department of development.

(e) *Contracts.* All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this paragraph that are primarily related to the functions of the relocation assistance program, as determined by the secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations until modified or rescinded by the department of development to the extent allowed under the contracts.

(f) *Rules and orders.* All rules promulgated by the department of industry, labor and human relations that are in effect on the effective date of this paragraph

and that are primarily related to the functions of the relocation assistance program remain in effect until their specified expiration date or until amended or repealed by the department of development. All orders issued by the department of industry, labor and human relations that are in effect on the effective date of this paragraph and that are primarily related to the functions of the relocation assistance program remain in effect until their specified expiration date or until modified or rescinded by the department of development.

(g) *Pending matters.* Any matter pending with the department of industry, labor and human relations on the effective date of this paragraph that is primarily related to the relocation assistance program is transferred to the department of development and all materials submitted to or actions taken by the department of industry, labor and human relations with respect to any pending matter are considered as having been submitted to or taken by the department of development.

(3) TRANSFER OF MATERIALS RELATING TO COUNCILS BEING TRANSFERRED TO DEPARTMENT OF DEVELOPMENT.

(a) *Dwelling code council.*

1. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the dwelling code council, as determined by the secretary of administration, is transferred to the department of development.

2. 'Contracts.' All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this subdivision that are primarily related to the functions of the dwelling code council, as determined by the secretary of administration, remain in effect and are transferred to the department

of development. The department of development shall carry out any such contractual obligations unless modified or rescinded by the department of development to the extent allowed under the contract.

(b) *Contractor financial responsibility council.*

1. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the contractor financial responsibility council, as determined by the secretary of administration, is transferred to the department of development.

2. 'Contracts.' All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this subdivision that are primarily related to the functions of the contractor financial responsibility council, as determined by the secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations unless modified or rescinded by the department of development to the extent allowed under the contract.

(c) *Fire prevention council.*

1. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the fire prevention council, as determined by the secretary of administration, is transferred to the department of development.

2. 'Contracts.' All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this subdivision that are primarily related to the functions of the fire prevention council, as determined by the

secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations unless modified or rescinded by the department of development to the extent allowed under the contract.

(d) *Plumbers council.*

1. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the plumbers council, as determined by the secretary of administration, is transferred to the department of development.

2. 'Contracts.' All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this subdivision that are primarily related to the functions of the plumbers council, as determined by the secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations unless modified or rescinded by the department of development to the extent allowed under the contract.

(e) *Automatic fire sprinkler system contractors and journeymen council.*

1. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the automatic fire sprinkler system contractors and journeymen council, as determined by the secretary of administration, is transferred to the department of development.

2. 'Contracts.' All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this subdivision that are primarily related to the functions of the automatic fire sprinkler system contractors

and journeymen council, as determined by the secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations unless modified or rescinded by the department of development to the extent allowed under the contract.

(f) *Petroleum storage environmental cleanup council.*

1. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the petroleum storage environmental cleanup council, as determined by the secretary of administration, is transferred to the department of development.

2. 'Contracts.' All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this subdivision that are primarily related to the functions of the petroleum storage environmental cleanup council, as determined by the secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations unless modified or rescinded by the department of development to the extent allowed under the contract.

(g) *Multifamily dwelling code council.*

1. 'Tangible personal property.' On the effective date of this subdivision, all tangible personal property, including records, of the department of industry, labor and human relations that is primarily related to the multifamily dwelling code council, as determined by the secretary of administration, is transferred to the department of development.

2. 'Contracts.' All contracts entered into by the department of industry, labor and human relations in effect on the effective date of this subdivision that are primarily related to the functions of the multifamily dwelling code council, as determined by the secretary of administration, remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations unless modified or rescinded by the department of development to the extent allowed under the contract.

(4) AGENCY NAME CHANGE.

(a) Wherever the term "industry, labor and human relations" appears in the statutes, as affected by the acts of 1995, the term "industry, labor and job development" is substituted.

(b) Beginning on July 1, 1996, the department of industry, labor and job development has the powers and duties granted or assigned the department of industry, labor and human relations by SECTIONS 9101 to 9159 of this act that do not terminate before paragraph (a) takes effect. Beginning on July 1, 1996, the secretary of industry, labor and job development has the powers and duties granted or assigned the secretary of industry, labor and human relations by SECTIONS 9101 to 9159 of this act that do not terminate before paragraph (a) takes effect.

(5) PLAN FOR THE TERMINATION OF DUPLICATIVE EMPLOYMENT AND TRAINING BODIES. No later than January 15, 1996, the governor's council on workforce excellence under section 15.227 (24) of the statutes, as created by this act, shall submit to the secretary of administration, to the lieutenant governor and to the cochairpersons of the joint committee on finance a plan for the termination of each council created in chapter 14 or 15 of the statutes, as affected by this act, and each commission or board created in or attached to an office, department or independent

agency under chapter 14 or 15 of the statutes, as affected by this act, whose duties and responsibilities duplicate the duties and responsibilities of the governor's council on workforce excellence under section 101.262 of the statutes, as created by this act, or whose duties and responsibilities can be taken over by the council. The secretary of administration and lieutenant governor shall evaluate the plan and shall consider whether to recommend the termination of any council, commission or board specified in the plan under this subsection. If the secretary or lieutenant governor determines that a council, commission or board should be terminated, the secretary or lieutenant governor shall, no later than April 15, 1996, submit a report to the cochairpersons of the joint committee on finance containing proposed legislation providing for such termination effective on July 1, 1996. If the secretary and the lieutenant governor both determine that a council, commission or board should be terminated, the secretary and lieutenant governor shall submit the report jointly. This subsection does not apply to any council, commission or board that is created or terminated under any act of the 1995–96 legislature regardless of the effective date of that creation or termination.

(6) EMPLOYMENT AND EDUCATION PROGRAM BOUNDARY PLAN. No later than January 15, 1996, the governor's council on workforce excellence under section 15.227 (24) of the statutes, as created by this act, shall submit to the secretary of administration a plan that realigns the boundaries of the service delivery areas under 29 USC 1511, the public employment office districts under 29 USC 49 to 49n and any other substate boundaries for the local administration of employment and education programs so that those boundaries are contiguous with the boundaries of the technical college districts under section 38.06 of the statutes. Under the plan,

a substate employment and education boundary may not split a technical college district but may, however, include more than one technical college district.

(7) DEPARTMENTAL REORGANIZATION PLAN. No later than February 15, 1996, the secretary of industry, labor and human relations shall submit to the secretary of administration, for review, a proposed plan of reorganization, beginning on July 1, 1996, that structures the functions and personnel of the department of industry, labor and human relations including the division of workforce excellence under section 15.223 (2) of the statutes, as created by this act, so as to give effect to the intent of this act. After reviewing the proposed reorganization plan, the secretary of administration shall submit the plan, including any suggested modifications to the plan, no later than May 1, 1996, to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after the date of the plan's submittal that the committee has scheduled a meeting to take place no later than June 30, 1996, for the purpose of reviewing the plan, the secretary of administration shall proceed with the reorganization plan, including the secretary's suggested modifications. If, within 14 working days after the date of the plan's submittal, the cochairpersons of the committee notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the plan, the secretary of administration shall proceed with the plan, after incorporating any changes to the plan that are made by the joint committee on finance at the meeting.

(14g) EFFICIENCY MEASURES. Before the first quarterly meeting in 1996 of the joint committee on finance, the department of industry, labor and human relations shall submit a plan to the joint committee on finance for providing budgetary

efficiency measures by combining new and existing career counseling centers with job centers.

(14t) OPTICAL IMAGING PROJECT.

(a) Of the moneys appropriated to the department of industry, labor and human relations under section 20.445 (1) (ha) of the statutes, $619,900 for fiscal year 1995–96 and $101,700 for fiscal year 1996–97 is allocated for a worker's compensation optical imaging project and may not be encumbered or expended until the secretary of administration submits to the cochairpersons of the joint committee on finance and the cochairpersons of the joint committee on information policy a report which includes all of the following:

1. The results of a review of the project by the division of technology management in the department of administration.

2. The specific objectives of the optical imaging project.

3. The schedule for implementation of the project, including a projection of the effect, during the period of the actual records conversion to the optical imaging system, on the ability of the department to process affected records received prior to and during the conversion, and any expected backlogs in processing.

4. An evaluation of the effectiveness of the project activities, if any, to date.

5. The additional funding requirements, if any, for the project in the 1995–97 fiscal biennium, including any additional costs such as overtime or other personnel costs likely to be incurred as a result of any projected processing backlog.

6. The funding requirements for the completion of the project and operation of the optical imaging system in future fiscal biennia.

(b) Notwithstanding section 16.50 (1) and (2) of the statutes, the secretary of administration shall not waive submission of expenditure estimates for the project

identified in paragraph (a) and shall not approve such estimates for the amounts specified in paragraph (a) until 14 working days after the secretary submits the report required under paragraph (a) and until the secretary has responded in writing to any concerns that are communicated to the secretary prior to the end of the 14–day period by the cochairpersons of the joint committee on finance or the cochairpersons of the joint committee on information policy.

(15g) VOCATIONAL REHABILITATION REPORT. The department of industry, labor and human relations shall report to the joint committee on finance, at the committee's 2nd quarterly meeting in 1997 under section 13.10 of the statutes, on all of the following:

(a) The extent of the waiting list, if any, for vocational rehabilitation services and the measures taken by the department of industry, labor and human relations to minimize the waiting list in order to comply with the provision under section 47.02 (3) (f) of the statutes to make vocational rehabilitation services available in every county to all handicapped persons who are present in this state regardless of residency.

(b) The amount of 3rd–party funding that will be available as a match to federal funds under 29 USC 701 to 796i in federal fiscal year 1997–98.

(c) Whether additional funding is necessary to fully capture available federal matching funds and the sources of funding that could be reallocated within the budget of the department of industry, labor and human relations.

SECTION 9131. Nonstatutory provisions; insurance.

(1g) OFFICE OF HEALTH CARE INFORMATION PERFORMANCE MEASURES. After the office of health care information in the office of the commissioner of insurance has developed performance measures for health care plans and health care providers,

the office of health care information shall submit to the joint committee on finance a report concerning the results of this development. The office of health care information may, at the time of the report submittal, request funding, under section 16.515 of the statutes, for demonstrating the feasibility of collecting, analyzing and distributing information on the performance measures.

(1t) OPTICAL IMAGING PROJECT.

(a) Of the moneys appropriated to the office of the commissioner of insurance under section 20.145 (1) (g) of the statutes, as affected by this act, $113,000 for fiscal year 1995–96 and $24,000 for fiscal year 1996–97 is allocated for optical imaging technology projects for complaints and insurance policy forms and rate filings, and may not be encumbered or expended until the secretary of administration submits to the cochairpersons of the joint committee on finance and the cochairpersons of the joint committee on information policy a report which includes all of the following:

1. The results of a review of the project by the division of technology management in the department of administration.

2. The specific objectives of the optical imaging project.

3. The schedule for implementation of the project, including a projection of the effect, during the period of the actual records conversion to the optical imaging system, on the ability of the office to process affected records received prior to and during the conversion, and any expected backlogs in processing.

4. An evaluation of the effectiveness of the project activities, if any, to date.

5. The additional funding requirements, if any, for the project in the 1995–97 fiscal biennium, including any additional costs such as overtime or other personnel costs likely to be incurred as a result of any projected processing backlog.

6. The funding requirements for the completion of the project and operation of the optical imaging system in future fiscal biennia.

(b) Notwithstanding section 16.50 (1) and (2) of the statutes, the secretary of administration shall not waive submission of expenditure estimates for the project identified in paragraph (a) and shall not approve such estimates for the amounts specified in paragraph (a) until 14 working days after the secretary submits the report required under paragraph (a) and until the secretary has responded in writing to any concerns that are communicated to the secretary prior to the end of the 14–day period by the cochairpersons of the joint committee on finance or the cochairpersons of the joint committee on information policy.

SECTION 9132. Nonstatutory provisions; investment board.

(1g) DISTRIBUTION OF BONUS COMPENSATION FOR PERFORMANCE IN 1994–95 AND 1995–96 FISCAL YEARS. Prior to awarding any bonus compensation under section 25.156 (6) of the statutes for performance in the 1994–95 or 1995–96 fiscal year, the investment board shall submit to the cochairpersons of the joint committee on finance a revised plan for distribution of such compensation which incorporates necessary changes required to address any findings of the legislative audit bureau in any audit report issued concerning such compensation during the 1995 calendar year. Notwithstanding section 25.156 (6) of the statutes, the investment board shall not award any bonus compensation for performance in the 1994–95 or 1995–96 fiscal year until the joint committee on finance approves the revised plan.

SECTION 9136. Nonstatutory provisions; justice.

(1) PUBLIC INTERVENOR.

(a) *Employe transfer.* On the effective date of this paragraph, one incumbent employe holding a position in the department of justice performing duties as the public intervenor is transferred to the department of natural resources.

(b) *Employe status.* The employe transferred under paragraph (a) has all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of natural resources that the employe enjoyed in the department of justice immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(c) *Pending matters.* Within 30 days after the effective date of this paragraph, the public intervenor shall withdraw from any action or proceeding before a court in which the public intervenor is a party. Within 30 days after the effective date of this paragraph, the public intervenor shall submit written notification to the department of natural resources, and any other state agency, withdrawing any pending request made by the public intervenor for an investigation, study, report or other information if the request was made for purposes of an action or proceeding threatened or pending before a court.

(2) EFFICIENCY MEASURES. By September 1, 1995, the department of justice shall submit a request to the governor and the joint committee on finance indicating how savings in fiscal year 1995–96 of $144,900 and in fiscal year 1996–97 of $611,400 resulting from budgetary efficiency measures should be allocated among the department's general purpose revenue appropriations. The request shall include a specific plan for implementing the reductions that identifies the programs, positions and expenditure categories to be eliminated or reduced. If the cochairpersons of the committee do not notify the department of justice that the committee has scheduled

a meeting for the purpose of reviewing the request within 14 working days after the date of the department's submittal, the request may be implemented as proposed by the department. If, within 14 working days after the date of the department's submittal, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed request, the request may be implemented only upon approval of the committee.

(3q) TRANSFER OF CONSUMER PROTECTION FUNCTION.

(a) *Assets and liabilities.* On July 1, 1996, all assets and liabilities of the department of justice primarily related to its consumer protection investigation and enforcement functions in chapters 100, 134, 136, 344, 704, 707 and 779 of the statutes, as affected by this act, shall become the assets and liabilities of the department of agriculture, trade and consumer protection. The departments of justice and agriculture, trade and consumer protection shall jointly determine these assets and liabilities and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the departments, the secretary of administration shall decide the question.

(b) *Employe transfers.* On July 1, 1996, 13.8 FTE positions in the department of justice that are primarily related to its consumer protection investigation and enforcement functions in chapters 100, 134, 136, 344, 704, 707 and 779 of the statutes, as affected by this act, and the incumbents holding these positions, as determined by the secretary of administration, are transferred to the department of agriculture, trade and consumer protection.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of agriculture, trade and consumer protection that they

enjoyed in the department of justice immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Supplies and equipment.* On July 1, 1996, all tangible personal property, including records, of the department of justice primarily related to its consumer protection investigation and enforcement functions in chapters 100, 134, 136, 344, 704, 707 and 779 of the statutes, as affected by this act, are transferred to the department of agriculture, trade and consumer protection. The departments of justice and agriculture, trade and consumer protection shall jointly identify the tangible personal property, including records, and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the departments, the secretary of administration shall decide the question.

(e) *Pending matters.* On July 1, 1996, any matter pending with the department of justice primarily related to its consumer protection investigation and enforcement functions in chapters 100, 134, 136, 344, 704, 707 and 779 of the statutes, as affected by this act, is transferred to the department of agriculture, trade and consumer protection. All materials submitted or actions taken by the department of justice with respect to the pending matter are considered as having been submitted to or taken by the department of agriculture, trade and consumer protection.

(f) *Contracts.* On July 1, 1996, all contracts entered into by the department of justice primarily related to its consumer protection investigation and enforcement functions in chapters 100, 134, 136, 344, 704, 707 and 779 of the statutes, as affected by this act, which are in effect on the effective date of this paragraph, remain in effect and are transferred to the department of agriculture, trade and consumer protection. The departments of justice and agriculture, trade and consumer protection shall

jointly identify these contracts and shall jointly develop and implement a plan for the orderly transfer thereof. In the event of any disagreement between the departments, the secretary of administration shall decide the question. The department of agriculture, trade and consumer protection shall carry out any such contractual obligations until modified or rescinded by the department of agriculture, trade and consumer protection to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the department of justice that are in effect on the effective date of this paragraph and that are primarily related to its consumer protection investigation and enforcement functions in chapter 344 of the statutes remain in effect until their specified expiration date or until amended or repealed by the department of agriculture, trade and consumer protection. All orders issued by the department of justice that are in effect on the effective date of this paragraph and that are primarily related to its consumer protection investigation and enforcement functions in chapter 344 of the statutes, as affected by this act, remain in effect until their specified expiration date or until modified or rescinded by the department of agriculture, trade and consumer protection.

SECTION 9137. Nonstatutory provisions; legislature.

(1g) RELIEF BLOCK GRANT PROGRAM STUDY. If a relief block grant is paid under section 49.025 of the statutes, as created by this act, in 1996, the joint legislative audit committee is requested to direct the legislative audit bureau to perform a financial and performance evaluation of that relief block grant program. If the committee directs the legislative audit bureau to perform an audit, the bureau shall file its report as described under section 13.94 (1) (b) of the statutes no later than December 31, 1997. The bureau shall consider all of the following in conducting its audit:

(a) The degree to which a county that receives a relief block grant provides a range of health care services, including primary, secondary and tertiary care, and emergency care in community hospitals and at any trauma centers that meet the criteria established by the American College of Surgeons for classification as a Level I trauma center.

(b) The adequacy of reimbursement to health care providers providing health care services funded by the relief block grant program.

(c) The degree to which the health care services funded by the relief block grant program are successful in improving the geographic accessibility of primary care, including the availability of care provided in community–based clinics.

(d) The degree to which the relief block grant program encourages health care providers to contribute uncompensated care, or care at compensation levels below normal charges, to the patient population served by a relief block grant.

(e) The effect of the relief block grant program on medical education and residency training programs offered by the Medical College of Wisconsin, and the effect of any possible future changes that may be under consideration by the county to the delivery of services funded under the relief block grant program.

(1x) WISCONSIN INSTITUTE FOR SCHOOL EXECUTIVES. During the 1995–97 fiscal biennium, from the appropriation under section 20.865 (4) (a) of the statutes, the joint committee on finance shall supplement the appropriation to the Wisconsin Institute for School Executives under section 20.255 (3) (ed) of the statutes, as created by this act, if all of the following occur:

(a) The institute submits to the committee a report on its objectives and proposed activities that includes a detailed budget for the staffing and operation of the institute and identifies all funding sources.

(b) The committee approves the report, or does not schedule a meeting for the purpose of reviewing the report within 14 working days after receipt of the report.

(2v) INITIAL LEGISLATIVE DOCUMENT DISTRIBUTION SERVICE SUBSCRIPTIONS. No later than December 1, 1996, the chief of the legislative reference bureau shall recommend to the joint committee on legislative organization specified portions of the legislative document distribution service to be provided separately under section 35.87 of the statutes, as affected by this act, and the initial biennial fees to be charged for each portion so provided.

SECTION 9139. Nonstatutory provisions; lower Wisconsin state riverway board.

(1g) TRANSFER OF LOWER WISCONSIN STATE RIVERWAY BOARD TO DEPARTMENT OF TOURISM.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of natural resources that are primarily related to the functions of the lower Wisconsin state riverway board, as determined by the secretary of administration, shall become the assets and liabilities of the department of tourism, as created by this act.

(b) *Employe transfers.* All incumbent employes holding positions in the department of natural resources performing duties that are primarily related to the functions of the lower Wisconsin state riverway board, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of tourism.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of tourism that they enjoyed in the department of natural

resources immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of natural resources that is primarily related to the functions of the lower Wisconsin state riverway board, as determined by the secretary of administration, is transferred to the department of tourism.

(e) *Contracts.* All contracts entered into by the department of natural resources in effect on the effective date of this paragraph that are primarily related to the functions of the lower Wisconsin state riverway board, as determined by the secretary of administration, remain in effect and are transferred to the department of tourism. The department of tourism shall carry out any such contractual obligations unless modified or rescinded by the department of tourism to the extent allowed under the contract.

SECTION 9142. Nonstatutory provisions; natural resources.

(1) TRANSFER OF STATE PROPERTY. On July 1, 1996, the department of natural resources shall convey to the state historical society title to Old Wade House state park, including the Wesley W. Jung Carriage Museum, in the town of Greenbush, Sheboygan County.

(2t) ALLOCATION OF EXPENDITURE REDUCTIONS. The department of natural resources shall submit, to the joint committee on finance for consideration at its 3rd quarterly meeting in 1995 under section 13.10 of the statutes, a plan for allocating reductions of $475,000 in fiscal year 1995–96 and $475,000 in fiscal year 1996–97 among the department's appropriations from the environmental fund.

(6) PETROLEUM STORAGE TANK TRANSFER.

(b) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of natural resources primarily related to the responsibilities that are given to the department of development by this act concerning discharges from petroleum storage tanks, as determined by the secretary of administration, shall become the assets and liabilities of the department of development.

(c) *Employe transfers.* On the effective date of this paragraph, the employes of the department of natural resources that perform primarily activities associated with the responsibilities that are given to the department of development by this act concerning discharges from petroleum storage tanks, as determined by the secretary of administration, are transferred to the department of development.

(d) *Employe status.* Employes transferred under paragraph (b) to the department of development have all of the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of development that they enjoyed in the department of natural resources immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of natural resources primarily used in relation to the responsibilities that are given to the department of development by this act concerning discharges from petroleum storage tanks, as determined by the secretary of administration, are transferred to the department of development.

(f) *Contracts.* All contracts entered into by the department of natural resources relating to the responsibilities that are given to the department of development by this act concerning discharges from petroleum storage tanks that are in effect on the effective date of this paragraph remain in effect and are transferred to the department of development. The department of development shall carry out any obligations under those contracts until they are modified or rescinded by the department of development to the extent allowed under the contracts.

(g) *Orders.* All orders issued by the department of natural resources that are in effect on the effective date of this paragraph relating to the responsibilities that are given to the department of development by this act concerning discharges from petroleum storage tanks remain in effect until their specified expiration dates or until modified or rescinded by the department of development.

(h) *Pending matters.* Any matter pending with the department of natural resources on the effective date of this paragraph relating to the responsibilities that are given to the department of development by this act concerning discharges from petroleum storage tanks is transferred to the department of development and all materials submitted to or actions taken by the department of natural resources with respect to the pending matter are considered to have been submitted to or taken by the department of development.

(i) *Federal approval.* The secretary of natural resources, the secretary of industry, labor and human relations and the secretary of development shall work together to ensure that the changes in this state's program for underground storage tank regulation that result from this act are approved by the federal environmental protection agency under 42 USC 6991c no later than January 1, 1997.

(j) *Memorandum of understanding.* The department of development and the department of natural resources shall submit a memorandum of understanding, as required under section 101.144 (3m) of the statutes, as created by this act, to the secretary of administration no later than October 15, 1995.

(6g) CLEAN WATER FUND EMERGENCY RULES. Before July 1, 1996, using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate rules required under section 144.241 (9m) (fm) of the statutes, as created by this act, for the period before permanent rules take effect, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 of the statues, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating rules under this subsection.

(6t) RULES ON REUSE OF HIGH-VOLUME INDUSTRIAL WASTE.

(a) The department of natural resources shall create a committee under section 227.13 of the statutes to advise the department with respect to the promulgation of rules under section 144.435 (5) of the statutes, as created by this act. The advisory committee shall consist of the following members:

1. Two representatives of the Wisconsin Cast Metals Association, designated by the association.

2. One representative of the Wisconsin Paper Council, designated by the council.

3. One representative of the Wisconsin Utilities Association, designated by the association.

4. One employe each of the department of administration, the department of development and the department of transportation, designated by the secretaries of the respective departments.

5. Two employes of the department of natural resources, designated by the secretary of natural resources.

6. One member designated by the secretary of natural resources from a list of nominees submitted by private environmental protection groups.

7. One representative of the construction industry, designated by the secretary of development.

(b) The department of natural resources shall submit the proposed rules required under section 144.435 (5) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes, no later than July 1, 1996.

(7) CLEAN WATER FUND HARDSHIP ASSISTANCE.

(a) In this subsection, "adjusted gross income" means Wisconsin adjusted gross income, as defined in section 71.01 (13) of the statutes.

(b) Notwithstanding section 144.241 (13) (b) of the statutes, as affected by this act, a municipality with a project on a priority list established under section 144.241 (8e) of the statutes, as affected by this act, for the 1995–97 biennium that has not received a notice of financial assistance commitment before the effective date of this paragraph is eligible for assistance in the form specified in section 144.241 (13) (c) of the statutes, as affected by this act, for all project costs eligible for financial assistance under sections 144.241 and 144.2415 of the statutes, as affected by this act, except those costs to which section 144.241 (8) (b), (c) or (f) of the statutes or

section 144.241 (8) (h) of the statutes, as affected by this act, applies, if all of the following apply:

1. The municipality received a clean water fund planning and design financial hardship assistance agreement for the project during the 1991 to 1995 fiscal years or the municipality's construction project appeared on the 1993, 1994 or 1995 clean water fund hardship funding list.

2. Total charges imposed on residential users in the municipality that relate to wastewater treatment exceed 1.5% of the total adjusted gross income of residents of the municipality.

3. The municipality is in the top 25% of municipalities for total charges imposed on residential users that relate to wastewater treatment as a percentage of the total equalized value of property in the municipality.

4. The per capita adjusted gross income of residents of the municipality does not exceed the per capita adjusted gross income of residents of this state.

5. The equalized value of the improved residential property in the municipality divided by the number of improved residential parcels in the municipality does not exceed the equalized value of the improved residential property in this state divided by the number of improved residential parcels in this state, as reported by the department of revenue.

6. The municipality satisfies section 144.2415 (9) (b) 2. of the statutes and all other requirements for clean water fund assistance that are not inconsistent with this subsection.

(8p) COUNCIL ON RECYCLING. The governor shall specify which 7 of the individuals who are members of the council on recycling immediately prior to the effective date of this subsection shall continue to serve on the council on recycling.

(9g) DEBT SERVICE FOR PROGRAM FOR LOCAL AIDS FOR DAMS. Notwithstanding any project enumeration in an authorized state building program, for the 1995–97 fiscal biennium any payments for principal and interest incurred in financing the aid program for dams under section 20.866 (2) (tx) of the statutes shall be paid from the appropriation under section 20.370 (7) (ar) of the statutes, as renumbered and amended by this act.

(9m) PUBLIC INTERVENOR BOARD. Notwithstanding the length of the terms specified in section 15.345 (4) (b) of the statutes, as created by this act, the initial members of the public intervenor board appointed under section 15.345 (4) (b) of the statutes, as created by this act, shall be appointed for the following terms:

(a) The members appointed under section 15.345 (4) (b) 2. of the statutes for terms expiring on July 1, 1997.

(b) The members appointed under section 15.345 (4) (b) 1. of the statutes and the members appointed under section 15.345 (4) (b) 3. of the statutes for terms expiring on July 1, 1999.

(9p) FUNDING FOR LICENSING AUTOMATION. During fiscal year 1995–96, the department of natural resources may not encumber or expend moneys from the appropriation under section 20.370 (1) (mu) of the statutes for the purpose of automating the department's system for issuing approvals under chapter 29 of the statutes unless the department first notifies the joint committee on finance in writing of the proposed encumbrance or expenditure. If the cochairpersons of the joint committee on finance do not notify the department of natural resources within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposed encumbrance or expenditure, the moneys may be encumbered or expended as proposed by the department. If, within

14 working days after the date of the department's notification, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed encumbrance or expenditure, the moneys may be encumbered or expended only upon approval of the committee. This subsection does not apply after the department has encumbered or expended a total of $100,000 from this appropriation for this purpose or June 30, 1996, whichever occurs first.

(9x) SNOWMOBILE SUPPLEMENTAL TRAIL AIDS. Of the moneys appropriated under section 20.370 (5) (cs) of the statutes, as affected by this act, the department of natural resources shall make available in fiscal year 1995–96 $259,300 to make payments for supplemental trail aid payments to the department of natural resources or to a county for trail maintenance costs that were incurred in the winter season of 1992–93 and that exceed the maximum specified under section 350.12 (4) (b) 1. of the statutes.

(9z) PERMITS FOR DRAINAGE WORK IN NAVIGABLE WATERS. Any drainage board that has an application pending on the effective date of this subsection with the department of natural resources for a permit under section 30.20 of the statutes or chapter 31 of the statutes as provided under section 88.62 (3) of the statutes may continue with the applicable procedures for obtaining that permit or may withdraw the application and subsequently apply for a permit under section 88.31 of the statutes. This subsection does not apply after June 30, 1998.

(10g) AID PROGRAM FOR DAMS. Notwithstanding section 31.385 (2) of the statutes and any rules promulgated by the department of natural resources under section 31.385 (1) of the statutes:

(a) The department of natural resources shall provide financial assistance in the amount of $200,000 in fiscal year 1995–96 from the appropriation under section

20.866 (2) (tL) of the statutes, as affected by this act, to the town of Spider Lake for a dam in Sawyer County.

(b) The department of natural resources shall provide financial assistance in the amount of $55,400 in fiscal year 1995–96 from the appropriation under section 20.866 (2) (tL) of the statutes, as affected by this act, to the town of Douglas for a dam in Marquette County.

(10h) FISH AND WILDLIFE EXPENDITURES. Before September 1, 1995, the department of natural resources shall submit to the joint committee on finance a plan that will reduce expenditures from the conservation fund that relate to fish and wildlife management so that the expenditures will not have exceeded during the 1995–97 biennium the revenues deposited in the conservation fund during the biennium that relate to fish and wildlife management. If the cochairpersons of the joint committee on finance do not notify the department of natural resources that the committee has scheduled a meeting to review the plan within 14 working days after the date of the department's submittal of the plan, the plan may be implemented as proposed by the department. If, within 14 working days after the date of the submittal of the plan, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposed plan, the plan may be implemented only upon approval of the committee.

(10j) RECREATIONAL BOATING PROJECTS; DAM RENOVATION AND REPAIR. Of the amounts appropriated under section 20.370 (5) (cq) of the statutes, as affected by this act, and before applying the percentages under section 30.92 (4) (b) 6. of the statutes, the department of natural resources shall expend in fiscal year 1995–96 the amount that is necessary for the renovation and repair of the Chair Factory Dam in Grafton, but the amount shall not exceed $264,000. Notwithstanding section 30.92 (1) (c) of

the statutes, the dam project specified under this subsection is a recreational boating facility for the purpose of expending moneys under this subsection. The dam project specified under this subsection is exempt from being placed on the priority list under section 30.92 (3) (a) of the statutes.

(11g) RECREATIONAL BOATING PROJECT AIDS. In the information that the department of natural resources submits under section 16.42 of the statutes for purposes of the 1997–99 biennial budget bill, the amount in the schedule under the appropriation account under section 20.370 (5) (cq) of the statutes, as affected by this act, for fiscal year 1996–97 shall be considered to be $200,000 more than the total amount appropriated under that appropriation account for that fiscal year.

SECTION 9143. Nonstatutory provisions; personnel commission.

(1) ADJUDICATION OF CLAIMS ARISING BEFORE TERMINATION OF COVERAGE. Notwithstanding the repeal of section 230.44 (1) (g) of the statutes by this act and SECTION 9459 (2) (c) of this act, any employe of the University of Wisconsin Hospitals and Clinics Authority who held a position with the authority during the period beginning on the effective date of this subsection and ending on June 30, 1997, may commence or continue to pursue under section 230.44 (1) (g) of the statutes, as created by this act, any appeal arising from a personnel decision made prior to July 1, 1997, until the appeal is appropriately adjudicated and any appropriate relief is granted.

(1m) EFFICIENCY STUDY. The personnel commission shall study its current procedures in all areas of its responsibility, identify areas that could become more efficient, develop recommendations to streamline its procedures and improve its operations and identify any positions that could be eliminated as a result of the efficiencies and improved procedures identified in the study. The personnel

commission shall submit its findings and recommendations to the secretary of administration and the joint committee on finance by October 31, 1996.

(2) APPEALS FILING FEE SCHEDULE. The personnel commission shall submit in proposed form the rules required under section 230.45 (3) 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 6th month beginning after the effective date of this subsection.

SECTION 9144. Nonstatutory provisions; public defender board.

(1) TRANSFER OF POSITIONS AND EMPLOYES. On the effective date of this subsection, 4.5 FTE GPR positions having duties primarily related to the information technology implementation, support and management of the public defender board, as determined by the secretary of administration, are transferred from the public defender board to the department of administration. Employes transferred under this subsection have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the public defender board immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(2) VERIFICATION AND COLLECTION SYSTEM. Before October 1, 1995, the state public defender shall report to the department of administration on the plan of the state public defender in exercising the public defender's duties under section 977.06 (1) of the statutes, as created by this act.

(2m) PREPAYMENT FOR COUNSEL. Using the procedure under section 227.24 of the statutes, the state public defender board may promulgate rules under section

977.075 of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 977.075 of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the board is not required to make a finding of emergency.

(2md) PRIVATE LOCAL ATTORNEYS; CASE ASSIGNMENT. Using the procedure under section 227.24 of the statutes, the state public defender board may promulgate rules under section 977.03 (3) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 977.03 (3) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) and (3) of the statutes, the board is not required to make a finding of emergency.

(4) COST-EFFECTIVENESS OF PARALEGAL POSITIONS. By October 1, 1996, the state public defender shall submit a report to the legislature in the manner provided in section 13.172 (2) of the statutes and to the governor evaluating the cost–effectiveness of the use of the paralegal project positions for the state public defender that are authorized in this act.

SECTION 9145. Nonstatutory provisions; public instruction.

(1) AGENCY NAME CHANGE.

(a) Wherever the term "department of public instruction" appears in the statutes, as affected by the acts of 1995, the term "department of education" is substituted.

(b) Wherever the term "state superintendent" appears in chapters 115 to 121 of the statutes, as affected by the acts of 1995, except section 118.40 (1) of the

statutes, as affected by this act, and except section 118.43 (5) (b) of the statutes, as created by this act, the term "department" is substituted.

(c) Wherever the term "state superintendent of public instruction" or "superintendent of public instruction" appears in the statutes, as affected by the acts of 1995, other than in chapters 14, 15, 20, 39 and 230 of the statutes, as affected by the acts of 1995, the term "secretary of education" is substituted.

(2) PUPIL ASSESSMENT. Except as provided in section 118.30 (2) of the statutes, as affected by this act, in the 1995–96 school year a school board may administer the 4th, 8th and 10th grade performance assessments adopted or approved by the state superintendent of public instruction under section 118.30 (1) (b) of the statutes, as affected by this act, to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the appropriate grades.

(3) SCHOOL DISTRICT REVENUE LIMITS.

(a) For the purpose of calculating a school district's revenue limit for the 1995–96 school year under section 121.91 (2m) of the statutes, as affected by this act, the school district's revenue limit for the 1994–95 school year shall be recalculated using the definition of state aid in section 121.90 (2) of the statutes, as affected by this act, in section 121.91 (2) (a) 1. and (b) 1. of the statutes.

(b) For the purpose of calculating the revenue limit for the 1995–96 school year under section 121.91 (2m) of the statutes, as affected by this act, for the school district operating under chapter 119 of the statutes, the number of pupils used to calculate the school district's revenue limit for the 1994–95 school year shall be recomputed using the definition of "number of pupils" in section 121.90 (1) of the statutes, as affected by this act.

(7) EFFICIENCY MEASURES. By September 1, 1995, the department of public instruction shall submit a report to the joint committee on finance recommending how savings in fiscal year 1995–96 of $904,800 and in fiscal year 1996–97 of $3,524,000 resulting from budgetary efficiency measures should be allocated among the department's general purpose revenue appropriations, excluding local assistance appropriations and the appropriation under section 20.255 (3) (ea) 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 report within 14 working days after the date of the submittal, the recommendation may be implemented as proposed by the department. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the report, the recommendation may be implemented only upon approval of the committee.

(8g) INITIAL TERMS OF EDUCATION COMMISSION MEMBERS. Notwithstanding section 15.37 (1) (b) to (f) of the statutes, as affected by this act, the initial terms of the members of the education commission appointed under that section expire on January 20, 1997.

(8h) OFFICE OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION. The state superintendent of public instruction shall submit to the joint committee on finance a plan for the expenditure of the moneys appropriated under section 20.265 (1) of the statutes, as created by this act, during the 1995–97 biennium. The state superintendent may not encumber any of the moneys appropriated under that section of the statutes in the 1995–97 biennium without the approval of the plan by the committee.

(12v) COOPERATIVE EDUCATIONAL SERVICE AGENCY BYLAWS. The department of public instruction shall draft sample bylaws for the use of cooperative educational service agencies and by January 1, 1996, distribute a copy of the sample bylaws to the board of control of each cooperative educational service agency.

(12w) COOPERATIVE EDUCATIONAL SERVICE AGENCY ANNUAL CONVENTION. Notwithstanding section 116.02 of the statutes, as affected by this act, the board of control of each cooperative educational service agency shall hold its 1996 annual convention on June 12, 1996.

(12x) MILWAUKEE PARENTAL CHOICE PROGRAM. Notwithstanding section 119.23 (2) (a) 3. of the statutes, as affected by this act, a private school shall notify the department of public instruction of the school's intent to participate in the program under that section of the statutes in the 1995–96 school year by July 1, 1995.

(13q) ACHIEVEMENT GUARANTEE CONTRACTS. Notwithstanding section 20.255 (2) (cu) of the statues, as created by this act, the department of public instruction and, beginning on January 1, 1996, the department of education, shall allocate $196,000 from that appropriation in the 1995–96 school year to design the evaluation required under section 118.43 (7) of the statues, as created by this act.

SECTION 9147. Nonstatutory provisions; regulation and licensing.

(1) CHARITABLE ORGANIZATION CERTIFICATE OF REGISTRATION EXPIRATION DATES. Notwithstanding section 440.08 (2) (a) 23m. of the statutes, as created by this act, and section 440.42 (1) (c) of the statutes, as affected by this act, the expiration date of a certificate of registration that was issued to a charitable organization under section 440.42 (1) (c), 1993 stats., before the effective date of this subsection and that expires after August 1, 1995, shall be extended to August 1, 1996.

(2) RENEWAL OF PROFESSIONAL FUND-RAISER AND FUND-RAISING COUNSEL CREDENTIALS.

(a) *Credentials renewed on September 1, 1994.* Notwithstanding section 440.43 (1) (c), 1993 stats., and section 440.44 (1) (c), 1993 stats., a certificate of registration for a professional fund–raiser or for a fund–raising counsel that was renewed on September 1, 1994, shall be valid until and renewable on September 1, 1996.

(b) *Credentials issued on or after September 1, 1994.* Notwithstanding section 440.43 (1) (c), 1993 stats., and section 440.44 (1) (c), 1993 stats., an initial certificate of registration for a professional fund–raiser or for a fund–raising counsel that was issued on or after September 1, 1994, and before the effective date of this paragraph shall be valid until and renewable on September 1, 1996.

(3) MORTGAGE BANKING TRANSFER.

(a) On the effective date of this paragraph, the assets and liabilities of the department of regulation and licensing primarily related to mortgage bankers, loan originators and loan solicitors, as determined by the secretary of administration, shall become the assets and liabilities of the department of financial institutions.

(b) One FTE PR position in the department of regulation and licensing performing duties primarily related to mortgage bankers, loan originators and loan solicitors, as determined by the secretary of administration, and the incumbent employe holding that position are transferred on the effective date of this paragraph to the department of financial institutions.

(c) The employe transferred under paragraph (b) has all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of financial institutions that the employe enjoyed in the department of

regulation and licensing immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, all tangible personal property, including records, of the department of regulation and licensing that is primarily related to mortgage bankers, loan originators and loan solicitors, as determined by the secretary of administration, is transferred to the department of financial institutions.

(e) All contracts entered into by the department of regulation and licensing in effect on the effective date of this paragraph that are primarily related to mortgage bankers, loan originators and loan solicitors, as determined by the secretary of administration, remain in effect and are transferred to the department of financial institutions. The department of financial institutions shall carry out any such contractual obligations until modified or rescinded by the department of financial institutions to the extent allowed under the contract.

(f) All rules promulgated by the department of regulation and licensing that are in effect on the effective date of this paragraph and that are primarily related to mortgage bankers, loan originators and loan solicitors, as determined by the secretary of administration, remain in effect until their specified expiration date or until amended or repealed by the department of financial institutions. All orders issued by the department of regulation and licensing that are in effect on the effective date of this paragraph and that are primarily related to mortgage bankers, loan originators and loan solicitors, as determined by the secretary of administration, remain in effect until their specified expiration date or until modified or rescinded by the secretary of financial institutions.

(g) All matters pending with the department of regulation and licensing on the effective date of this paragraph that are primarily related to mortgage bankers, loan originators and loan solicitors, as determined by the secretary of administration, are transferred to the department of financial institutions and all materials submitted to or actions taken by the department of regulation and licensing with respect to the pending matter are considered as having been submitted to or taken by the department of financial institutions.

SECTION 9148. Nonstatutory provisions; revenue.

(1) AUDIT REPORT. On or before November 15, 1996, the department of revenue shall report to the department of administration on the net gain to the general fund and to counties due to the audit program under section 73.03 (28m) of the statutes, as created by this act, compared to previous auditing of occasional sales of motor vehicles.

(2) DELINQUENT ACCOUNTS. Notwithstanding section 73.03 (33m) of the statutes, as affected by this act, the fee on accounts that are delinquent on December 31, 1995, is the fee as calculated under section 73.03 (33m), 1993 stats., plus 2% of the taxes, fees, other than the fee under that subsection, interest and penalties owed on December 31, 1995, or plus $10, whichever is greater.

(3x) PROPERTY TAX BILL. The department of revenue shall form a committee composed of employes of that department and local officials and shall hire an expert in the design of billing forms. The committee and the expert shall design a property tax bill that will fulfill the requirements under section 74.09 of the statutes, as affected by this act, and that is at least 8.5 inches by 11 inches. On or before January 15, 1996, the department of revenue shall submit to the joint committee on finance the department's proposal for a new property tax bill and its recommendations for

statutory changes that are needed to assist implementation of the proposed property tax bill. If the cochairpersons of the committee do not notify the secretary of revenue within 14 working days after the date of the department's submittal that the committee intends to schedule a meeting to review the proposed tax bill, the department may require taxation districts to use the bill. If, within 14 working days after the date of the department's submittal, the cochairpersons notify the secretary that the committee intends to schedule a meeting to review the proposed tax bill, the department may not require its use without the committee's approval.

(3z) BUSINESS TAX REGISTRATION.

(a) The department of revenue shall submit to the joint committee on finance, at the committee's first meeting under section 13.10 of the statutes during the 1995–96 fiscal year, a proposal for the fees under section 73.03 (50) of the statutes, as created by this act. The department shall propose a fee for original registration of at least $20, and a fee for renewal of at least $10. The department shall propose a registration fee schedule that reflects traditional differentials between fees and costs for the business. At that time the department shall also estimate the date when the revenue that those fees generate will exceed the cost of administering the certificate. The fee for original registration that the committee approves first applies on January 1, 1996. The fee for renewal that the committee approves first applies on January 1, 1998.

(b) Any person who holds a permit, license or certificate issued by the department of revenue that expires on or after December 31, 1995, for an activity for which a business tax registration certificate is required on or after January 1, 1996, shall, upon application, be issued at no charge a business tax registration certificate

under section 73.03 (50) of the statutes, as created by this act, that expires on January 1, 1998.

SECTION 9149. Nonstatutory provisions; savings and loan.

(1) TRANSFER OF FUNCTIONS TO DIVISION OF SAVINGS AND LOAN.

(a) On the effective date of this paragraph, the assets and liabilities of the office of the commissioner of savings and loan shall become the assets and liabilities of the division of savings and loan.

(b) On the effective date of this paragraph, 10.0 FTE PR positions in the office of the commissioner of savings and loan and the incumbent employes holding those positions are transferred to the division of savings and loan.

(c) Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the division of savings and loan that they enjoyed in the office of commissioner of savings and loan immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, 6.0 FTE PR positions in the office of the commissioner of savings and loan are deauthorized.

(e) On the effective date of this paragraph, all tangible personal property, including records, of the office of the commissioner of savings and loan is transferred to the division of savings and loan.

(f) All contracts entered into by the office of the commissioner of savings and loan in effect on the effective date of this paragraph remain in effect and are transferred to the division of savings and loan. The division of savings and loan shall

carry out any such contractual obligations until modified or rescinded by the division of savings and loan to the extent allowed under the contract.

(g) All rules promulgated by the office of the commissioner of savings and loan that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the division of savings and loan. All orders issued by the office of the commissioner of savings and loan that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the administrator of the division of savings and loan.

(h) All matters pending with the office of the commissioner of savings and loan on the effective date of this paragraph are transferred to the division of savings and loan and all materials submitted to or actions taken by the office of the commissioner of savings and loan with respect to the pending matter are considered as having been submitted to or taken by the division of savings and loan.

SECTION 9150. Nonstatutory provisions; secretary of state.

(3g) SAVINGS MEASURES. The secretary of state shall put in place a plan to ensure that, immediately before the lapse required under SECTION 9250 (1g) (b) of this act, the total of the unencumbered balances in the appropriation accounts under section 20.575 (1) (g), (gb), (h) and (i) of the statutes and section 20.575 (1) (ka) of the statutes, as affected by this act, equals at least $521,300.

SECTION 9151. Nonstatutory provisions; securities.

(1) TRANSFER OF FUNCTIONS TO DIVISION OF SECURITIES.

(a) On the effective date of this paragraph, the assets and liabilities of the office of the commissioner of securities shall become the assets and liabilities of the division of securities.

(b) On the effective date of this paragraph, 22.0 FTE PR positions in the office of the commissioner of securities and the incumbent employes holding those positions are transferred to the division of securities.

(c) Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the division of securities that they enjoyed in the office of the commissioner of securities immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) On the effective date of this paragraph, 8.0 FTE PR positions in the office of the commissioner of securities are deauthorized.

(e) On the effective date of this paragraph, all tangible personal property, including records, of the office of the commissioner of securities is transferred to the division of securities.

(f) All contracts entered into by the office of the commissioner of securities in effect on the effective date of this paragraph remain in effect and are transferred to the division of securities. The division of securities shall carry out any such contractual obligations until modified or rescinded by the division of securities to the extent allowed under the contract.

(g) All rules promulgated by the office of the commissioner of securities that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the division of securities. All orders issued by the office of the commissioner of securities that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the administrator of the division of securities.

(h) All matters pending with the office of the commissioner of securities on the effective date of this paragraph are transferred to the division of securities and all materials submitted to or actions taken by the office of the commissioner of securities with respect to the pending matter are considered as having been submitted to or taken by the division of securities.

SECTION 9152. Nonstatutory provisions; state fair park board.

(1t) LEASE BETWEEN STATE FAIR PARK BOARD AND DEPARTMENT OF NATURAL RESOURCES.

(a) The state fair park board and the department of natural resources shall terminate the lease under which the department leases from the board real property located at state fair park. The department of natural resources shall transfer to the state fair park board without receipt of any consideration from the state fair park board all of the department's buildings, appurtenances, fixtures, exhibits and other structures and facilities that are located on the real property. The department and the board shall terminate the lease only after the procedures under paragraphs (b) and (c) have been complied with.

(b) The state fair park board and the department of natural resources shall enter into a memorandum of understanding that will implement the termination of the lease. The memorandum of understanding shall include terms and conditions to be followed by the department and the board in complying with section 42.09 (2) of the statutes, as created by this act, and shall include language that allows the department and the board to address any other issues that arise from the termination of the lease and from the use of the property by the department after the lease is terminated.

(c) The state fair park board and the department of natural resources shall submit the memorandum of understanding in writing to the joint committee on finance before January 1, 1996. If the cochairpersons of the committee do not notify the department and the board within 14 working days after the submittal of the memorandum of understanding that the committee has scheduled a meeting to review the memorandum of understanding, the department and the board shall terminate the lease in compliance with the memorandum of understanding. If, within 14 working days after the date of the submittal of the memorandum of understanding, the cochairpersons of the committee notify the department and the board that the committee has scheduled a meeting to review the memorandum of understanding, the lease will be terminated only if this memorandum of understanding has been approved by the committee.

(1x) YOUTH AND ATHLETE FACILITY CONSTRUCTION OPTIONS. The state fair park board and the department of administration jointly shall submit to the joint committee on finance a review of the most cost–effective construction options for the youth and athlete facility at state fair park, which may include construction by a private contractor and a lease to the state with the option by the state to purchase. The state fair park board may not proceed with construction of the youth and athlete facility without approval of the construction option report by the joint committee on finance.

(1z) INDEPENDENT REPORT ANALYZING FINANCIAL VIABILITY OF BUILDING PROJECTS. The state fair park board shall contract for an independent written report analyzing the financial viability of the building projects identified under SECTION 9108 (1) (i) of this act as the "Youth and athlete facility" and the "Coliseum renovation". The board shall submit a copy of the report to each member of the building commission.

SECTION 9154. Nonstatutory provisions; technical college system.

(1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD.

(a) Wherever the term "educational approval board" appears in the statutes, as affected by the acts of 1995, the term "department of education" is substituted.

(c) On the effective date of this paragraph, the assets and liabilities of the technical college system board that are primarily related to the functions of the educational approval board, as determined by the secretary of administration, shall become the assets and liabilities of the department of education.

(d) All incumbent employes holding positions in the technical college system board performing duties primarily related to the functions of the educational approval board, as determined by the secretary of administration, except the executive secretary of the board, are transferred on the effective date of this paragraph to the department of education.

(e) Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of education that they enjoyed in the educational approval board immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(f) On the effective date of this paragraph, all tangible personal property, including records, of the technical college system board that is primarily related to the functions of the educational approval board, as determined by the secretary of administration, is transferred to the department of education.

(g) All contracts entered into by the technical college system board that are primarily related to the functions of the educational approval board, as determined

by the secretary of administration, in effect on the effective date of this paragraph, and all contracts entered into by the educational approval board in effect on the effective date of this paragraph, remain in effect and are transferred to the department of education. The department of education shall carry out any such contractual obligations until modified or rescinded by the department of education to the extent allowed under the contract.

(h) All rules promulgated by the educational approval board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of education. All orders issued by the educational approval board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the secretary of education.

(i) Any matter pending with the educational approval board on the effective date of this paragraph is transferred to the department of education and all materials submitted to or actions taken by the board with respect to the pending matter are considered as having been submitted to or taken by the department of education.

SECTION 9155. Nonstatutory provisions; transportation.

(1g) DISTRICT ATTORNEY COMPUTER NETWORK. The department of transportation shall make a grant of $250,000 in fiscal year 1995–96 from the appropriation under section 20.395 (4) (ax) of the statutes, as created by this act, to the department of justice for the purchase of equipment for the district attorney computer network.

SECTION 9156. Nonstatutory provisions; treasurer.

(1) TRANSFER OF THE CASH MANAGEMENT FUNCTIONS OF THE OFFICE OF THE STATE TREASURER.

(a) *Assets and liabilities.* On July 1, 1996, all assets and liabilities of the office of the state treasurer relating to the performance of its cash management functions, other than its performance of such functions under chapter 177 and section 25.50 of the statutes, as affected by this act, shall become the assets and liabilities of the department of administration.

(b) *Tangible personal property.* On July 1, 1996, all tangible personal property, including records, of the office of the state treasurer relating to the performance of its cash management functions, other than its performance of such functions under chapter 177 and section 25.50 of the statutes, as affected by this act, is transferred to the department of administration.

(c) *Contracts.* All contracts entered into by the office of the state treasurer relating to the performance of its cash management functions, other than its performance of such functions under chapter 177 and section 25.50 of the statutes, as affected by this act, which are in effect on July 1, 1996, remain in effect and are transferred to the department of administration. The department of administration shall carry out any such contractual obligations until modified or rescinded by the department of administration to the extent allowed under the contract.

(d) *Employe transfers and status.* On July 1, 1996, all incumbent employes holding positions in the office of the state treasurer relating to the performance of its cash management functions, other than its performance of such functions under chapter 177 and section 25.50 of the statutes, as affected by this act, are transferred to the department of administration. Employes transferred under this paragraph have all rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes that they enjoyed in the office of the state treasurer. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who

has attained permanent status in class may be required to serve a probationary period.

(e) *Pending matters.* Any matter pending with the office of the state treasurer relating to the performance of its cash management functions, other than its performance of such functions under chapter 177 and section 25.50 of the statutes, as affected by this act, on July 1, 1996, is transferred to the department of administration and all materials submitted to or actions taken by the office of the state treasurer with respect to the pending matter are considered as having been submitted to or taken by the department of administration.

SECTION 9157. Nonstatutory provisions; University of Wisconsin System.

(1) TELECOMMUNICATIONS EQUIPMENT INSTALLATION. By June 30, 1996, the board of regents of the University of Wisconsin System shall submit to the secretary of administration for his or her approval a report specifying how the board of regents plans to use the funds appropriated under section 20.285 (1) (kc) of the statutes, as created by this act, in the 1996–97 fiscal year to install video conferencing and 2–way interactive telecommunications equipment at institutions within the system. The board of regents may not encumber funds appropriated under section 20.285 (1) (kc) of the statutes, as created by this act, in the 1996–97 fiscal year until the secretary of administration approves the plan.

(2at) STUDY OF MAINFRAME COMPUTER SERVICES AT UNIVERSITY OF WISCONSIN-MADISON.

(a) In this subsection:

1. "Board of regents" means the board of regents of the University of Wisconsin System.

2. "Mainframe" has the meaning given in section 36.05 (9s) of the statutes, as created by this act.

(b) Upon consultation with the department of administration, the board of regents shall, no later than October 1, 1995, submit to the cochairpersons of the joint committee on finance and the cochairpersons of the joint committee on information policy a plan to contract with an independent consultant for a study concerning mainframe computer services provided by the board of regents at the University of Wisconsin–Madison. The purposes of the study shall be:

1. To identify numerical measures of the efficiency and effectiveness of the mainframe computer services provided by the board of regents at the University of Wisconsin–Madison, including measures of the productivity of such services; of system, hardware and software performance; and procurement activities, including the sharing of software licenses.

2. To identify the data necessary to calculate these measures.

3. To compute an initial set of values of these measures for the board of regents and to develop a comparison of these measures between the University of Wisconsin–Madison and a representative sample of similar computer services provided at comparable institutions of higher education.

4. To identify the services provided at comparable institutions that have the highest ranking under each measure and the reasons for this ranking.

(c) If the cochairpersons of the joint committee on finance do not notify the board of regents 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 board of regents shall enter into a contract for the study in accordance with paragraph (d). If, within 14 working days after the date of submittal of the plan, the

cochairpersons of the committee notify the board of regents that the committee has scheduled a meeting for the purpose of reviewing the plan, the board of regents may enter into a contract for the study only upon approval of the committee.

(d) Prior to entering into a contract for the study under paragraph (b), the board of regents shall submit the contract to the secretary of administration for his or her approval.

(e) No later than January 1, 1996, the board of regents shall provide a report of the results of the study under paragraph (b), including findings and recommendations of the consultant, to the cochairpersons of the joint committee on finance, the cochairpersons of the joint committee on information policy and the state auditor.

(2p) TRANSFER OF RECYCLING MARKET DEVELOPMENT BOARD.

(a) On the effective date of this paragraph, the assets and liabilities of the board of regents of the University of Wisconsin System primarily related to the functions of the recycling market development board, as determined by the secretary of administration, shall become the assets and liabilities of the department of development.

(b) On the effective date of this paragraph, the tangible personal property, including records, of the board of regents of the University of Wisconsin System primarily used by the recycling market development board, as determined by the secretary of administration, are transferred to the department of development.

(c) All contracts entered into by the board of regents of the University of Wisconsin System in effect on the effective date of this paragraph that are related primarily to the functions of the recycling market development board, as determined by the secretary of administration, remain in effect and are transferred to the

department of development. The department of development shall carry out any obligations under those contracts unless modified or rescinded by the department of development to the extent allowed under the contract.

(3) RADIOACTIVE WASTE REVIEW BOARD.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the board of regents of the University of Wisconsin System primarily related to the functions of the radioactive waste review board, as determined by the secretary of administration, shall become the assets and liabilities of the public service commission.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the board of regents of the University of Wisconsin System that is primarily related to the functions of the radioactive waste review board, as determined by the secretary of administration, is transferred to the public service commission.

(c) *Contracts.* All contracts entered into by the board of regents of the University of Wisconsin System in effect on the effective date of this paragraph that are primarily related to the functions of the radioactive waste review board, as determined by the secretary of administration, and all contracts entered into by the radioactive waste review board in effect on the effective date of this paragraph remain in effect and are transferred to the public service commission. The public service commission shall carry out any obligations under those contracts unless modified or rescinded by the public service commission to the extent allowed under the contract.

(d) *Rules and orders.* All rules promulgated by the radioactive waste review board that are in effect on the effective date of this paragraph remain in effect until

their specified expiration dates or until amended or repealed by the public service commission. All orders issued by the radioactive waste review board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until rescinded or modified by the public service commission.

(e) *Pending matters.* Any matter pending with the radioactive waste review board on the effective date of this paragraph is transferred to the public service commission and all materials submitted to or actions taken by the radioactive waste review board with respect to the pending matter are considered to have been submitted to or taken by the public service commission.

(4) TEMPORARY SALARY LIMITATION FOR ADMINISTRATIVE POSITIONS.

(a) Notwithstanding section 20.923 of the statutes, as affected by this act, and sections 36.09 (1) (e) and (j) and 230.12 of the statutes or any action of the board of regents of the University of Wisconsin System or the joint committee on employment relations, no employe of the University of Wisconsin System whose position is identified in section 20.923 (4) (j), (4m) or (5) of the statutes may be paid a salary during the period beginning on the effective date of this paragraph and ending on June 30, 1997, at an annualized rate which equals or exceeds $100,000 per year or the annualized salary paid to the incumbent in the position occupied by the employe on January 1, 1995, whichever is greater.

(b) Paragraph (a) does not apply to that portion of the annualized salary of an employe equivalent to any salary increase that was granted to the incumbent in the position occupied by the employe pursuant to the compensation plan for executive salary group positions under section 230.12 of the statutes prior to July 1, 1995, or pursuant to any documented action of the board of regents of the University of

Wisconsin System under section 20.923 (1), (4m) or (5) or 36.09 (1) (e) or (j) of the statutes prior to February 1, 1995.

(c) Notwithstanding section 16.50 (1) (a) of the statutes, the secretary of administration shall not waive submission of expenditure estimates under that paragraph for any salary expenditures to which this subsection applies and shall not approve any estimate for a proposed expenditure to be made contrary to this subsection.

(5) EFFICIENCY MEASURES. By September 1, 1995, the University of Wisconsin System shall submit a report to the joint committee on finance recommending how savings in fiscal year 1995–96 of $8,049,000 and in fiscal year 1996–97 of $15,700,900 resulting from budgetary efficiency measures should be allocated among the system's general purpose revenue appropriations. The recommendation shall include a specific plan that identifies the programs, positions and expenditure categories to be eliminated or reduced; ensures that the reductions are distributed proportionately among the campuses, the extension and system administration based on the board of regents' 1994–95 fiscal year general purpose revenue budget; and does not include reductions in financial aid programs or energy costs or reestimates of debt service payments. If the cochairpersons of the committee do not notify the University of Wisconsin System that the committee has scheduled a meeting for the purpose of reviewing the report within 14 working days after the date of the submittal, the recommendation may be implemented as proposed by the system. If, within 14 working days after the date of the submittal, the cochairpersons of the committee notify the system that the committee has scheduled a meeting for the purpose of reviewing the report, the recommendation may be implemented only upon approval of the committee.

(6) REPORT ON STAFF REDUCTIONS. By October 1, 1995, the president of the University of Wisconsin System shall submit to the secretary of administration a plan identifying his or her intended reductions to system capital budget staff.

(8g) ADMINISTRATIVE REDUCTIONS. During the 1995–97 fiscal biennium, the board of regents of the University of Wisconsin System shall allocate its administrative reductions to all activities except instruction. By September 1, 1995, the board shall submit a report on such reductions to the joint committee on finance for the committee's approval.

(9g) MEDICAL SCHOOL TUITION. By January 1, 1996, the board of regents of the University of Wisconsin System shall report to the joint committee on finance its methodology for incorporating financial need as a determinant for the level of tuition charged a resident student enrolled full–time in the medical school. The report shall include a proposed student budget, a methodology for determining financial need and a methodology for determining the expected contribution by the student, the student's spouse and the student's parents.

(9h) CAPITAL PLANNING. During the 1995–97 fiscal biennium, the board of regents of the University of Wisconsin System shall submit a report to the department of administration and the joint committee on finance on the source of any funds that the board plans to reallocate to capital planning. The board may implement its reallocation if the committee approves the report, or does not schedule a meeting for the purpose of reviewing the report within 14 working days after receipt of the report.

(11t) TUITION INCREASES. In the 1995–96 and 1996–97 academic years, the board of regents of the University of Wisconsin System shall allocate tuition

increases to offset base funding reductions as an across–the–board percentage increase.

SECTION 9158. Nonstatutory provisions; veterans affairs.

(1g) TUITION AND FEE REIMBURSEMENT. Notwithstanding section 45.25 (4) (d) of the statutes, as created by this act, the department of veterans affairs may provide tuition and fee reimbursement under section 45.25 (2) of the statutes from the appropriation under section 20.485 (2) (tf) of the statutes, as affected by this act, during the 1995–96 fiscal year for a course that was completed in the spring semester of the 1994–95 school year.

SECTION 9159. Nonstatutory provisions; other.

(2) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY; TRANSITIONAL PROVISIONS.

(a) *Definitions.* In this subsection:

1. "Authority" means the University of Wisconsin Hospitals and Clinics Authority.

2. "Board of regents" means the board of regents of the University of Wisconsin System.

(b) *Assets and liabilities.* The chancellor of the University of Wisconsin–Madison and the chairperson of the authority, acting jointly, shall identify from the assets and liabilities of the board of regents those assets and liabilities that primarily relate to the University of Wisconsin Hospitals and Clinics and related services. On June 29, 1996, the assets and liabilities so identified shall become the assets and liabilities of the authority, except that assets and liabilities that primarily relate to employes identified under subsection (4) (c) shall become the assets and liabilities of the University of Wisconsin Hospitals and Clinics Board.

(c) *Tangible personal property.* The chancellor of the University of Wisconsin–Madison and the chairperson of the authority, acting jointly, shall identify the tangible personal property, including records, of the board of regents that primarily relates to the University of Wisconsin Hospitals and Clinics and related services. On June 29, 1996, the tangible personal property so identified shall become the tangible personal property of the authority, except that the tangible personal property that primarily relates to employes identified under subsection (4) (c) shall become the tangible personal property of the University of Wisconsin Hospitals and Clinics Board.

(d) *Contracts.*

1. The chancellor of the University of Wisconsin–Madison and the chairperson of the authority, acting jointly, shall determine which contracts entered into by the board of regents in effect on June 29, 1996, primarily relate to the University of Wisconsin Hospitals and Clinics and related services. Except as provided in subdivision 2., all such contracts remain in effect and the authority shall, beginning on June 29, 1996, carry out any such contractual obligations until modified or rescinded to the extent allowed under the contract.

2. All contracts determined under subdivision 1. that primarily relate to employes identified under subsection (4) (c) remain in effect and the University of Wisconsin Hospitals and Clinics Board shall, beginning on June 29, 1996, carry out any such contractual obligations until modified or rescinded to the effect allowed under the contract.

(e) *Rules.*

1. The chancellor of the University of Wisconsin–Madison and the chairperson of the authority, acting jointly, shall identify all rules promulgated by the board of

regents that are in effect on June 29, 1996, and which relate to the University of Wisconsin Hospitals and Clinics and related services. Except as provided in subdivision 2., all such rules shall become bylaws or policies and procedures of the authority on June 29, 1996, and shall remain in effect until their specified expiration date or until amended or repealed by the authority.

2. All rules identified under subdivision 1. that primarily relate to employes identified under subsection (4) (c) shall become rules of the University of Wisconsin Hospitals and Clinics Board on June 29, 1996, and shall remain in effect until their specified expiration dates or until amended or repealed by the University of Wisconsin Hospitals and Clinics Board.

(f) *Policies and procedures.*

1. The chancellor of the University of Wisconsin–Madison and the chairperson of the authority, acting jointly, shall identify all policies and procedures of the University of Wisconsin–Madison that are in effect on June 29, 1996, and which relate to the University of Wisconsin Hospitals and Clinics and related services. Except as provided in subdivision 2., all such policies and procedures shall become policies and procedures of the authority on June 29, 1996, and shall remain in effect until their specified expiration date or until modified or rescinded by the authority.

2. All policies and procedures under subdivision 1. that primarily relate to employes identified under subsection (4) (c) shall become policies and procedures of the University of Wisconsin Hospitals and Clinics Board on June 29, 1996, and shall remain in effect until their specified expiration date or until modified or rescinded by the University of Wisconsin Hospitals and Clinics Board.

(g) *Pending matters.*

1. The chancellor of the University of Wisconsin–Madison and the chairperson of the authority, acting jointly, shall identify those matters pending with the board of regents on June 29, 1996, that primarily relate to the University of Wisconsin Hospitals and Clinics and related services. Except as provided in subdivision 2., on June 29, 1996, any matter so identified shall become a pending matter of the authority and all materials submitted to or actions taken by the board of regents with respect to the pending matter are considered as having been submitted to or taken by the authority.

2. On June 29, 1996, any matter identified under subdivision 1. that primarily relates to employes identified under subsection (4) (c) shall become a pending matter of the University of Wisconsin Hospitals and Clinics Board and all materials submitted to or actions taken by the board of regents with respect to the pending matter are considered as having been submitted to or taken by the University of Wisconsin Hospitals and Clinics Board.

(h) *Secretary of administration to arbitrate disputes.* In the case of disagreement with respect to any matter specified in this subsection, the secretary of administration shall determine the matter and shall develop a plan for an orderly transfer.

(i) *Applicability of lease and affiliation agreements.* Paragraphs (b) to (h) do not apply to any matter specified in the lease agreement under section 233.04 (7) of the statutes, as created by this act, or the affiliation agreement under section 233.04 (7m) of the statutes, as created by this act.

(j) *Applicability of paragraphs (b) to (h).* Paragraphs (b) to (h) do not apply after June 1, 1996, unless the joint committee on finance approves the proposed agreements under paragraph (k) 5.

(k) *Lease, affiliation and contractual services agreements; governor and joint committee on finance review.*

1. The authority and the board of regents shall negotiate and enter into the lease agreement specified in sections 36.11 (28) and 233.04 (7) of the statutes, as created by this act, to lease the on–campus facilities, as defined in section 233.01 (7) of the statutes, as created by this act, beginning on June 29, 1996. The authority and the board of regents shall submit the proposed lease agreement to the governor and to the joint committee on finance by January 15, 1996.

2. The authority and the board of regents shall negotiate and enter into the affiliation agreement specified in sections 36.11 (28m) and 233.04 (7m) of the statutes, as created by this act, to take effect on June 29, 1996. The authority and the board of regents shall submit the proposed affiliation agreement to the governor and to the joint committee on finance by January 15, 1996.

3. The authority and the University of Wisconsin Hospitals and Clinics Board shall negotiate and enter into the contractual services agreement specified in sections 146.59 and 233.04 (4) of the statutes, as created by this act, to take effect on June 29, 1996. The authority and the University of Wisconsin Hospitals and Clinics Board shall submit the proposed contractual services agreement to the governor and to the joint committee on finance by January 15, 1996.

4. No later than March 1, 1996, the governor shall approve or disapprove each of the proposed agreements specified under subdivisions 1. to 3. If, by March 1, 1996, the governor disapproves any of the proposed agreements, or does not approve or disapprove each of the proposed agreements, the agreements shall not take effect.

5. If the governor approves all of the proposed agreements under subdivision 4., the joint committee on finance shall, no later than June 1, 1996, approve or

disapprove each of the proposed agreements. If the committee approves all of the proposed agreements, the agreements shall take effect on June 29, 1996. If, by June 1, 1996, the joint committee on finance disapproves any of the proposed agreements, or does not approve or disapprove each of the proposed agreements, the agreements shall not take effect. Notwithstanding section 13.10 (4) of the statutes, the governor does not have the authority to approve or object to any committee action under this subdivision.

(L) *Report.* At the time of submission of the proposed agreement under paragraph (k) 1. or 2., whichever is later, the board of regents shall submit to the governor and to the joint committee on finance a report on any savings likely to accrue to the state as a result of the transfer of the operation of the University of Wisconsin Hospitals and Clinics to the authority.

(3) INITIAL TERMS OF APPOINTED MEMBERS OF BOARD OF DIRECTORS OF THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY. Notwithstanding the length of terms of members of the board of directors of the University of Wisconsin Hospitals and Clinics Authority specified under section 233.02 (1) (a) of the statutes, as created by this act, the members initially appointed under that paragraph shall be appointed for the following terms:

(a) One member for a term that expires on July 1, 1997.

(b) One member for a term that expires on July 1, 1998.

(c) One member for a term that expires on July 1, 1999.

(3m) INITIAL TERMS OF APPOINTED MEMBERS OF THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS BOARD. Notwithstanding the length of terms of members of the University of Wisconsin Hospitals and Clinics Board specified under section

15.96 (1) of the statutes, as created by this act, the members initially appointed under that subsection shall be appointed for the following terms:

(a) One member for a term that expires on July 1, 1997.

(b) One member for a term that expires on July 1, 1998.

(c) One member for a term that expires on July 1, 1999.

(4) STATUS OF EMPLOYES AT UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS.

(a) No later than June 29, 1996, the University of Wisconsin Hospitals and Clinics Authority shall, if the joint committee on finance approves the agreements under subsection (2) (k) 5., offer employment to each person who is an employe at the University of Wisconsin Hospitals and Clinics on June 28, 1996, and who is any of the following, as determined by the employment relations commission:

1. A professional employe.

2. A nonprofessional employe who is a supervisor.

3. A management employe.

4. An employe who is privy to confidential matters affecting the employe–employer relationship.

(b) A person who is offered employment under paragraph (a) is deemed to have accepted such employment, unless he or she refuses the offer of employment within 10 days of such offer.

(c) Subject to joint committee on finance approval of the agreements under subsection (2) (k) 5., on June 29, 1996, all positions at the University of Wisconsin Hospitals and Clinics, other than positions occupied by employes described under paragraph (a), and all incumbent employes in those positions are transferred to the University of Wisconsin Hospitals and Clinics Board. Employes transferred under this paragraph have all rights and the same status under subchapter V of chapter

111 and chapter 230 of the statutes that they enjoyed at the University of Wisconsin Hospitals and Clinics. Notwithstanding section 230.28 (4) of the statutes, no employe so transferred who has attained permanent status in class may be required to serve a probationary period.

(5) ADJUDICATION OF CLAIMS ARISING BEFORE TERMINATION OF COVERAGE. Any employe of the University of Wisconsin Hospitals and Clinics Authority who held a position with the authority during the period beginning on the effective date of this subsection and ending on June 30, 1997, may commence or continue to pursue under section 233.10 (3r) (b) 1. of the statutes, as created by this act, any procedural guarantee arising from a personnel decision made prior to July 1, 1997, until the procedural guarantee is appropriately adjudicated and any appropriate relief is granted.

(6f) EVALUATION OF CERTAIN STATE BODIES FOR TERMINATION, TRANSFER OF FUNCTIONS OR CONTINUATION.

(a) *Legislative findings.* The legislature finds that many councils, offices, commissions and boards are not necessary to the functions of state government and should be eliminated unless they can justify their continued existence.

(b) *Definition.* In this subsection, "specified state body" means:

1. The acid deposition research council.

2. The adolescent pregnancy prevention and pregnancy services board.

3. The agricultural chemical cleanup council.

4. The American Indian language and culture education board.

5. The animal health and disease research board.

6. The animal health and disease research council.

7. The aquatic nuisance control council.

8. The automatic fire sprinkler system contractors and journeymen council.

9. The badger board.

10. The banking review board.

11. The board of state canvassers.

12. The board on aging and long–term care.

13. The board on health care information.

14. The board on hunger.

15. The burial sites preservation board.

16. The certification standards review council.

17. The child abuse neglect and prevention board.

18. The claims board.

19. The consumer credit review board.

20. The construction wage rate council.

21. The contractor financial responsibility council.

22. The controlled substances board.

23. The council for the hearing impaired.

24. The council on aeronautics.

25. The council on affirmative action.

26. The council on American Indian health.

27. The council on blindness.

28. The council on business and education partnerships.

29. The council on charitable gaming.

30. The council on child labor.

31. The council on developmental disabilities.

32. The council on domestic abuse.

33. The council on education of the blind.

34. The council on exceptional education.

35. The council on financial aids.

36. The council on fire service training programs.

37. The council on food protection practices.

38. The council on highway safety.

39. The council on information technology.

40. The council on instructional telecommunications.

41. The council on library and network development.

42. The council on main street programs.

43. The council on mental health.

44. The council on migrant labor.

45. The council on municipal collective bargaining.

46. The council on physical disabilities.

47. The council on public radio.

48. The council on public television.

49. The council on small business, veteran–owned business and minority business opportunities.

50. The council on state–local relations.

51. The council on suicide prevention.

52. The council on tourism.

53. The council on traffic law enforcement.

54. The council on unemployment compensation.

55. The council on uniformity of traffic citations and complaints.

56. The council on veterans programs.

57. The council on worker's compensation.

58. The credit union review board.

59. The crime victims council.

60. The deferred compensation board.

61. The depository selection board.

62. The development finance board.

63. The disability board.

64. The dwelling code council.

65. The elections advisory council.

66. The emergency medical services board.

67. The environmental education board.

68. The equal rights council.

69. The farm mediation and arbitration board.

70. The fertilizer research council.

71. The fire prevention council.

72. The Fox River management commission.

73. The gang violence prevention council.

74. The Great Lakes compact commission.

75. The groundwater coordinating council.

76. The group insurance board.

77. The hazardous pollution prevention board.

78. The historic preservation review board.

79. The historical markers council.

80. The housing advisory council.

81. The inland lakes protection and rehabilitation council.

82. The investment and local impact fund board.

83. The labor and management council.

84. The labor standards council.

85. The laboratory of hygiene board.

86. The Lake Superior commercial fishing board.

87. The land and water conservation board.

88. The land information board.

89. The law enforcement standards board.

90. The low–level radioactive waste council.

91. The lower Wisconsin state riverway board.

92. The Kickapoo Valley governing board.

93. The metallic mining council.

94. The midwest low–level radioactive waste commission.

95. The midwestern higher education commission.

96. The Milwaukee River revitalization council.

97. The Minnesota–Wisconsin boundary area commission.

98. The minority business development board.

99. The Mississippi River parkway commission.

100. The multifamily dwelling code council.

101. The national and community service board.

102. The natural areas preservation council.

103. The nonmetallic mining council.

104. The office of health care information.

105. The office of justice assistance.

106. The off–the–road vehicle council.

107. The parole commission.

108. The pesticide review board.

109. The petroleum storage environmental cleanup council.

110. The pharmacy internship board.

111. The plumbers council.

112. The prison industries board.

113. The public records and forms board.

114. The radiation protection council.

115. The recycling market development board.

116. The rural economic development board.

117. The rural health development council.

118. The rustic roads board.

119. The savings and loan review board.

120. The savings bank review board.

121. The school district boundary appeal board.

122. The self–insurers council.

123. The small business environmental council.

124. The small employer insurance board.

125. The snowmobile recreational council.

126. The state capitol and executive residence board.

127. The state council on alcohol and other drug abuse.

128. The state emergency response board.

129. The state trails council.

130. The state use board.

131. The submerged cultural resources council.

132. The tax appeals commission.

133. The teachers retirement board.

134. The telecommunications retraining board.

135. The uniform commercial code statewide lien system council.

136. The university and crime laboratories cooperation council.

137. The waste facility siting board.

138. The Wisconsin apprenticeship council.

139. The Wisconsin conservation corps board.

140. The Wisconsin retirement board.

141. The Wisconsin sesquicentennial commission.

142. The Wisconsin waterways commission.

143. The Women's council.

144. The youth apprenticeship council.

(c) *Reporting requirements; evaluation; recommendations.* No later than October 1, 1995, each specified state body shall submit to the lieutenant governor a report on a form prescribed by the lieutenant governor describing its functions and the justification, if any, for continuation of those functions. The lieutenant governor shall evaluate the information contained in the reports and shall consider whether to recommend continuation of each specified state body that is required to submit a report under this subsection or transfer of the functions of that body to another state body. The department of administration shall assist the lieutenant governor in performing this evaluation upon request of the lieutenant governor. The lieutenant governor shall, no later than January 1, 1996, submit a report to the cochairpersons of the joint committee on finance containing a single piece of proposed legislation providing for termination of all specified state bodies and their functions, effective

on April 1, 1996, except that if a specified state body demonstrates to the satisfaction of the lieutenant governor that the functions of the body should be continued after March 31, 1996, the lieutenant governor may include in the proposed legislation provision for transfer of the functions of the body to another state body. In the report, the lieutenant governor shall also include any findings, recommendations or conclusions that he reaches as a result of his evaluation. If the lieutenant governor recommends continuation of any specified state body after March 31, 1996, the lieutenant governor shall also submit with the report a single piece of proposed legislation providing for termination or transfer of the functions of all specified state bodies except those bodies which the lieutenant governor recommends to be continued.

(7x) TRANSFER OF MUNICIPAL BOUNDARY REVIEW.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration primarily related to the functions of municipal boundary review, as determined by the secretary of administration, shall become the assets and liabilities of the department of development.

(b) *Employe transfers.* All incumbent employes holding positions in the department of administration having duties primarily related to the functions of municipal boundary review, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of development.

(c) *Employe status.* Employes transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of development that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4)

of the statutes, no employe so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property, records.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration primarily related to the functions of municipal boundary review, as determined by the secretary of administration, is transferred to the department of development.

(e) *Contracts.* All contracts entered into by the department of administration primarily related to the functions of municipal boundary review, as determined by the secretary of administration, in effect on the effective date of this paragraph remain in effect and are transferred to the department of development. The department of development shall carry out any such contractual obligations until modified or rescinded by the department of development to the extent allowed under the contract.

(f) *Rules and orders.* All rules promulgated by the department of administration primarily related to the functions of municipal boundary review, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of development. All orders issued by the department of administration primarily related to the functions of municipal boundary review, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of development.

(g) *Pending matters.* Any matter pending with the department of administration primarily related to the functions of municipal boundary review, as

determined by the secretary of administration, on the effective date of this paragraph is transferred to the department of development and all materials submitted to or actions taken by the department of administration with respect to the pending matter are considered as having been submitted to or taken by the department of development.

(11g) EDUCATIONAL TECHNOLOGY TRANSFERS; LOAN AND GRANT PROCEDURES.

(a) No later than November 1, 1995, the department of administration and educational technology board, as created by this act, shall jointly report to the cochairpersons of the joint committee on finance concerning:

1. A request to transfer not more than 4.0 full–time equivalent positions and the funding for those positions to the educational technology board from any other state agency, as defined in section 20.001 (1) of the statutes, including a recommendation concerning whether any incumbent in a position to be transferred should be transferred with his or her position.

2. A plan which sets forth deadlines, procedures and criteria that the educational technology board will use in reviewing and approving applications for grants and loans under section 16.992 (3) of the statutes, as created by this act.

(b) The joint committee on finance may approve a request submitted under paragraph (a) 1. in accordance with section 13.101 (2) and (4) of the statutes and may authorize transfer of any incumbent in a position being transferred. If the committee authorizes the transfer of an incumbent, the incumbent shall have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes that he or she enjoyed in the state agency by which he or she was employed immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,

no such incumbent who is authorized by the committee to be transferred and who has permanent status in class is required to serve a probationary period.

(c) No portion of the plan submitted by the educational technology board under paragraph (a) 2. may be implemented until the plan is approved by the joint committee on finance.

(12g) PLAN FOR ENHANCEMENT OF TRANSACTION INFORMATION FOR THE MANAGEMENT OF ENFORCEMENT SYSTEM. The departments of administration and justice shall jointly develop a plan for the enhancement of the transaction information for the management of enforcement system under section 165.827 of the statutes, as affected by this act. The objectives of the plan shall be to convert the system to a client–server system and to enhance the capabilities of the system to interrelate with the capabilities of systems operated by the federal government and other jurisdictions. The departments shall submit the plan to the cochairpersons of the joint committee on finance no later than January 1, 1996. The plan may include provision for changes in authorized full–time equivalent positions and funding required to provide adequate maintenance, technical support and development for the system. If the cochairpersons of the committee do not notify the secretary of administration and attorney general that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of submittal, the departments may implement any portion of the plan not requiring approval of the committee under section 13.101 of the statutes or the legislature. If, within 14 working days after the date of submittal, the cochairpersons of the committee notify the secretary of administration and attorney general that the committee has scheduled a meeting for the purpose of reviewing the plan, no portion of the plan may be implemented without the approval of the committee.

SECTION 9204. Appropriation changes; agriculture, trade and consumer protection.

(1) GRAIN INSPECTION FUNDS. The unencumbered balance of the appropriation account of the department of agriculture, trade and consumer protection under section 20.115 (3) (j), 1993 stats., immediately before the effective date of this subsection, is transferred to the appropriation account under section 20.115 (3) (h) of the statutes, as affected by this act.

(2g) AGRICULTURAL CHEMICAL CLEANUP LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of this subsection, there is lapsed to the general fund $3,100,000 from the appropriation account to the department of agriculture, trade and consumer protection under section 20.115 (7) (e) of the statutes.

SECTION 9205. Appropriation changes; arts board.

(1m) TRANSFER OF BALANCES.

(a) The unencumbered balance in the appropriation account under section 20.215 (1) (k) of the statutes, as affected by this act, immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.505 (1) (ks) of the statutes, as created by this act.

(b) The unencumbered balance in the appropriation account under section 20.215 (1) (ka) of the statutes, as affected by this act, immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.505 (1) (kt) of the statutes, as created by this act.

(c) The unencumbered balance in the appropriation account under section 20.215 (1) (m) of the statutes, as affected by this act, immediately before the effective

date of this paragraph is transferred to the appropriation account under section 20.505 (1) (ma) of the statutes.

(d) The unencumbered balance in the appropriation account under section 20.215 (1) (o) of the statutes, as affected by this act, immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.505 (1) (ma) of the statutes.

SECTION 9206. Appropriation changes; banking.

(1) GENERAL PROGRAM OPERATIONS FUNDS. The unencumbered balance in the appropriation account under section 20.124 (1) (g) of the statutes immediately before the effective date of this subsection is transferred to the appropriation account under section 20.144 (1) (g) of the statutes, as created by this act.

SECTION 9211. Appropriation changes; conservation corps board.

(1z) APPROPRIATION TRANSFERS.

(a) The unencumbered balance in the appropriation account under section 20.399 (1) (a) of the statutes immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.399 (1) (b) of the statutes, as created by this act.

(b) The unencumbered balance in the appropriation account under section 20.399 (1) (q) of the statutes immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.399 (1) (u) of the statutes, as created by this act.

(c) The unencumbered balance in the appropriation account under section 20.399 (1) (r) of the statutes immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.399 (1) (v) of the statutes, as created by this act.

(d) The unencumbered balance in the appropriation account under section 20.399 (1) (s) of the statutes immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.399 (1) (w) of the statutes, as created by this act.

(e) The unencumbered balance in the appropriation account under section 20.399 (1) (t) of the statutes immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.399 (1) (x) of the statutes, as created by this act.

SECTION 9223. Appropriation changes; gaming commission.

(1) CHARITABLE AND CRANE GAME RECEIPTS. Notwithstanding section 20.197 (1) (g) of the statutes, as affected by this act, the secretary of administration shall transfer on the effective date of this subsection from the appropriation account under section 20.197 (1) (g) of the statutes, as affected by this act, to the appropriation account under section 20.197 (1) (j) of the statutes, as created by this act, an amount equivalent to the amount of revenue in the account under section 20.197 (1) (g), 1993 stats., that is attributable to moneys received by the gaming commission under chapter 563 of the statutes, as affected by this act, except section 563.80 of the statutes, and under section 564.02 (2) of the statutes, as affected by this act, for general program operations under chapters 563 and 564 of the statutes, as affected by this act, as determined by the secretary.

SECTION 9226. Appropriation changes; health and social services.

(1) CHILD SUPPORT ORDER REVISION PROGRAM. Notwithstanding section 20.001 (3) (a) of the statutes, on the effective date of this subsection, there is lapsed to the general fund $312,700 from the appropriation account to the department of health

and social services under section 20.435 (4) (c) of the statutes, as affected by the acts of 1995.

(1x) SECURED JUVENILE CORRECTIONAL FACILITY START-UP COSTS. There is transferred, on the effective date of this subsection, from the appropriation to the department of health and social services under section 20.435 (3) (hm) of the statutes, as affected by this act, sections 829 and 830, to the appropriation to the department of corrections under section 20.410 (1) (kx) of the statutes, as affected by this act, $200,000 for the start–up costs of the secured correctional facility, as defined in section 48.02 (15m) of the statutes, as affected by this act, established under SECTION 9126 (1t) of this act.

(1y) YOUTH CORRECTIONAL SERVICES. The unencumbered balances of the following appropriations to the department of health and social services, as affected by the acts of 1995, immediately before the effective date of this subsection, are transferred to the following appropriations to the department of corrections:

(a) Section 20.435 (3) (i) of the statutes to section 20.410 (3) (i) of the statutes, as created by this act.

(b) Section 20.435 (3) (jk) of the statutes, as affected by this act, to section 20.410 (3) (jk) of the statutes, as created by this act.

(c) Section 20.435 (3) (kx) of the statutes to section 20.410 (3) (kx) of the statutes, as created by this act.

(d) Section 20.435 (3) (ky) of the statutes to section 20.410 (3) (ky) of the statutes, as created by this act.

(e) Section 20.435 (3) (kz) of the statutes to section 20.410 (3) (kz) of the statutes, as created by this act.

(f) Section 20.435 (3) (m) of the statutes to section 20.410 (3) (m) of the statutes, as created by this act.

(g) Section 20.435 (3) (n) of the statutes to section 20.410 (3) (n) of the statutes, as created by this act.

(h) Section 20.435 (3) (o) of the statutes to section 20.410 (3) (o) of the statutes, as created by this act.

(i) Section 20.435 (3) (oo) of the statutes to section 20.410 (3) (oo) of the statutes, as created by this act.

SECTION 9230. Appropriation changes; industry, labor and human relations.

(1t) PETROLEUM INSPECTION PROGRAM BALANCE. On the effective date of this subsection, there is transferred from the appropriation account to the department of industry, labor and human relations under section 20.445 (1) (j) of the statutes, as affected by the acts of 1995, to the petroleum inspection fund, the balance in that appropriation account on June 30, 1995, that is related to the petroleum inspection program, as determined by the secretary of industry, labor and human relations, but not less than $3,279,900.

SECTION 9236. Appropriation changes; justice.

(1) HANDGUN PURCHASER RECORD CHECK. On the effective date of this subsection, $100,000 is lapsed to the general fund from the appropriation account of the department of justice under section 20.455 (2) (gr) of the statutes, as affected by the acts of 1995.

SECTION 9242. Appropriation changes; natural resources.

(1t) WASTE TIRE REMOVAL AND RECOVERY. On the effective date of this subsection, $1,250,000 is transferred from the appropriation account to the department of

natural resources under section 20.370 (2) (dj), of the statutes, as affected by the acts of 1995, to the environmental fund.

(2) TRANSFER FROM RECYCLING FUND. There is transferred from the recycling fund to the general fund $21,100,000.

(2g) LAKE MANAGEMENT GRANT LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of this subsection, there is lapsed to the conservation fund $1,400,000 from the appropriation account to the department of natural resources under section 20.370 (6) (ar) of the statutes, as affected by this act.

SECTION 9248. Appropriation changes; revenue.

(1) COUNTY SALES TAX DISBURSEMENT. On June 30, 1997, there is lapsed to the general fund $1,150,000, plus all amounts that are requested by, but not granted to, the department of revenue for reimbursement to the department of natural resources for its county sales tax activities, for postage, for data processing and for computers as a result of the department's December 1994, January 1995 and February 1995 requests made to the department of administration under section 16.515 of the statutes, from the appropriation account to the department of revenue under section 20.566 (1) (g) of the statutes, as affected by the acts of 1995.

(2x) BADGER FUND LAPSE. On June 30, 1997, there is transferred to the general fund the balance in the fund under section 25.28 of the statutes.

SECTION 9249. Appropriation changes; savings and loan.

(1) GENERAL PROGRAM OPERATIONS FUNDS. The unencumbered balance in the appropriation account under section 20.175 (1) (g) of the statutes immediately before the effective date of this subsection is transferred to the appropriation account under section 20.144 (1) (g) of the statutes, as created by this act.

(2) INFORMATION TECHNOLOGY DEVELOPMENT FUNDS. The unencumbered balance in the appropriation account under section 20.124 (1) (ka) of the statutes immediately before the effective date of this subsection is transferred to the appropriation account under section 20.144 (1) (ka) of the statutes.

SECTION 9250. Appropriation changes; secretary of state.

(1g) APPROPRIATION LAPSES.

(a) Notwithstanding section 20.001 (3) (a) of the statutes, the unencumbered balances in the appropriation accounts under section 20.575 (1) (g), (gb), (h), (i) and (ka) of the statutes immediately before the effective date of this paragraph shall lapse to the general fund on the effective date of this paragraph.

(b) Notwithstanding section 20.001 (3) (a) of the statutes, the unencumbered balances in the appropriation accounts under section 20.575 (1) (g), (gb), (h) and (i) of the statutes and section 20.575 (1) (ka) of the statutes, as affected by this act, immediately prior to the end of the 1995–97 fiscal biennium, but not to exceed $521,300, shall lapse to the general fund at the end of the 1995–97 fiscal biennium. If the total of the unencumbered balances in the appropriation accounts under section 20.575 (1) (g), (gb), (h) and (i) of the statutes and section 20.575 (1) (ka) of the statutes, as affected by this act, exceeds $521,300, the secretary of state shall determine the amounts, which must total $521,300, from each of the appropriation accounts under section 20.575 (1) (g), (gb), (h) and (i) of the statutes and section 20.575 (1) (ka) of the statutes, as affected by this act, that shall lapse to the general fund.

SECTION 9251. Appropriation changes; securities.

(1) GENERAL PROGRAM OPERATIONS FUNDS. The unencumbered balance in the appropriation account under section 20.185 (1) (g) of the statutes immediately before

the effective date of this subsection is transferred to the appropriation account under section 20.144 (1) (g) of the statutes, as created by this act.

(2) INFORMATION TECHNOLOGY DEVELOPMENT FUNDS. The unencumbered balance in the appropriation account under section 20.185 (1) (ka) of the statutes immediately before the effective date of this subsection is transferred to the appropriation account under section 20.144 (1) (ka) of the statutes.

(3g) INVESTOR EDUCATION APPROPRIATION LAPSE. Notwithstanding section 20.001 (3) (a) of the statutes, there is lapsed to the general fund $500,000 from the appropriation account under section 20.185 (1) (h) of the statutes, as affected by this act, on the effective date of this subsection or August 15, 1995, whichever is later.

SECTION 9255. Appropriation changes; transportation.

(1m) POSITION AUTHORIZATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation under section 20.395 (4) (aq) of the statutes, as affected by the acts of 1995, the dollar amount is decreased by $97,800 for fiscal year 1995–96 and the dollar amount is decreased by $97,800 for fiscal year 1996–97 to decrease the authorized FTE positions for the department by 1.0 SEG executive assistant position appointed under section 15.05 (3) of the statutes, as affected by this act.

SECTION 9257. Appropriation changes; University of Wisconsin System.

(2g) LAPSE TO GENERAL FUND. On the effective date of this subsection, there is lapsed $15,000,000 from the appropriation account under section 20.285 (1) (kb) of the statutes, as affected by this act, to the general fund.

SECTION 9301. Initial applicability; administration.

(4g) INFORMATION TECHNOLOGY DEVELOPMENT PROJECT GRANT PROCEDURE. The treatment of section 16.971 (5) (b) to (bt) of the statutes first applies to the award of grants for information technology development projects to be conducted in fiscal year 1996–97.

SECTION 9306. Initial applicability; banking.

(1) LICENSE FEES. The treatment of sections 138.09 (1), 138.12 (3) (b) and (4) (a) and (am), 217.05 (5) (c) and (d), 218.01 (2) (b) and (dr), 218.02 (2) (b), 218.04 (3) (b) and (c) and 218.05 (3) (b) and (11) of the statutes first applies to applications for or renewals that are filed on the effective date of this subsection.

SECTION 9310. Initial applicability; circuit courts.

(1) SUPPORT OR MAINTENANCE FILING FEE. The treatment of section 814.61 (13) of the statutes first applies to petitions filed on the effective date of this subsection.

(1g) FEES INVOLVING STIPULATED SUPPORT ORDERS. The treatment of section 814.61 (7) (a) of the statutes (by SECTION 7154r) first applies to petitions and motions filed on the effective date of this subsection.

(3) COURT DOCUMENT REIMBURSEMENT. The treatment of sections 814.61 (10), 814.66 (1) (h) and 814.70 (6) of the statutes and the creation of sections 814.61 (10) (b), 814.66 (1) (h) 2. and 814.70 (6) (b) of the statutes first apply to documents copied on the effective date of this subsection.

(4) CIRCUIT COURT FEES. The treatment of sections 80.38 (2), 94.29, 814.61 (1) (a) 1. and 2., (3) (a) and (b) and (8) (a), (am) (intro.) and (b), 814.62 (1) (a) and (b) and (3) (a) 1. and 2. and (d) 1., 2. and 3. and 814.63 (1) (a) and (b) and (5) (a) and (b) of the statutes first applies to actions commenced on the effective date of this subsection.

(5) AGE OF ADULT CRIMINAL JURISDICTION. The treatment of sections 48.02 (1), (2) and (3m), 48.12 (1) and (2), 48.255 (1) (intro.), 48.34 (10) (a), 48.35 (1) (c), 48.355

(4) (b), 48.39, 48.45 (1) (a) and (3), 161.455 (1), 161.46 (1), (2) and (3), 161.573 (2), 161.574 (2), 161.575 (1) and (2), 302.31, 948.01 (1), 948.35 (1) (a), 948.36 (1), 948.45 (1), 948.60 (title), (2) and (3), 948.61 (4) and 990.01 (3) and (20) of the statutes first applies to violations that occur on the effective date of this subsection.

(6d) SERIOUS JUVENILE OFFENDER PROGRAM. The treatment of sections 48.18 (2r), 48.33 (1) (intro.) and (3r) and 48.34 (2) and (4h) of the statutes and the repeal and recreation of sections 48.18 (5) (c), 48.23 (1) (a) and 48.34 (2m) and (4n) (intro.) and (a) of the statutes first apply to violations committed on the effective date of this subsection.

(7) EXTENDED JURISDICTION OF JUVENILE COURT. The treatment of sections 48.243 (1) (b) and 48.366 (1) (a) (intro.), (b) and (c) of the statutes first applies to violations committed on the effective date of this subsection.

(8) JURIES IN TRAFFIC REGULATION CASES. The treatment of section 756.096 (3) (b) of the statutes and the creation of section 756.096 (3) (b) 2. of the statutes first apply to traffic regulation actions commenced on the effective date of this subsection.

(9q) SMALL CLAIMS COURT JURISDICTION. The treatment of section 799.01 (1) (c) and (d) (intro.) and (2) of the statutes first applies to actions commenced on the effective date of this subsection.

SECTION 9311. Initial applicability; conservation corps board.

(1x) EDUCATION VOUCHERS. The renumber and amendment of section 16.20 (10) (g) 1. of the statutes first applies to education vouchers issued on the effective date of this subsection.

SECTION 9312. Initial applicability; corrections.

(1) ADDITIONAL PAYMENT, PROBATION AND PAROLE HOLDS. The treatment of section 302.33 (2) (a) 3. and 4. of the statutes first applies to payments made on the effective date of this subsection.

(2) MEDICAL AND DENTAL SERVICES FOR PRISONERS. The treatment of section 302.386 (3) and (4) (a) and (b) of the statutes and the creation of section 302.386 (3) (b) and (d) of the statutes first apply to services provided on the effective date of this subsection.

(2g) MEDICAL AND DENTAL SERVICES; COLLECTIONS FROM 3RD PARTIES. The treatment of section 302.386 (2m) of the statutes first applies to payments provided on the effective date of this subsection, regardless of the date the services were provided.

(2h) WORK RELEASE ROOM AND BOARD PAYMENTS. The treatment of section 303.065 (6) of the statutes first applies to payments made on the effective date of this subsection.

(3g) PRISONER REIMBURSEMENT. The treatment of sections 301.135 (2), 301.325, 302.386 (6) and 303.065 (7) of the statutes first applies to costs incurred on the effective date of this subsection.

SECTION 9313. Initial applicability; cost containment commission.

(1) REVIEW AND APPROVAL ACTIVITIES AND GENERAL PROGRAM OPERATIONS FUNDING. The amendment of section 20.488 (1) (h) of the statutes first applies to applications for review under subchapter III of chapter 150 of the statutes, as affected by this act, submitted on July 1, 1995.

SECTION 9316. Initial applicability; development.

(1g) PHYSICIAN LOAN ASSISTANCE PROGRAM. The treatment of section 560.183 (2) (b) of the statutes first applies to applications to participate in the program under

section 560.183 of the statutes, as affected by this act, that are submitted on the effective date of this subsection.

(1x) ENTERPRISE DEVELOPMENT ZONES. The treatment of section 49.193 (5) (a) and (b) (intro.), 1., 2. and 3. of the statutes and the creation of section 560.795 (3) (e) of the statutes first apply to development opportunity zones that are in existence on the effective date of this subsection.

SECTION 9320. Initial applicability; employment relations commission.

(1) SCHOOL DISTRICTS; PERMISSIVE AND PROHIBITED SUBJECTS OF BARGAINING. The treatment of section 111.70 (1) (a) and (4) (m) of the statutes first applies to employes who are affected by a collective bargaining agreement that contains provisions inconsistent with that treatment on the day on which the collective bargaining agreement expires or is extended, modified or renewed.

SECTION 9323. Initial applicability; gaming commission.

(1) LOTTERY RETAILER COMPENSATION. The treatment of section 565.10 (14) (b) of the statutes first applies to lottery tickets or lottery shares sold on the first day of the 2nd month beginning after publication.

SECTION 9326. Initial applicability; health and social services.

(2) FINANCIAL INFORMATION AS A REQUIREMENT OF COMMUNITY–BASED RESIDENTIAL FACILITY ADMISSION. The treatment of section 50.035 (7) of the statutes first applies to an application for initial admission to a community–based residential facility on the effective date of this subsection.

(3) NOTICE OF CERTAIN ASSIGNED OR SUBROGATED CLAIMS. The creation of section 49.65 (3m) (c) of the statutes first applies to events that occur on the effective date of this subsection.

(4) ASSIGNMENT OF CERTAIN CLAIMS OF PUBLIC ASSISTANCE RECIPIENTS. The amendment of section 49.65 (3) of the statutes first applies to applications for public assistance made on the effective date of this subsection.

(5) ASSIGNMENTS OF RIGHTS AGAINST INSURERS BY PUBLIC ASSISTANCE RECIPIENTS. The treatment of sections 49.493 (1) (a) and (b), (2), (3) (d) and (4) and 632.72 (title), (1) and (2) of the statutes, the renumbering and amendment of section 49.493 (1) of the statutes and the creation of section 632.72 (1g) of the statutes first apply with respect to public assistance provided on the effective date of this subsection.

(7) WORK PROGRAMS FOR NONCUSTODIAL PARENTS. The treatment of section 767.295 (2) (a) (intro.) (by SECTION 7105) and 1m. of the statutes first applies to actions and proceedings commenced on the effective date of this subsection.

(8) MENTAL HEALTH AND ALCOHOL AND OTHER DRUG ABUSE TREATMENT SERVICES. The treatment of section 49.035 (1) (intro.), (2) (intro.) and (3) of the statutes first applies to costs of providing services described in section 51.42 (3) (ar) 4. of the statutes that are incurred on the effective date of this subsection.

(9) AID TO FAMILIES WITH DEPENDENT CHILDREN MATERNITY BENEFITS. The treatment of section 49.19 (4) (g) 1. and 2. of the statutes first applies to persons who apply for aid to families with dependent children on the effective date of this subsection.

(10) CEMETERY, FUNERAL AND BURIAL EXPENSES. The treatment of section 49.30 (2) of the statutes first applies to reimbursement of cemetery, funeral and burial expenses paid by a county or applicable tribal governing body or organization on the effective date of this subsection.

(11) RELIEF OF NEEDY INDIAN PERSONS COUNTY ADMINISTRATION PAYMENTS. The treatment of section 20.435 (4) (de) of the statutes first applies with respect to

administrative expenses associated with payments of relief of needy Indian persons that are made on the effective date of this subsection.

(12) RELIEF OF NEEDY INDIAN PERSONS BENEFIT REIMBURSEMENT. The treatment of section 49.046 (3) of the statutes first applies to aid provided on the effective date of this subsection.

(13) GENERAL RELIEF BENEFIT REIMBURSEMENT. The treatment of section 49.035 of the statutes first applies with respect to state reimbursement of benefits paid on the effective date of this subsection.

(14) WILD RICE LICENSE REQUIREMENT EXCEPTIONS. The treatment of section 29.544 (3) of the statutes first applies to recipients of general relief who apply for a license on the effective date of this subsection.

(15) TAX INTERCEPT RECOVERY OF GENERAL RELIEF OVERPAYMENTS. The treatment of section 46.254 (1), (2) and (3) (a) of the statutes first applies with respect to recovery of benefits paid on the effective date of this subsection.

(16) GENERAL RELIEF REIMBURSEMENT FROM OTHER PROGRAMS OR RESOURCES. The treatment of section 49.02 (2r) of the statutes first applies with respect to authorizations to reimburse the county for benefits paid on the effective date of this subsection.

(17) ISSUANCE OF NEW CHECKS FOR LOST GENERAL RELIEF CHECKS. The treatment of section 49.02 (3) (b) of the statutes first applies with respect reissuance of checks that were originally issued on the effective date of this subsection.

(18) GENERAL RELIEF PROCEDURAL RIGHTS. The treatment of section 49.037 of the statutes first applies with respect to benefits that are or should have been paid on the effective date of this subsection.

(19) GENERAL RELIEF OFFENSES. The treatment of section 49.12 (2), (4m) (intro.), (a) and (b), (7) and (11) of the statutes first applies to offenses committed on the effective date of this subsection.

(22) FACILITY LICENSURE PERIOD AND FEE CHANGES. The treatment of sections 48.22 (7), 48.615 (1) (a) and (b), 48.625 (2) (a), 48.65 (3) (a), 48.68 (1), 50.03 (4) (a) 1. b. and (c), 50.033 (2) and 50.037 (2) (a) and (c) of the statutes and the creation of sections 48.22 (7) (b) and (c) and 50.03 (4) (c) 2. of the statutes first apply to initial licensure or renewal of licensure for shelter care facilities, child welfare agencies, group homes, day care centers, community–based residential facilities and adult family homes that are issued on January 1, 1996.

(23) DENTISTS' SERVICES PROVIDED UNDER MEDICAL ASSISTANCE. The treatment of section 49.46 (2) (a) 2. and (b) 1. h. and i. of the statutes first applies to dentists' services provided on the effective date of this subsection.

(23x) LONG–TERM SUPPORT COMMUNITY OPTIONS PROGRAM RESIDENCY REQUIREMENT. The treatment of section 46.27 (6r) (e) of the statutes first applies to applications for long–term support community options program services that are made on the effective date of this subsection.

(24g) COMMUNITY OPTIONS PROGRAM REIMBURSEMENT LIMITATIONS. The treatment of section 46.27 (7) (b) 1m. and 1r. and (11) (c) 3m. and 4. of the statutes first applies to long–term community support services provided under section 46.27 of the statutes on the effective date of this subsection.

(24h) COMMUNITY OPTIONS PROGRAM ASSESSMENT AND CASE PLAN FEES. The treatment of section 46.27 (6) (a) 1., (b) (intro.) and (c) and (7) (am) (by SECTION 2223t) of the statutes first applies to an assessment that is initially conducted under section

46.27 (6) (a) 1. of the statutes and a case plan that is initially developed under section 46.27 (6) (b) (intro.) of the statutes on the effective date of this subsection.

(24i) NURSING HOME RIGHTS OF APPEAL OF DEFICIENCIES UNDER FEDERAL REGULATIONS. The treatment of sections 49.498 (16m) and 50.04 (4) (e) 1. of the statutes first applies to a deficiency of a nursing home under federal regulations that occurs on the effective date of this subsection.

(25g) DRIVER IMPROVEMENT SURCHARGE INCREASE. The treatment of sections 20.435 (6) (hx) and (7) (hz) and 346.655 (1) and (2) of the statutes first applies to offenses committed on the effective date of this subsection.

(25h) WAIVER FOR BED AND BREAKFAST ESTABLISHMENT. The treatment of section 254.74 (1m) of the statutes first applies to an application for a permit under section 254.64 (1) (b) of the statutes on the effective date of this subsection.

(26g) TRANSFER OF LABORATORY CERTIFICATION. The treatment of sections 20.115 (1) (gb) (by SECTION 476c), 20.435 (1) (gm) (by SECTION 816m), 144.95 (2) (a) and (b) and (5) (a) and 252.22 (title), (1) to (3), (4), (5), (6), (7), (8) and (9) and SECTION 9126 (31g) of this act of the statutes first apply to initial or interim certificates of approval or renewals of certificates of approval issued under section 93.12 (4) of the statutes, as affected by this act, on the effective date of this subsection.

SECTION 9327. Initial applicability; higher educational aids board.

(1x) DETERMINATION OF FINANCIAL NEED. The treatment of section 39.155 (1) and (2) (as it relates to financial need) of the statutes first applies to payments to the Medical College of Wisconsin, Inc., for the 1996–97 academic year.

SECTION 9336. Initial applicability; justice.

(1) AVAILABLE REMEDIES. The treatment of sections 20.455 (1) (gh), (gm) and (hm), 49.49 (6), 100.263, 133.16, 144.98, 144.99 (title) and (2) and 147.21 (5) of the

statutes and the renumbering of section 144.99 of the statutes first apply to actions pending on the effective date of this subsection.

(2g) PENALTY ASSESSMENT INCREASE. The treatment of section 165.87 (2) (a) of the statutes first applies to penalty assessments imposed on the effective date of this subsection.

(2v) CRIMINAL HISTORY SEARCHES. The treatment of section 165.82 (1) (a), (ag), (ar) and (b) of the statutes first applies to record checks conducted on the effective date of this subsection.

SECTION 9337. Initial applicability; legislature.

(1v) SALES OF LEGISLATIVE DOCUMENTS. The treatment of sections 13.90 (1) (L), 13.92 (2) (h) and 35.87 of the statutes and the creation of section 35.87 (3) of the statutes first apply with respect to subscriptions to legislative documents sold for the 1997–98 legislative session.

SECTION 9341. Initial applicability; military affairs.

(2) NATIONAL GUARD TUITION GRANTS; PAYMENTS. The treatment of section 21.49 (3) (a), (b) 1. and (d) of the statutes first applies to courses completed on the effective date of this subsection.

SECTION 9342. Initial applicability; natural resources.

(1) RESIDENT DISABLED PERSON FISHING LICENSE. The treatment of sections 29.092 (3) (f) and 29.145 (1c) (intro.) of the statutes first applies to fishing licenses issued to disabled persons on the effective date of this subsection.

(2) WILD TURKEY HUNTING APPROVALS.

(a) The treatment of sections 29.093 (2) (d) and 29.103 (7) of the statutes first applies to wild turkey hunting approvals that are issued on the effective date of this paragraph.

(3g) DEER HUNTING PERMITS. The treatment of sections 29.09 (9m) (a) 1m. and (b) and 29.092 (13m) (b) of the statutes, the renumbering of section 29.09 (9m) of the statutes and the renumbering and amendment of 29.092 (13m) of the statutes first apply to applications for bonus deer hunting permits and to joint applications for hunter's choice deer hunting permits and bonus deer hunting permits that are submitted on the effective date of this subsection.

(4) WILD GINSENG HARVEST LICENSES. The treatment of sections 29.092 (11) (g) and (gm) and 29.547 (6) (a) of the statutes first applies to wild ginseng harvest licenses issued on the effective date of this subsection.

(5) WILD GINSENG DEALER LICENSES. The treatment of sections 29.092 (11) (h), (i), (j) and (k), 29.093 (11) (c) and 29.547 (1) (a), (am) and (b), (6) (a), (7) (title), (a) 1., 2. and 3. and (b), (8) (title), (a), (b), (bn), (c), (d), (e) and (f) and (9) (b) of the statutes and the renumbering and amendment of section 29.547 (7) of the statutes first apply to wild ginseng dealer licenses issued on the effective date of this subsection.

(6) FEES FOR CERTIFICATES OF NUMBER FOR BOATS. The treatment of section 30.52 (3) (b), (c), (d), (e), (f) and (i) of the statutes first applies to certificates of number issued or renewed on the effective date of this subsection.

(7) WATER RESOURCES.

(a) The treatment of sections 30.28 (title), (1), (2), (2m) and (3) and 31.39 (title), (1), (2), (2m) and (3) of the statutes and the creation of section 30.28 (3) (title) and (b) of the statutes first apply to permits or approvals that are applied for or requested on the effective date of this paragraph.

(b) The treatment of section 144.0252 of the statutes first applies to determinations applied for on the effective date of this paragraph.

(10) RECREATIONAL BOATING FACILITIES PROJECT. The treatment of section 30.92 (4) (a) and (b) 2. and 7. of the statutes first applies to applications for funds filed with the department of natural resources on the effective date of this subsection.

(11g) CLEAN WATER FUND INTEREST RATE. The treatment of section 144.241 (12) (c) 1. of the statutes first applies to projects for which the department of natural resources approves the facility plan on the day after the effective date of this subsection.

(11h) CLEAN WATER FUND HARDSHIP PRIORITY. The treatment of section 144.241 (13) (e) 2. of the statutes first applies to a project that is in the top 20% of projects on the priority list under section 144.241 (8e) of the statutes, as affected by this act, for 1996.

(12) CLEAN WATER FUND HARDSHIP LOANS. The treatment of section 144.241 (8) (g) and (13) of the statutes first applies to projects that receive a notice of financial assistance on the effective date of this subsection.

(14z) PERMITS FOR DRAINAGE WORK IN NAVIGABLE WATERS. The treatment of sections 88.62 (3) and 88.72 (3) and (4) of the statutes first applies to permits for drainage work to be undertaken in navigable waters that are applied for on the effective date of this subsection.

SECTION 9344. Initial applicability; public defender board.

(1) CONDITIONS OF CONFINEMENT. The treatment of sections 20.550 (1) (b), 977.05 (4) (j) and 977.08 (2) (f) of the statutes first applies to actions that are commenced on the effective date of this subsection.

(2q) REPRESENTATION IN PATERNITY ACTIONS. The treatment of sections 767.455 (5) and (5g) (form) 2., 767.52 (1), (2) and (2m) and 977.05 (4) (i) 7. of the statutes first

applies to paternity actions that are commenced on the effective date of this subsection.

(3) REPRESENTATION IN CONTEMPT CASES FOR NONSUPPORT. The treatment of section 977.05 (6) (title) and (b) of the statutes first applies to contempt of court cases commenced on the effective date of this subsection.

(4d) CONTRACTS WITH PRIVATE BAR. The treatment of section 977.08 (3) (f) and (4m) and of the statutes first applies to contracts entered into on the effective date of this subsection.

(5g) REPRESENTATION IN JUVENILE PROCEEDINGS. The treatment of sections 48.21 (3) (d), 48.23 (2) (a) and (b) and (3), 48.243 (1) (e) and 48.27 (4) (b) of the statutes and the amendment of section 48.20 (8) of the statutes first apply to proceedings that are commenced under chapter 48 of the statutes, as affected by this act, on the effective date of this subsection.

(5h) EARLY REPRESENTATION. The treatment of section 977.05 (6) (c) of the statutes first applies to cases in which the provision of legal services begins or the assignment of counsel is made on the effective date of this subsection.

(5i) REPRESENTATION IN SENTENCE MODIFICATION CASES. The treatment of section 977.05 (6) (e) of the statutes first applies to motions filed under section 973.19 (1) (a) of the statutes on the effective date of this subsection.

(5j) REPRESENTATION IN APPEALS. The treatment of section 977.05 (6) (f) of the statutes first applies to cases in which the notice of intent to pursue postconviction relief under section 809.30 (2) of the statutes is filed on the effective date of this subsection.

(5k) REPRESENTATION IN PROBATION MODIFICATION CASES. The treatment of section 977.05 (6) (g) of the statutes first applies to proceedings to modify probation that are commenced on the effective date of this subsection.

(5L) REPRESENTATION IN PAROLE REVOCATION PROCEEDINGS. The treatment of section 977.05 (6) (h) of the statutes first applies to parole revocation proceedings that are commenced on the effective date of this subsection.

(5m) REPRESENTATION IN PROBATION REVOCATION PROCEEDINGS. The treatment of section 977.05 (6) (i) of the statutes first applies to probation revocation proceedings that are commenced on the effective date of this subsection.

SECTION 9345. Initial applicability; public instruction.

(1x) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2) (a) (intro.), 2. and 3. and (b), (3), (4), (5) (d), (7) (am) and (c), (9) (a) and (b) and (10) of the statutes and the creation of 119.23 (3) (b) of the statutes first apply to the participation of pupils in the Milwaukee parental choice program in the 1995–96 school year.

(2) EXEMPTION OF CERTAIN SCHOOL DISTRICTS FROM REVENUE LIMITS. The treatment of section 121.905 of the statutes first applies to the calculation of school revenue limits for the 1995–96 school year.

(3) ADMINISTRATOR CONTRACTS. The treatment of section 118.24 (1), (6) and (8) of the statutes first applies to contracts entered into on the effective date of this subsection.

(4) COMPENSATION OF NONREPRESENTED PROFESSIONAL SCHOOL DISTRICT EMPLOYES. The treatment of section 118.245 (2), (3) and (4) of the statutes first applies to contracts entered into on the effective date of this subsection.

(5) SCHOOL DISTRICT REVENUE LIMITS. The treatment of sections 121.90 (1) and (2) and 121.91 (4) (a) 3., (d) and (e) of the statutes first applies to the calculation of a school district's revenue limit for the 1995–96 school year.

(7) CHARTER SCHOOLS. The treatment of section 118.40 (1), (1m) (b) 7., (2) (a) and (b) (intro.), (2m) (a), (3) (b) and (c), (4) (a) 2. and (7) (title) and (a) of the statutes first applies to contracts entered into on the effective date of this subsection.

(8) SCHOOL AID FORMULA. The treatment of sections 73.03 (46), 121.07 (6) (b), (c), (d), (dg), (dr) and (e), (7) (b), (bm), (c), (d) and (e), (8) and (10) (a) and (d), 121.08 (1) and (2) and 121.23 (2) (intro.) of the statutes and the repeal and recreation of section 121.07 (7) (a) of the statutes first apply to the payment of state school aid in the 1996–97 school year.

(9m) INTRADISTRICT TRANSFER AID. The treatment of section 121.85 (6) (a) 2. of the statutes first applies to state aid paid in the 1996–97 school year.

SECTION 9346. Initial applicability; public service commission.

(1) OFFICE OF THE COMMISSIONER OF RAILROADS. The treatment of section 195.60 (2) of the statutes first applies to fiscal year 1995–96.

SECTION 9347. Initial applicability; regulation and licensing.

(1) RECIPROCAL AND TEMPORARY CREDENTIAL FEES. The treatment of section 440.05 (2) and (6) of the statutes first applies to applications for reciprocal credentials or for apprentice, journeyman, student or other temporary credentials received by the department of regulation and licensing on the effective date of this subsection.

(2) REPLACEMENT CREDENTIAL FEE. The treatment of section 440.05 (7) of the statutes first applies to applications received by the department of regulation and licensing on the effective date of this subsection for replacement of lost credentials,

for name or address changes on credentials, for issuance of duplicate credentials or for transfer of credentials.

(3) LATE RENEWAL FEE. The consolidation, renumbering and amendment of section 440.08 (3) (a) (intro.) and 2. of the statutes and the repeal of section 440.08 (3) (a) 1. of the statutes first apply to credential renewal applications received by the department of regulation and licensing on the effective date of this subsection.

SECTION 9348. Initial applicability; revenue.

(1) RECYCLING SURCHARGE PAYERS. The treatment of section 77.93 (1) and (4) of the statutes first applies to taxable years that begin on January 1, 1995.

(2) ESTATE TAX INSTALMENTS. The treatment of sections 72.22 (1) and (3), 72.225 and 72.23 of the statutes first applies to transfers because of deaths that occur on the effective date of this subsection.

(3) TIME-SHARE PROPERTY. The treatment of sections 77.25 (19), 77.255 and 77.52 (2) (a) 1. of the statutes first applies to sales on the first day of the 2nd month beginning after publication.

(4) PETROLEUM INSPECTION FEES. The treatment of sections 168.05 (1), 168.07 (3), 168.08 (2), (3), (4) and (5), 168.10, 168.12 (1), (1g), (1r), (2), (3), (4), (6), (7), (8) and (9), 168.125, 168.13, 168.15 and 168.17 of the statutes first applies to fees for inspections of petroleum products that are received on January 1, 1996.

(4q) DOMESTIC ABUSE PREVENTION AND AWARENESS. The treatment of sections 20.435 (1) (hk), 20.566 (1) (hp), 46.95 (4) and 71.10 (5m) of the statutes first applies to taxable years beginning on January 1, 1995.

(5m) HEALTH MAINTENANCE ORGANIZATIONS.

(a) *Income tax.* The treatment of sections 71.26 (1) (a) and (2) (a), 71.45 (1), (2) (a) and (5), 185.981 (5) and 614.80 of the statutes first applies to taxable years that begin on January 1, 1995.

(b) *Property tax.* The treatment of sections 70.11 (4) and (4m), 613.81 and 614.80 of the statutes first applies to property taxes based on the assessment as of January 1, 1996.

(6x) NEW DEVELOPMENT ZONES CREDITS. The treatment of sections 71.05 (6) (a) 15., 71.07 (2dd), (2de), (2dj) (am) 4b., (d) and (f) and (2ds) (c) and (e), 71.08 (1) (intro.), 71.10 (4) (gh) and (gi), 71.26 (2) (a), 71.28 (1dd), (1de), (1dj) (am) 4b., (d) and (f) and (1ds) (c) and (e), 71.30 (3) (eo) and (ep), 71.34 (1) (g), 71.45 (2) (a) 10., 71.47 (1dd), (1de), (1dj) (am) 4b., (d) and (f) and (1ds) (c) and (e), 71.49 (1) (en) and (eo), 73.03 (35), 77.92 (4), 560.70 (7) and 560.797 (1) (d) of the statutes first applies to taxable years beginning on January 1, 1995.

(8) ADMINISTRATION OF LIQUOR TAX APPROPRIATION LAPSE. The treatment of section 20.566 (1) (ha) of the statutes first applies to the 1995–96 fiscal year.

(8g) MAXIMUM SHARED REVENUE PAYMENTS TO COUNTIES. The treatment of section 79.06 (2) (b) of the statutes first applies to payments that are made during 1996.

(8x) INTERNAL REVENUE CODE. The treatment of sections 71.01 (7r), 71.05 (6) (b) 21., 71.26 (3) (y), 71.365 (1m) and 71.45 (2) (a) 13. of the statutes first applies to taxable years beginning on January 1, 1995.

(9) SCHOOL PROPERTY TAX CREDIT. The treatment of section 71.07 (9) (b) of the statutes first applies to taxable years beginning on January 1, 1996.

(9t) EXPENDITURE RESTRAINT PAYMENTS. The treatment of section 79.05 (1) (am) and (d), (2) (c) and (2m) of the statutes first applies to payments under section 79.05 of the statutes during 1997.

(10j) PENALTIES FOR CERTAIN SALES OF INTOXICATING LIQUOR. The treatment of sections 125.66 (4) and 125.69 (6) of the statutes and the creation of section 125.69 (6) (c) of the statutes first apply to offenses committed on the effective date of this subsection.

(10x) PROPERTY TAX BILL. The treatment of sections 74.09 (1), (3) (b), (c), (e) and (i), (3m), (4) and (4m) and 79.10 (9) (c) of the statutes first applies to bills for taxes levied in 1996.

(11g) SHARED REVENUE PAYMENTS FOR SPENT NUCLEAR FUEL. The treatment of section 79.04 (4) (a) of the statutes first applies to payments made during 1996.

SECTION 9350. Initial applicability; secretary of state.

(1) REVOCATION OF CERTIFICATE TO TRANSACT BUSINESS. The treatment of sections 183.0113 (2) (b) 4. and 183.0114 (2) (c) of the statutes and the creation of sections 183.1020, 183.1021 and 183.1022 of the statutes first apply to a revocation of a certificate to transact business based on grounds that arise on January 1, 1996.

SECTION 9353. Initial applicability; supreme court.

(1g) JUSTICE INFORMATION SYSTEM FEE. The treatment of section 814.635 (1) (as it relates to increasing the amount of the justice information system fee) of the statutes first applies on October 1, 1995.

SECTION 9357. Initial applicability; University of Wisconsin System.

(1g) APPLICATION FEES. The treatment of section 36.11 (3) (d) of the statutes first applies to applications for enrollment in the 1996 fall semester.

SECTION 9358. Initial applicability; veterans affairs.

(1) CORRESPONDENCE COURSES AND PART-TIME STUDY. The treatment of section 45.396 (1), (2) and (3) (intro.) of the statutes and the creation of section 45.396 (1) (intro.) and (a) of the statutes first apply to applications for reimbursement for the

costs of courses and textbooks received by the department of veterans affairs on the effective date of this subsection.

(2) VETERANS RETRAINING. The treatment of section 45.397 (2) (c) of the statutes first applies to applications for retraining grants submitted on the effective date of this subsection.

SECTION 9359. Initial applicability; other.

(1m) PROSECUTION OF CHARGES OF OBSTRUCTING AN OFFICER. The treatment of sections 946.41 (1) and (1m) and 968.03 (4) of the statutes first applies to offenses committed on the effective date of this subsection.

(3b) PROPERTY CRIMES. The treatment of sections 943.01 (2) (d), 943.20 (3) (a) and (b), 943.21 (3) (a) and (b), 943.24 (1) and (2), 943.26 (2), 943.34 (1) (a) and (b), 943.395 (2) (a) and (b), 943.41 (8) (c), 943.50 (4) (a) and (b), 943.61 (5) (a) and (b) and 973.075 (1) (b) (intro.) of the statutes first applies to offenses committed on the effective date of this subsection.

(3h) FORGERY. The treatment of sections 943.38 (1) (a) and (2), 943.39 (2) and 943.40 (2) of the statutes first applies to offenses committed on the effective date of this subsection.

(4g) RESTRICTION ON MISDEMEANOR PENALTIES. The treatment of sections 939.615 and 967.052 of the statutes first applies to offenses committed on the effective date of this subsection, but does not preclude the counting of convictions for crimes committed before the effective date of this subsection as prior convictions under section 939.615 (1) of the statutes, as created by this act.

SECTION 9400. Effective dates; general. Except as otherwise provided in SECTIONS 9401 to 9459 of this act, this act takes effect on July 1, 1995, or on the day after publication, whichever is later.

SECTION 9401. Effective dates; administration.

(2) KICKAPOO VALLEY RESERVE ADMINISTRATION TRANSFER. The treatment of sections 15.07 (1) (b) 20., 15.105 (23), 15.445 (title), 16.07, 16.21, 20.370 (3) (mu), 20.380 (2) (title), 20.505 (4) (dq), (ip), (ir) and (qm), 20.923 (6) (ai), 23.50 (1), 23.53 (1), 23.56 (1), 23.57 (1) (intro.), 23.58, 23.62 (1) (intro.), 29.05 (2), 144.85 (5) (a) 1. (intro.) and 227.01 (13) (zq) and subchapter III (title) of chapter 41 of the statutes, the renumbering of section 20.505 (4) (ms) of the statutes and SECTION 9101 (a) of this act take effect on July 1, 1996.

SECTION 9402. Effective dates; adolescent pregnancy prevention and pregnancy services board.

(1z) PREGNANCY PREVENTION PROGRAMS. The treatment of sections 20.434 (1) (a) and 46.93 (2) (intro.) and (2m) of the statutes and SECTION 9102 (1z) of this act take effect on July 1, 1996.

SECTION 9404. Effective dates; agriculture, trade and consumer protection.

(2) DAIRY TRADE PRACTICE FEE. The treatment of section 100.201 (6) of the statutes takes effect on July 1, 1995.

(3) FOOD REGULATION LAPSE. The treatment of section 20.115 (1) (gb) (by SECTION 476c) of the statutes and the repeal of section 20.115 (1) (f) of the statutes take effect on July 1, 1997.

(4) PESTICIDE CERTIFICATION AND LICENSING. The treatment of sections 25.465 (7), 94.704 (3) (a) and 94.705 (1) (title) and (d) of the statutes takes effect on November 1, 1995.

(5) PLAT REVIEW TRANSFER. The treatment of sections 20.115 (7) (ig), and (8) (k) (by SECTION 489), 70.27 (5) and (8), 93.07 (22), 93.60 (by SECTION 3569) and 236.02 (4) of the statutes and SECTION 9104 (3) of this act take effect on July 1, 1996.

SECTION 9405. Effective dates; arts board.

(1) ATTACHMENT OF ARTS BOARD. The treatment of section 20.505 (4) (h) (by SECTION 1074) of the statutes, the renumbering and amendment of section 15.105 (8) of the statutes and SECTION 9105 (1) of this act take effect on July 1, 1996.

(1m) FUNDING REPORT; ELIMINATION OF ARTS BOARD. The treatment of sections 16.846 and 20.505 (1) (ks) and (kt) of the statutes, the repeal and recreation of section 13.48 (10) (a) of the statutes and SECTIONS 9105 (3g) (b) and 9205 (1m) of this act take effect on July 1, 1997.

SECTION 9406. Effective dates; banking.

(1) SETTLEMENT APPROPRIATION. The renumbering and amending of section 20.124 (1) (h) of the statutes takes effect on July 1, 1996.

SECTION 9408. Effective dates; building commission.

(1z) BONDING AUTHORITY. The treatment of section 20.866 (2) (s) (by SECTION 1160h) of the statutes takes effect on July 1, 1997.

SECTION 9409. Effective dates; child abuse and neglect prevention board.

(1) RIGHT FROM THE START PROGRAM. The treatment of sections 20.433 (1) (c), (d) and (h), 48.982 (7) (a) and 69.22 (1) (c) of the statutes takes effect on January 1, 1996.

SECTION 9410. Effective dates; circuit courts.

(1) SUPPORT OR MAINTENANCE FILING FEE. The treatment of section 814.61 (13) of the statutes and SECTION 9310 (1) of this act take effect on January 1, 1996.

(2) COURT SUPPORT SERVICES FEE. The treatment of sections 802.04 (1) and 814.634 (1) of the statutes and the creation of section 814.634 (1) (b), (c) and (d) of the statutes take effect on October 1, 1995.

(3) AGE OF ADULT CRIMINAL JURISDICTION. The treatment of sections 48.02 (1), (2) and (3m), 48.12 (1) and (2), 48.255 (1) (intro.), 48.34 (10) (a), 48.35 (1) (c), 48.39, 48.396 (1), 48.44 (title) and (1), 48.45 (1) (a) and (3), 48.537 (3) (a) 1. and 1m., 161.455 (1), 161.46 (1), (2) and (3), 161.573 (2), 161.574 (2), 161.575 (1) and (2), 948.01 (1), 948.35 (1) (a), 948.36 (1), 948.45 (1), 948.60 (title), (2) and (3), 948.61 (4) and 990.01 (3) and (20) and subchapter IX (title) of chapter 48 of the statutes, the repeal and recreation of sections 46.26 (4) (a) and (7) (b) 2. and 48.355 (4) (b) of the statutes, the amendment of sections 20.410 (1) (hx) (by SECTION 787), 48.366 (8) (by SECTION 2473), 48.48 (4m) (a) (by SECTION 2529) and (b) (by SECTION 2530) and (14) (by SECTION 2532) and 302.31 (by SECTION 6367) of the statutes and SECTION 9310 (5) of this act take effect on January 1, 1996, or on the day after publication, whichever is later.

(4q) SMALL CLAIMS COURT JURISDICTION. The treatment of section 799.01 (1) (c) and (d) (intro.) and (2) of the statutes takes effect on October 1, 1995.

(4t) YOUTHFUL OFFENDER PROGRAM. The treatment of sections 20.410 (1) (am), 46.26 (4) (dr), 48.18 (2m), 48.33 (3m), 48.34 (4g), 48.537, 301.03 (9m) and 301.28 (1) of the statutes, the repeal and recreation of section 20.435 (3) (hm) and the amendment of sections 46.26 (3) (d) (by SECTION 2164m) and (4) (a) (by SECTION 2171m), (b) 1. (by SECTION 2173m), (c) (by SECTION 2176m) and (cm) 1. (by SECTION 2177m), 48.02 (15m) (by SECTION 2426m), 48.18 (5) (c) (by SECTION 2434m), 48.19 (1) (d) 6. (by SECTION 2435d), 48.205 (1) (c) (by SECTION 2436m), 48.208 (1) (by SECTION 2437m), 48.23 (1) (a) (by SECTION 2442m), 48.34 (2m) (by SECTION 2451p), 48.345 (1) (a) (by SECTION 2464m), 48.355 (4) (a) (by SECTION 2465m) and (b) (by SECTION 2466d),

48.365 (7) (by SECTION 2469m), 48.38 (3) (a) (by SECTION 2475m), 48.51 (1) (intro.) (by SECTION 2539m), 48.78 (3) (by SECTION 2614m), 227.03 (4) (by SECTION 6226), 304.06 (1) (b) (by SECTION 6405), 946.42 (1) (a) (by SECTION 7233m), 946.44 (1) (a) (by SECTION 7234m) and (2) (d) (by SECTION 7234t), 946.45 (1) (by SECTION 7235m) and (2) (d) (by SECTION 7235t) and 946.46 (by SECTION 7235x) of the statutes take effect on December 1, 1995.

(5) EXTENDED JURISDICTION OF JUVENILE COURT. The treatment of sections 48.243 (1) (b) and 48.366 (1) (a) (intro.), (b) and (c) of the statutes and SECTION 9310 (7) take effect on July 1, 1996, or on the day after publication, whichever is later.

SECTION 9411. Effective dates; conservation corps board.

(1x) EDUCATION VOUCHERS. The renumber and amendment of section 16.20 (10) (g) 1. of the statutes and SECTION 9311 (1x) of this act take effect on July 1, 1996.

(1z) TRANSFER TO THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS. The treatment of sections 15.105 (18) (title), (a), (b), (c) and (d), 16.20 (title), (1) (intro.), (a) to (f) and (g), (2), (3), (3m), (4) (title), (b), (5), (6) (intro.), (a) to (d) and (e), (7) (title), and (b), (8) (title), (a), (b), (e) to (j) and (L), (9) (title), (10) (title), (b), (d) to (f), (g) (title), 2. and 3. and (h), (11) (title), (b) and (e), (12) (title), (am), (b) and (c) and (13) (title) and (b), 20.399 (intro.), (1) (title), (j), (k) and (m), (2) (title), (a), (j), (k), (m) and (q) and (3) (title) and (g), 20.445 (6) (title), and 91.19 (6s) (a) (intro.) of the statutes, the renumbering of sections 16.20 (4) (a), (6) (dm), (8) (d) and (k), (8g), (8m), (9) (b), (10) (a), (c), (cm) and (fm) (intro.), 1. and 2., (11) (a), (c) and (d), (12) (a) and (13) (a) and 20.399 (1) (b), (u), (v), (w) and (x) of the statutes, the renumbering and amendment of sections 16.20 (7) (a) and (am), (8) (c) and (9) (a), 20.399 (2) (ka) and 25.40 (2) (b) 13. of the statutes, the repeal and recreation of sections 15.105 (4) and 40.02 (25) (b)

2m. of the statutes, the amendment of section 303.066 of the statutes and SECTION 9111 (1) of this act take effect on July 1, 1996.

SECTION 9412. Effective dates; corrections.

(1) PRISON INDUSTRIES AT A CORRECTIONAL INSTITUTION FOR CHILDREN. The treatment of sections 301.03 (2), 303.01 (1) (b), (2) (e), (f) and (g), (4), (6) and (8), 303.015 (1) (c), 303.06 (2), 303.215 and 303.22 of the statutes and the repeal and recreation of section 303.21 (1) (b) of the statutes take effect on January 1, 1996.

(2) PRISON INDUSTRIES. The amendment of section 303.01 (2) (em) of the statutes takes effect on January 1, 1996.

SECTION 9413. Effective dates; cost containment commission.

(1) ELIMINATION OF CERTAIN FUNDING FOR COST CONTAINMENT COMMISSION AND COUNCIL. The treatment of sections 20.488 (1) (g) and (m) and 50.135 (2) (c) of the statutes and the amendment of section 20.488 (1) (h) of the statutes take effect on July 1, 1995.

SECTION 9416. Effective dates; development.

(1) PUBLICATION AND SEMINAR FEES. The repeal and recreation of section 101.02 (18) of the statutes takes effect on July 1, 1996.

(2) TRANSFER OF DIVISION OF TOURISM. The treatment of sections 13.625 (10), 14.82 (1) (intro.), 14.85 (2), (8) (d) and (9), 15.02 (3) (c) 2m., 15.153 (2), 15.347 (8) (d) 3. and (15) (a) 2., 15.435 (2), 15.44, 15.447 (title), 15.707 (1) and (2) (a) 2g. and 5. and (c), 16.967 (6), 19.44 (1) (g), 19.56 (2) (b) 6. and (3) (em) and (f), 19.575, 20.143 (2) (title), (a), (bm), (g), (k), (ka), (kb), (m), (n) and (o), 20.380 (intro.), (1) (kc), (3) (title), (a), (j), (k), (q) and (y) and (4) (g), 20.505 (3) (k), 20.866 (1) (u) (by SECTION 1160), 20.923 (4) (f) 9., 27.01 (11) (i) (by SECTION 1501r), 29.155 (1m), 41.01, 41.21, 44.60 (4), 93.40 (3) (b), 560.21, 560.23, 560.24, 560.25, 560.26, 560.29 and 560.31, chapter 41

(title), subchapter I (title) of chapter 41, subchapter II (title) of chapter 41 and subchapter II (title) of chapter 560 of the statutes, the renumbering and amendment of sections 15.157 (2) and 20.143 (2) (b) of the statutes and SECTION 9116 (4) of this act take effect on July 1, 1996.

(3) AGENCY NAME CHANGE. The treatment of sections 20.143 (title) and 20.923 (4) (f) 2m. of the statutes and SECTION 9116 (5) of this act take effect on July 1, 1996.

(4g) NEW DIVISIONS. The treatment of sections 15.153 (3) and (4) and 230.08 (2) (e) 3. of the statutes takes effect on July 1, 1996.

(4i) FORWARD WISCONSIN, INC. The repeal of section 20.143 (1) (kf) of the statutes takes effect on July 1, 1997.

(4j) MINORITY BUSINESS PROJECTS. The repeal of section 20.143 (1) (km) of the statutes and the repeal and recreation of section 20.143 (1) (ie) of the statutes take effect on July 1, 1997.

(4m) ENTERPRISE DEVELOPMENT ZONES. The amendment of section 560.797 (2) (a) 4. c. of the statutes takes effect on January 1, 1996.

SECTION 9420. Effective dates; employment relations commission.

(2) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY COLLECTIVE BARGAINING. The repeal of section 111.81 (7) (d) of the statutes and the repeal and recreation of sections 111.81 (15) (a) (intro.) and (b) (intro.), 111.815 (1), 111.825 (1) (intro.), 111.85 (4), 111.86 (1), 111.90 (1) and (2) and 111.91 (2) (a) of the statutes take effect on July 1, 1997.

(2g) TRANSCRIPT, FACT-FINDING, MEDIATION AND ARBITRATION FEES.

(a) The treatment of sections 20.425 (1) (i), 111.09 (1) and (2), 111.10, 111.71 (1) and (2) and 111.94 (1) and (2) of the statutes takes effect on January 1, 1996.

(b) The repeal and recreation of section 111.71 (2) of the statutes takes effect on July 1, 1996.

SECTION 9422. Effective dates; ethics board.

(1) LOBBYING REGULATION FEES. The treatment of sections 13.63 (1) and 13.75 (1), (1m), (2) and (4) of the statutes takes effect on January 1, 1997.

SECTION 9423. Effective dates; gaming commission.

(2p) GAMING COMMISSION REORGANIZATION. The treatment of sections 13.94 (1) (eg) and (em) and (1s) (b) and (bm), 15.06 (1) (f), 15.07 (1) (cm) (by SECTION 95m), 15.433, 15.64, 15.643 (1), (2), (3) and (4), 15.647 (1), 16.71 (3), 16.72 (4m), 16.84 (3) (by SECTION 391r), 20.197 (1) (g) (intro.) (by SECTION 543m), (h) (by SECTION 544m), (j) (by SECTION 545m) and (q) and (2) (title), (r), (s) and (v), 20.566 (8) (title) and (q), 20.765 (3) (ka), 20.923 (4) (e) 2m., 25.75 (1) (am), (2) and (3) (b) 1., 71.02 (1), 71.04 (1) (a), 71.67 (4) (a), 71.78 (4) (L), 77.61 (5) (b) 9., 165.25 (4) (a), 230.08 (2) (e) 11. and (gm) and (4) (a), 561.01 (4), 561.02 (2) and (2m), 561.03, 561.06 (1), 561.10, 565.01 (1), (2), (4c) (a) and (b), (6) and (6m) (b) 9. (intro.) and 11., 565.017, 565.02 (1) (a), (b) 4. and (c), (2) (a), (b) (by SECTION 6978b), (c) 3. and (d), (2r), (3) (intro.) and (b) 6., (4) (intro.), (6) and (7), 565.05 (1) (intro.) and (a), 565.10 (1), (3) (c) 4., (4) (b) (intro.), (5) (a) and (b), (7) (b), (8), (8m), (11), (14) (b) (by SECTION 6979m) and (15), 565.12 (1) (intro.) and (e), (2) and (3), 565.15, 565.17 (1), (2) and (5) (title) and (a), 565.25 (1m) (by SECTION 6981b), (2) (a) 4. (intro.), 6. and 7., and (4), 565.27 (1) (intro.) and (2) (a) and (b) 4., 565.30 (1) and (4m), 565.32 (1) and (3) (a) (intro.), 565.37 (1), (2), (3), (4), (5) and (6), 565.40 (1), 565.45, 565.46 and 945.095 (1) (d), (f), (g) and (h) of the statutes and the renumbering and amendment of section 561.02 of the statutes take effect on July 1, 1996.

SECTION 9426. Effective dates; health and social services.

(2) FEES FOR PLAN REVIEWS OF HOSPITALS AND NURSING HOMES. The treatment of sections 20.435 (1) (j), 50.02 (2) (b) and 50.36 (2) of the statutes and SECTION 9126 (2) of this act take effect on October 1, 1995.

(4) ASSISTED LIVING FACILITIES. The treatment of sections 46.27 (11) (c) 7., 46.277 (5) (e), 49.45 (2) (a) 23., 49.45 (6m) (L), 50.01 (1d), (1g) (f) and (3) (e) and 50.034 of the statutes takes effect on July 1, 1996.

(5) YOUTH AIDS CARRY-OVER. The treatment of section 46.26 (3) (dm) and (em) of the statutes takes effect on January 1, 1996.

(6) JUVENILE CAPACITY BUILDING. The treatment of section 46.263 (1), (2) and (3) of the statutes takes effect on January 1, 1996.

(7) UNENCUMBERED CHILD CARE FUNDS. The renumbering and amendment of sections 20.435 (6) (jg) and 49.50 (6e) (b) of the statutes takes effect on July 1, 1996.

(8) MEDICAL ASSISTANCE SCHOOL SERVICES. The treatment of sections 49.45 (39) and 49.46 (2) (b) 14. of the statutes and SECTION 9126 (7) of this act take effect on August 1, 1996.

(9) MEDICAL ASSISTANCE SUPPLEMENT FOR EMOTIONALLY DISTURBED NURSING HOME RESIDENTS. The treatment of section 49.45 (6m) (ar) 1. c. of the statutes takes effect on July 1, 1997.

(10) REIMBURSEMENT REDUCTIONS FOR STATE CENTERS FOR THE DEVELOPMENTALLY DISABLED. The treatment of section 49.45 (6b) (a), (b) and (c) of the statutes takes effect on July 1, 1995.

(12) AID TO FAMILIES WITH DEPENDENT CHILDREN MATERNITY BENEFITS. The treatment of section 49.19 (4) (g) 1. and 2. of the statutes and SECTION 9326 (9) of this act take effect on the first day of the first month beginning after publication.

(13) RELIEF BLOCK GRANTS AND OTHER COUNTY RELIEF PROGRAMS. (a) The treatment of sections 16.20 (1) (fm) (by SECTION 239f), 16.352 (5) (a) and (b), 20.435 (1) (bs), (bt) and (bu), 29.544 (3), 46.032, 46.208, 46.21 (1) (d), 46.215 (1) (fm), 46.23 (2) (a), 46.254 (1) (by SECTION 2145), (2) (by SECTION 2148) and (3) (a) (by SECTION 2152), 49.01 (2), (2g), (3), (3m) (b), (5r), (8p), (9) and (10), 49.015 (title), (1) (a) and (b) (intro.), 1., 2., 3., and 4., (2) (a) and (c), (3) (title) and (a) and (4), 49.02 (title), (1), (1e), (2), (2r), (4), (5) (title), (am), (ar), (b), (c), (cr), (cw), (d), (e) and (g), (6), (6c), (6g), (6r), (7), (7m), (8), (9), (10) (b) and (c), (11) and (12), 49.025, 49.027, 49.029, 49.031, 49.035, 49.043, 49.046 (title), (1) (intro.), (a) and (b), (2), (3), (4) and (5), 49.047, 49.048, 49.049, 49.05, 49.055, 49.057, 49.06, 49.08 (by SECTION 2766), 49.083, 49.12 (title), (1), (2), (3), (4m) (intro.), (a) (by SECTION 2776) and (b), (5), (6), (7), (8), (9), (10) and (11), 49.123 (title), (1) and (2), 49.13 (title), (1), (2), (3) (intro.), (a) and (b), (4) and (5), 49.15 (2), 49.17 (2), 49.19 (16), 49.27 (4) (d) 2. b., 49.29 (title), 49.30 (1) (intro.) (by SECTION 2921), 49.45 (2) (b) 4., (6y) (title) and (a) (by SECTION 2985e), (6z) (title) and (a) (intro.) and (11), 49.46 (2) (d), 49.50 (11), 49.51, 49.53 (4), 49.90 (6), 59.07 (98), (109) and (154), 71.52 (6), 71.54 (2) (a) (intro.), 71.93 (1) (a) 3. (by SECTION 3427), 101.38 (1) (g) (by SECTION 3722), 106.215 (1) (fm) (by SECTION 3771), 118.17, 146.89 (3) (d) 1. and 4., 252.08 (3), 756.04 (2) (am) 1. f. (by SECTION 7073), 812.30 (9), 812.44 (4) and (5) and 814.29 (1) (d) 1. of the statutes, the repeal of sections 46.22 (1) (b) 4., 49.002 (1), 49.01 (5m), 49.015 (2) (b), 49.02 (1m), (3) and (6m), 49.032, 49.037, 49.053 and 142.07 (4) (a) of the statutes, the renumbering and amendment of sections 49.002 (2), 49.015 (3) and 49.02 (10) (a) of the statutes, the amendment of sections 20.435 (4) (de), 46.032, 46.033 (1) (a), 46.22 (1) (b) 14., 49.41, 49.52 (1) (ad) 2., 49.53 (1m) and (2) (a), 49.65 (7) (c), 49.70 (2) and 632.72 (1g) (b) of the statutes, the creation of sections 49.01 (7m), 49.015 (1) and 49.035 (4) (title) and (a) of the statutes and

SECTION 9326 (11), (12), (13), (14), (15), (16), (17), (18) and (19) of this act take effect on January 1, 1996.

(b) The treatment of section 20.435 (1) (c) and (cb) of the statutes takes effect on August 1, 1996.

(14) TRANSFER OF CERTAIN PUBLIC ASSISTANCE, CHILD SUPPORT AND PATERNITY PROGRAMS TO THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS. The treatment of sections 13.101 (6) (a), 13.94 (4) (a) 1. and (b), 16.20 (1) (fm) (by SECTION 239h), 16.339 (1) (a) 3., 16.39 (3) and (4) (b), 16.54 (2) (b), 20.435 (1) (am), (e) (by SECTION 814), (im) and (o), (3) (ma), (mb), (mc), (md), (na) and (nL), (4) (title), (a), (br), (cn), (cr), (dc), (dg), (dn), (ds), (i), (jb), (kx), (ky), (kz), (m), (ma), (mb), (mc), (md), (n), (na) and (nL) and (7) (b) and (ed), 20.445 (1) (k) and (3) (br), (i), (m), (ma), (mb), (mc), (md), (n), (na) and (nL), 20.505 (7) (km), 20.512 (1) (i), 20.855 (7) (j), 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1) (b), 38.28 (1m) (a) 1. (by SECTION 1812), 45.25 (4) (b), 45.351 (2) (c), 45.356 (6), 45.396 (6), 45.74 (6), 46.011 (intro.), 46.03 (7) (b) and (bm), (8), (18) (a), (20) (a) and (d), (23), (35) and (36), 46.031 (2g) (b), 46.032 (title), 46.033 (title), (1) (intro.) and (b) and (2), 46.036 (1) (by SECTION 2051), 46.10 (2) (by SECTION 2055) and (14) (b), 46.175, 46.18 (13), 46.206, 46.21 (2m) (c) and (7), 46.215 (1) (intro.), (d), (j), (L) and (n), (2) (b) and (3), 46.22 (1) (am), (b) (intro.), 1., 5., 6., 7., 8., 9., 10., 12., 13., 14. and 15., (d) and (e) 1. and 2., (2) (b), (2g) (d) and (3m) (a) and (b) 12. and 17. b., 46.23 (3) (a), (am) 4., (c) and (e), (5) (b), (5m) (c), (6) (a) (intro.) and 3., (6m) (a) and (7), 46.25 (title), (1) to (7) and (7m) to (11) (by SECTION 2129m), 46.253 (title), (1), (2), (3), (4), (5), (6) and (7), 46.254 (title), (1) (by SECTION 2146), (2) (by SECTION 2149), (3) (intro.), (a) (by SECTION 2153), (b) to (e) and (f), (4) and (5), 46.255, 46.258 (title), (1) (by SECTION 2158b) and (2) (a) 1. to 3. and (b), 46.26 (2) (a) and (4) (f), 46.27 (4) (c) 4., (5) (i) and (7) (am) (by SECTION 2224) and (c) 2., 46.275 (1m) (a) and (5) (b) 2., 46.277

(1m) (a), 46.278 (1m) (b), 46.30 (3) (a) 1. and (4) (a) and (cm), 46.32, 46.40 (2) (by SECTION 2281s), 46.45 (intro.), 46.75 (2) (a), 46.765 (2) (intro.), 46.77, 46.94, 46.985 (2) (a) 4., 48.025 (1) and (3), 48.06 (1) (b) and (4), 48.30 (6), 48.31 (7), 48.357 (5m), 48.363 (1), 48.57 (3) (a) (intro.) and 3. and (b), 49.001 (1), (2), (3), (4) and (5m), 49.01 (intro), (1), (1m), (4), (5), (5g), (6), (6m), (7), (8g), (8j), (8m) and (8r), 49.035 (4e) (a) (by SECTION 2735) and (b) (by SECTION 2737) and (6m) (by SECTION 2746), 49.085, 49.11, 49.125 (1), 49.133 (title), (1), (2), (3) and (5), 49.14 (title), (1), (2), (3), (4) and (5), 49.15 (title), (1) and (3), 49.16 (title), (1), (2) and (3), 49.17 (title), (1) and (3), 49.171 (title), (1), (2), (3) (intro.), (a) and (b) and (4), 49.172, 49.173, 49.174, 49.175 (title), (1), (2), (3), (4) and (6), 49.178, 49.19 (5) (cm) 3. d., (10) (a) and (11) (a) 1. a. (intro.) (by SECTION 2865b) and (b) (intro.) (by SECTION 2865n), 49.191 (title), 49.193 (2) (b) 2., (8) (bm) and (c), (9) and (10m), 49.195 (3), 49.197 (1m), (3) and (4), 49.20 (3), 49.21 (title), 49.25 (8) (a) (by SECTION 2896b) and (b) (by SECTION 2898b), 49.27 (2), (4) (g) 1. a. (by SECTION 2906) and c., (5) (c) 3. and 5. and (f), (6) (c), (10) (e) (by SECTION 2915b) and (11) (c) and (g), 49.275, 49.30 (1) (intro.) (by SECTION 2922), 49.32 (title), (1), (2), (6), (8), (9) (title), (10) (title) and (11), 49.325, 49.33 (1) (intro.), (3) (title), (9) and (10), 49.34, 49.35, 49.43 (1), (3e), (10) and (10s), 49.45 (2) (a) 15., (3) (a), (5), (6m) (br) 1. and (h), (6u) (intro.) and (b) 2. and 2m., (6w) (intro.), (a) 2. and (b) 2. b., (7) (d) 4., (34) and (40), 49.46 (1) (a) 4., (d) 4. and (e), 49.47 (4) (c) 1., 49.48 (title), (1), (1m), (2) and (3) (title), (a), (b), (c), (d) and (e), 49.483 (title), (1) and (2), 49.485 (title), (1), (2), (4), (5), (6), (7) (title), (a) 1., 2., 4. and 5. and (b) and (8), 49.487 (title), (1) and (2), 49.495, 49.496 (4) and (5), 49.50 (title), (2), (3), (4), (5), (6), (6e) (title) and (a), (6g), (6k) (a) and (b), (6n), (9) and (10), 49.52 (title), (1) (am), (b), (d), (dc), (f) and (g), (2), (4) and (5), 49.53 (title), (2) (b) and (c) and (3), 49.54, 49.65 (title), (1), (2), (4), (5), (6), (7) (title), (a), (b), (d) and (e), (8) and (9) (intro.), (a), (b) and (c), 49.66, 49.80 (title), (1), (2) (title), (a) and (b),

(3) (intro.), (b), (c), (d) and (e) (intro.), 1., 3., 6. and 7., (4) (title), (a) and (b), (5) (intro.), (b), (c) and (d), (6), (7) and (8), 49.82 (title), (2) (b), (3) (b) and (4) (b), 49.84 (2) and (5), 49.86, 49.89 (7) (bm) and (d) 2., 49.90 (1) (b), (2), (2g) and (4), 49.95 (4m) (a), 50.03 (14) (b), 50.037 (3), 50.135 (1), 50.39 (3), 51.01 (14), 51.42 (3) (e), 51.421 (1), 51.423 (5) (a) (intro.), 55.06 (8) (intro.), 59.07 (97) and (153) (a) and (b), 59.15 (2) (c), 59.395 (7), 59.458 (2), 69.03 (14), 69.15 (3) (b) 3., 71.05 (3), 71.26 (1) (e), 71.75 (1) (by SECTION 3419p) and (9) (by SECTION 3420p), 71.78 (4) (g), 71.80 (3) (by SECTION 3423mp) and (3m) (a) (by SECTION 3423sc) and (b) 2. (by SECTION 3423tm), 71.88 (1) (a) (by SECTION 3424ds), 71.93 (1) (a) 2. and 3. (by SECTION 3428) and 4., 77.59 (5), 101.123 (1) (b), 101.30, 101.38 (by SECTION 3721), 101.40, 101.42, 101.43, 108.02 (13) (k), 108.13 (4) (b) and (f), 115.347, 118.125 (2) (i) and (5) (b), 118.28, 119.82 (1) (a) 3., 144.25 (8) (L), 145.245 (5m) (b), 146.89 (3) (d) 2., 150.84 (2), 155.01 (6), 175.45 (9), 230.08 (2) (e) 5., 230.147 (1) and (2), 230.45 (1) (e), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.90 (3) (d) and (3g) (c), 234.905 (3) (d), 252.076 (3), 252.14 (1) (d), 253.085 (1), 255.05 (1) (a), 302.38 (3), 343.15 (2) (a), 456.01 (2), 560.73 (1) (i) 1. and 2., 560.75 (11), 565.30 (5) and (5m), 601.57 (1) (a), 609.65 (1) (b) (intro.), 619.10 (6), 619.12 (3) (b), 632.895 (3), 705.04 (2g) (by SECTION 7065c), 756.04 (2) (am) 1. f. (by SECTION 7074), 767.001 (1) and (1d), 767.02 (3), 767.045 (1) (c) 1. and 2., 767.075 (1) (a) and (b) and (2) (a) and (b), 767.077 (intro.), 767.078 (1) (d) 3., 767.08 (3), 767.085 (1) (g), (2) (b), (2m) (a) 2. and (5), 767.10 (2) (b), 767.13 (7), 767.15 (2), 767.23 (1n), 767.24 (6) (b), 767.25 (1g), (1j) and (4m) (a), (d) 2. and (e) 1., 767.262 (1) (b) and (3), 767.27 (3) (b) and (4), 767.29 (1), 767.295 (2) (a) (intro.) (by SECTION 7106) and 2. and (c), 767.32 (1) (a), (b) 4. and (c) 1., (2) and (4), 767.33 (1), 767.45 (7), 767.455 (6), 767.47 (6) (a), 767.51 (3m) (a), (d) 2. and (e) 1., (4g) and (4m), 767.52 (3) (by SECTION 7121c), 767.53 (2), 769.201 (7), 769.31 (1), 769.316 (4), 803.03 (2) (a), 815.18 (13) (a), 859.02 (2) (a) (by

SECTION 7190c), 859.07 (2) (by SECTION 7191c), 867.01 (3) (a) 4. (by SECTION 7193c) and (3) (d) (by SECTION 7194c), 867.02 (2) (a) 6. (by SECTION 7195c), 867.03 (1) (c) (by SECTION 7197c) and (1m) (a) (by SECTION 7198c) and (b) (by SECTION 7199c), 867.035 (1) (intro.) (by SECTION 7200c) and (4) (by SECTION 7206c), 880.195, 905.15 (1), 948.01 (1g), 948.45 (2), 949.08 (2) (g), 978.05 (4m) and 978.06 (6) of the statutes, the repeal of section 49.50 (1) (title) and (11) and the unnumbered subchapter titles preceding sections 49.001, 49.19, 49.43 and 49.50 of the statutes, the renumbering of sections 20.435 (4) (e), (eb) and (g), 46.22 (1) (b) 2. and 14., 49.01 (7m), 49.177, 49.482 (title), (1) (intro.), (b) and (c), (2) (b) to (f) and (4) (b) and (5), 49.486, 49.50 (6k) (title) and (8), 49.53 (2) (a), 49.65 (3m) (title), (a), (b) and (c) 1. to 4., 49.70 and 49.80 (3) (e) 2. of the statutes, the renumbering and amendment of sections 20.435 (4) (c), (cd), (d), (de), (df), (dk), (j), (L), (Lm) and (p), 46.032, 46.033 (1) (a), 46.215 (2) (a) and (c), 46.22 (1) (b) 3. and (e) 3., 46.23 (5) (a), (c) and (n), 46.25 (12) (a) (intro.) and (b), 46.258 (2) (a) (intro.), 46.31, 49.001 (intro.), 49.41, 49.482 (1) (a), (2) (a), (3) and (4) (a), 49.50 (1) and (6k) (c), 49.52 (1) (ad), 49.53 (1m) and 49.65 (3), (3m) (c) (intro.) and (7) (c) of the statutes, the amendment of sections 20.435 (6) (ee), 49.02 (5) (bm), 49.035 (1m), 49.497 (2m), 560.795 (3) (e), 560.797 (4) (e) and 767.295 (2) (a) 1m. of the statutes and the creation of sections 46.215 (2) (a) 2. and (c) 2., 46.22 (1) (b) 2., 3. and 4m. and (e) 3. b., 46.23 (5) (a) 2., (c) 2. and (n) 2., 49.001 (intro.) and 49.124 (2) (title) and (3) (title) and subchapters I (title), II (title), III (title), IV (title), V (title) and VI (title) of chapter 49 of the statutes and SECTION 9126 (15) and (27) of this act take effect on July 1, 1996.

(15) VOCATIONAL REHABILITATION. The treatment of sections 15.105 (22), 20.435 (5) (title), (a), (d), (e), (gg), (gp), (h), (hd), (hh), (i), (kx), (ky), (kz), (m), (ma), (n) and (nL), (7) (bm) and (7) (kc) (by SECTION 956) and (kd), 20.445 (5) (he), (i), (m), (ma), (n)

and (nL), 36.11 (6) (a) 2., 38.30 (1) (b), 40.02 (25) (a) 3. and (54) (f), 45.35 (9), 45.397 (2) (a), 46.016, 46.02, 46.03 (12), 46.293 (title), 46.295 (title), 46.56 (14) (a) (intro.), 46.96 (2) (by SECTION 2350), 47.01 (1m), 47.02 (1m), (4) (a) and (b) and (6), 47.03 (1), (2), (4) (b), (7) and (10), 47.20, 47.25, 49.45 (25) (bg), 84.25 (11), 102.42 (9) (b) and 102.61 (1m) (a) of the statutes, the renumbering of section 20.435 (5) (bm) of the statutes, the renumbering and amendment of section 20.435 (5) (na) of the statutes, the amendment of section 47.03 (11) (e) of the statutes and SECTION 9126 (17) and (18) of this act take effect on July 1, 1996.

(16) AGENCY NAME CHANGE. SECTION 9126 (19) of this act takes effect on July 1, 1996.

(17) STATE ADMINISTRATION OF THE STATE SUPPLEMENT TO THE FEDERAL SUPPLEMENTAL SECURITY INCOME PROGRAM.

(a) The renumbering and amendment of section 49.177 (2) (a) 3. and (b) of the statutes, the amendment of section 49.177 (3g) of the statutes and the creation of sections 20.435 (6) (ee) and 49.177 (2) (a) 3. a. and b. of the statutes take effect on January 1, 1996.

(b) The repeal of section 20.435 (6) (ed) of the statutes takes effect July 1, 1996.

(18) APPROPRIATION DESIGNATION CHANGES. The treatment of sections 20.435 (6) (cf), (dg), (jj), (km) and (kx) and (7) (bt), (cb), (co), (dd), (hh) and (pd), 46.45 (1), 46.56 (15) (a), 46.95 (2) (a) and (f) (intro.), 46.979 (2) (c) (intro.), 46.987 (2) (a), (3) (a) and (4) (intro.), 46.995 (2) (intro.) and (3), 46.997 (2) (intro.), 48.07 (1), 48.48 (12) (a), 48.551 (1), 48.627 (2) (c), (2c), (2m), (2s) (intro.), (3) (f) and (4), 48.985 (4), 51.44 (3) (a) and 973.055 (3) of the statutes, the repeal and recreation of sections 46.979 (2) (b) 1., 46.996 (intro), 48.48 (14) and 48.985 (1) of the statutes, the renumbering of sections 20.435 (7) (eg) and (kb) and 46.986 (2) (d) of the statutes, the repeal of section

20.435 (7) (ie) of the statutes and the amendment of sections 20.435 (1) (b) (by SECTION 808) and 46.485 (2g) (intro.) of the statutes take effect on July 1, 1996.

(19t) TRANSFER OF JUVENILE CORRECTIONAL SERVICES. The treatment of sections 20.410 (1) (title) and (3), 20.435 (3) (a), (am), (at), (e), (ej), (hr), (j), (jk), (jr), (k), (o) and (oo) and (9) (i), 20.505 (6) (g) (by SECTION 1087x), 20.916 (3), 25.31 (3), 46.001, 46.016, 46.027, 46.03 (1), (4) (b) 1., (6), (7) (a), (am) and (e), (13), (17) (c) and (32), 46.039, 46.049, 46.16 (1), 46.21 (2) (j), 46.215 (2) (a) 3. and (c) 3., 46.22 (1) (b) 5m., (c) 8. d. and (e) 3. c., 46.23 (5) (a) 3., (c) 3. and (n) 3., 46.26 (title), (1), (2) (title), (a), (b) and (c), (2m), (3) (title), (a), (c) and (e), (4) (title), (bm), (cm) 2. and 3., (d) 1., 1m. and 4., (dm), (dt), (e), (ed), (eg), (f) and (g), (6), (7) (b) 4. and 5. and (8) (title), 46.265 (title), (1) and (3), 48.023 (4), 48.069 (1) (intro.) and (2), 48.08 (2) and (3) (a) (intro.), 48.18 (2r), 48.20 (2) (cm) and (7) (c) 1m., 48.33 (1) (intro.) and (3r), 48.34 (2), (4h) and (4n) (a), 48.357 (4) (b), (4d), (4g) (a) and (b), (4m) and (5) (a) and (g), 48.36 (1), 48.366 (5) (a) 2., (b) (intro.), (d) 1. and 2. and (f), (6) (a) 2., (b) and (c) 1. and 2. and (7), 48.38 (1) (a), 48.396 (2) (b), 48.48 (intro.), (1), (3), (4), (4m) (intro.), (c) and (d), (5), (6), (13) and (16), 48.49, 48.50, 48.51 (title), (1) (a), (b) and (c), (2) and (3), 48.52 (title), (1) (d) and (2) (a) and (c), 48.53, 48.534 (2), 48.535, 48.538, 48.54, 48.553, 48.554, 48.555, 48.556, 48.557, 48.558, 48.559, 48.57 (1) (g) and (4), 48.60 (3), 48.63 (1), 48.64 (1), 48.78 (1) and (2) (c), (d) (intro.), (e) and (f), 48.79 (intro.), (1), (2), (3) and (11), 48.795, 48.985 (3), 48.992 (1) (a), 48.993, 48.994, 48.995 (2), 48.19 (1) (a) 2. b. and (10) (d), 51.35 (3) (a) and (e), 51.437 (4rm) (a), 115.85 (2m), 165.87 (1) (bn) (by SECTION 4460em), 301.01 (4), 301.025, 301.026, 301.027, 301.03 (9m) and (10), 301.031, 301.032, 301.07, 301.08 (2) (a), 301.085, 301.12, 301.20, 301.201, 301.205, 301.26, 301.263, 301.265, 301.27 (1), 301.32 (title) and (1), 301.36 (1) and (5), 302.18 (7), 440.61 (2), 946.44 (2) (c), 946.45 (2) (c), 946.46, 948.31 (1) (a) 2. and 973.013 (3m) of the statutes, the repeal and

recreation of sections 16.51 (7), 16.75 (1) (a) 1.,48.02 (15m), 48.18 (5) (c), 48.19 (1) (d) 6., 48.20 (8), 48.205 (1) (c), 48.208 (1), 48.23 (1) (a), 48.34 (2m), (3g) and (4n) (intro.), 48.345 (1) (a), 48.355 (4) (a), 48.365 (7), 48.366 (8), 48.38 (3) (a), 48.396 (2) (e), 48.505, 48.532 (1) and (2), 48.533 (2) and (3), 48.78 (3), 59.175, 227.03 (4), 230.13, 302.31, 304.06 (1) (b), 946.42 (1) (a), 946.44 (1) (a) and (2) (d), and 946.45 (1) and (2) (d) of the statutes, the repeal of sections 20.410 (1) (hx), 20.435 (3) (c), (cd), (f), (hm), (ho) and (p), 46.26 (3) (d), (dm) and (em), (4) (a), (b) 1., (c), (cm) 1., (d) 2. and 3., (g) and (h), (7) (intro.), (a), (b) 1. and 2., (bn), (e) and (h) and (8) (a) and (b), 46.263 (title), (1), (2) and (3), 46.265 (2), 48.48 (4m) (a) and (b) and (14) and 48.51 (1) (intro.) of the statutes, the renumbering and amendment of sections 48.357 (4) and 301.06 of the statutes, the amendment of sections 46.043, 48.355 (4) (b) (by SECTION 2466m) and 48.532 (3) (by SECTION 2545m) of the statutes and SECTIONS 9112 (1x), 9126 (23), 9226 (1y) and 9310 (6d) of this act take effect on July 1, 1996.

(20) SPOUSAL IMPOVERISHMENT UNDER THE MEDICAL ASSISTANCE PROGRAM. The treatment of section 49.455 (4) (c) and (d) and (6) (b) 1., 1m. and 2. of the statutes takes effect on January 1, 1996.

(23) ADOPTION SEARCHES. The treatment of sections 48.432 (2) (a) and (b), (3) (a) (intro.), (b) and (c), (4) (a), (b), (d), (f) and (g), (8m) (intro.) and (9) and 48.433 (2), (3) (intro.), (4), (5) (intro.) and (a), (6) (a), (b) and (d), (7) (b), (c) and (e), (8) (a) (intro.) and (b), (8m) and (11) of the statutes takes effect on June 30, 1996, or on the day after publication, whichever is later.

(24) CORRECTIONAL SERVICES FOR VIOLENT OFFENDERS. The treatment of sections 20.435 (3) (cg) and 46.26 (3) (c), (dd), (de) and (dg) and (4) (cm) of the statutes and the repeal and recreation of sections 20.410 (1) (hx), 20.435 (3) (hm) and 46.26 (4) (a) of

the statutes take effect on July 1, 1996, or on the day after publication, whichever is later.

(24g) ESTATE RECOVERY OF DISEASE AIDS COSTS. The treatment of sections 49.482 (by SECTION 3044b), 705.04 (2g) (by SECTION 7065b), 859.02 (2) (a) (by SECTION 7190b), 859.07 (2) (by SECTION 7191b), 867.01 (3) (a) 4. (by SECTION 7193b), 867.01 (3) (d) (by SECTION 7194b), 867.02 (2) (a) 6. (by SECTION 7195b), 867.03 (1) (c) (by SECTION 7197b) and (1m) (a) (by SECTION 7198b) and (b) (by SECTION 7199b) and 867.035 (title), (1) (intro.) (by SECTION 7200b) and (4) (by SECTION 7206b) of the statutes takes effect on September 1, 1995.

(25) YOUTH AIDS RATE ASSESSMENTS. The treatment of section 46.26 (3) (d) and (4) (b) 1. and 2., (bm), (c), and (d) 1. and 1m. of the statutes and the repeal of section 46.26 (7) (f) of the statutes take effect on July 1, 1996, or on the day after publication, whichever is later.

(26q) TRANSFER OF OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM. The treatment of section 46.80 (2m) (c) of the statutes and SECTION 9126 (27q) of this act take effect on July 1, 1996.

(26x) LEARNFARE PROGRAM. The treatment of sections 20.435 (4) (pm) and (ps), 46.03 (38), 46.62 (title), (1), (2), (3) and (4), 49.26 (1) (a) 1., (ge) and (h) 1. am. and as. and 1m. a., b. and c., 49.50 (7) (a) (intro.) and 1. to 4., (e), (g), (gm), (h), (hr), (i) and (j) of the statutes takes effect on July 1, 1996.

(28g) COMMUNITY OPTIONS PROGRAM ASSESSMENT AND CASE PLAN FEES. The treatment of section 46.27 (6) (a) 1., (b) (intro.) and (c) and (7) (am) (by SECTION 2223t) of the statutes and SECTION 9326 (24g) and (24h) of this act take effect on January 1, 1996.

(28h) RECOVERY OF CERTAIN COMMUNITY OPTIONS PROGRAM COSTS. The treatment of sections 46.27 (7g), 705.04 (2g) (by SECTION 7065bm), 859.02 (2) (a) (by SECTION 7190bm), 859.07 (2) (by SECTION 7191bm), 867.01 (3) (a) 4. (by SECTION 7193bm), 867.01 (3) (d) (by SECTION 7194bm), 867.02 (2) (a) 6. (by SECTION 7195bm), 867.03 (1) (c) (by SECTION 7197bm) and (1m) (a) (by SECTION 7198bm) and (b) (by SECTION 7199bm) and 867.035 (title) and (1) (intro.) (by SECTION 7200bm) of the statutes takes effect on January 1, 1996.

(29g) TRANSFER OF LABORATORY CERTIFICATION. The treatment of sections 20.115 (1) (gb) (by SECTION 476cb), 20.435 (1) (gm) (by SECTION 816m), 144.95 (2) (a) and (b) and (5) (a) and 252.22 (title), (1) to (3), (4), (5), (6), (7), (8) and (9) of the statutes and SECTIONS 9126 (31g) and 9326 (26g) of this act take effect on July 1, 1996.

SECTION 9427. Effective dates; higher educational aids board.

(1) ELIMINATION OF AGENCY. The treatment of sections 15.07 (1) (a) 1., 15.67, 20.235 (title), (1) (fe), (ff) and (fj) and (2) (aa), (n) and (qb), 20.255 (1) (a) and (4) (title), 20.285 (4) (dc), 20.923 (4) (c), 36.25 (16), 39.155 (1) and (2), 39.26, 39.28 (1), (2), (3), (4) and (5), 39.29, 39.30 (2) (e), (3) (e) and (f) and (4), 39.31 (intro.), (2) and (3), 39.32 (2) (intro.), (3) (intro.), (b) and (g), (5), (6), (7), (8), (10) and (11), 39.325, 39.33, 39.34, 39.35, 39.36, 39.37 (2) and (3), 39.374 (2) and (3), 39.38 (1), 39.39 (1) (a) (intro.) and (2) (intro.) and (b), 39.40 (2) (intro.), (a) and (c), (2m), (3), (4) and (5), 39.41 (1) (ae) and (bg), (1m) (b), (c) (intro.) and 5., (cm), (d), (e), (f), (fm), (i) and (m), (2) (c), (3) (a), (4), (5), (7) and (8), 39.42, 39.435 (1), (2), (3), (4) (a), (b) 1. and 2. and (c), (5) and (6), 39.44 (1) (b), (3) (b) and (c) and (4), 39.45 (2) to (7), 39.46 (1) and (2) (d), 39.47 (1) and (2m) and 230.08 (2) (L) 4. and subchapter III (title) of chapter 39 of the statutes, the repeal and recreation of sections 39.38 (2) and 39.44 (2) of the statutes and SECTION 9127 (1) of this act take effect on July 1, 1996.

(1g) COUNCIL ON FINANCIAL AIDS. The treatment of sections 15.677 and 39.27 of the statutes takes effect on January 1, 1996.

(2) HIGHER EDUCATION AID PROGRAMS. The repeal and recreation of sections 39.39 (4) and 39.41 (9) of the statutes takes effect on July 1, 1996.

SECTION 9428. Effective dates; historical society.

(1) WESLEY W. JUNG CARRIAGE MUSEUM. The treatment of section 44.13 (1) of the statutes takes effect on July 1, 1996.

SECTION 9430. Effective dates; industry, labor and human relations.

(1) HOSPITAL AND NURSING HOME PLANS REVIEW TRANSFER. The treatment of section 101.12 (1) (intro.) of the statutes and SECTION 9130 (1) of this act take effect on October 1, 1995.

(1g) TRANSFER OF COUNCILS AND EMPLOYES RELATING TO CODE DEVELOPMENT. The treatment of sections 15.227 (6), (7), (10) and (20), 20.445 (1) (j) (by SECTION 978m) and 101.05 (2) of the statutes, the amendment of sections 101.575 (3) (a) 3., 101.62, 101.625, 101.64 (3), 101.72, 101.74 (3), 101.972 and 101.973 (8) of the statutes, the repeal of section 101.974 (2) of the statutes, the creation of section 20.143 (7) of the statutes and SECTIONS 9116 (7m) and 9130 (1g) and (3) (a), (b), (c) and (g) of this act take effect on September 1, 1995.

(2) NATIONAL AND COMMUNITY SERVICE BOARD. The treatment of section 15.225 (3) (title), (a) and (b) to (e) of the statutes takes effect on July 1, 1996.

(3) PETROLEUM TESTING FEES. The amendment of section 101.02 (18m) of the statutes takes effect on July 1, 1996.

(4) TRANSFER OF SAFETY AND BUILDINGS AND RELOCATION ASSISTANCE PROGRAM FUNCTIONS. The treatment of sections 7.33 (1) (a) and (b), 13.94 (1) (n) and (4) (a) 5., 15.105 (12) (a) 1., 15.227 (15), (16) and (18), 15.347 (13) (b) 2., 15.947 (1), 16.53 (1)

(d) 1., 16.752 (8) (e), 16.85 (1), 16.955 (1), 20.143 (3), 20.292 (1) (gm) and (gr), 20.445 (1) (bc), (cm), (de), (dm) (e), (ep), (f), (ga) (by SECTION 975), (gf), (h), (jm), (jr), (kb), (kc), (km), (La), (n), (q), (r) and (v), 30.126 (5) (h), 30.32 (9), 30.71, 32.19 (2) (b) and (e) 1. b., (3) (b) 1. and 2. and (c), (4) (a) 2. and (b) (intro.) and (4m) (a) 2. and (b) (intro.) and 1., 32.197, 32.20, 32.25 (1) and (2) (h), 32.26 (title), (1), (2) (a) and (b), (3), (4), (5), (6) and (7), 46.90 (4) (b) 2. b., 46.95 (2) (c) (intro.), 48.67, 50.02 (1) and (2) (a), 50.035 (2) (a) 3. and (b) (intro.), 50.36 (1), 59.23 (10), 60.71 (4) (b) and (c), 66.122 (2), 66.293 (3) (i) and (k), 66.432 (1), (1m) (a), (b), (c) and (d) and (2), 70.11 (34) (a) 2., 77.22 (2) (d), 77.265 (4), 85.09 (4m), 101.01 (1) (intro.), (a), (b), (c), (d), (e), (f), (g) and (h) and (2) (intro.), (a), (b), (c), (d), (e), (f), (g), (h) and (i), 101.02 (5) (c) and (f), (6) (e), (7) (a), (7m), (9), (10), (12), (13) (a), (15) (b), (f), (g), (k) and (L) and (17), 101.03, 101.04, 101.055 (8) (a), (ag), (b) and (c), 101.125 (1) (a), 101.143 (2) (d), (2m), (3) (ae) 1. and 2., (am) 1., 2. and 4., (as) 4., (c) 4., (cm), (d), (e) and (f) 5. and (4) (a) 6. and 7. and (es) 1., 101.17, 101.22, 101.221, 101.222, 101.223, 101.225, 101.23, 101.25, 101.267, 101.28, 101.29, 101.31, 101.35, 101.47, 101.573 (3) (a), 101.597 (3), 101.80 (2), 101.82 (1), 101.92 (7), 101.975 (3) (a) 3. and 4. and (b), 102.01 (2) (ag), (ap), (bm), (dm) and (em), 102.39, 103.001, 103.005, 103.02, 103.13 (1) (intro.), (a) and (b), 103.14 (1) and (2), 103.25 (2), 103.545 (6), 103.64 (1), 103.66 (3), 103.79 (2), 103.85 (4) and (5), 103.90 (6), 104.04, 105.15, 106.01 (9), 107.30 (4), 108.105, 108.141 (6) (a), 108.142 (5), 109.07 (1m), 111.07 (2) (b) 1., 111.39 (2) and (4) (d), 111.395, 115.33 (2) (a) (intro.) and (b) and (3) (a) and (b) 1., 118.07 (2) (b), 132.13 (2), 144.01 (13), 144.027 (18), 144.24 (7) (c) 1., 144.266 (2), 144.82, 145.01 (4), 145.02 (4) (a), 145.17 (2), 145.245 (1) (dm) and (3), 146.085 (3), 157.12 (1), 157.65 (1) (b) and (2), 160.01 (7), 165.55 (10) (intro.), 167.10 (3) (b) 2. and (6m) (a), (b), (c), (d) and (e), 167.11 (2), 167.27 (5) and (8), 168.01, 168.11 (2) (d), 196.175, 218.14 (1) (a), 227.01 (13) (zk), 227.03 (3m) (a) and (b), 227.40 (2) (e),

227.59, 230.08 (2) (e) 6., 231.20, 252.15 (2) (a) 7. ak., 254.02 (3) (a), 254.176 (2) (e), 254.22 (4), 254.33, 254.34 (1) (intro.) and (2) (intro.), 254.35 (1), 254.37 (1), (2) and (3), 254.38, 254.45, 254.51 (2), 254.56, 254.73 (1), 254.78, 254.79, 346.503 (1m) (g) and (4), 440.92 (2) (d), 443.09 (5), 452.17 (4) (b), 452.23 (1), 560.01 (1) and (2), 560.097, 601.93 (2), 626.12 (13), 632.10 (1), 703.10 (2m), 709.03 (form) 8., 767.078 (1) (b) 1., 767.254 (2) (a), 814.04 (intro.), 893.925 (2) (a), 895.437 (1) (c), 940.207 (title) and (2) (intro.) and (a) and 978.05 (6) (b), chapters 101 (title) and 106 (title) and subchapters I (title) and II (title) of chapter 106 of the statutes, the renumbering of sections 20.445 (1) (L), 101.26 and 101.27 of the statutes, the repeal of section 20.143 (7) of the statutes, the repeal and recreation of sections 15.157 (3), 101.575 (3) (a) 3., 101.62, 101.625, 101.64 (3), 101.72, 101.74 (3), 101.972 and 101.973 (8) of the statutes, the creation of sections 101.974 (2m) and 560.01 (2) (a) (title) and (b) of the statutes and SECTION 9130 (2), (2q) and (3) (d), (e) and (f) of this act take effect on July 1, 1996.

(5) AGENCY NAME CHANGE. SECTION 9130 (4) of this act takes effect on July 1, 1996.

(6) EMPLOYMENT AND EDUCATION PROGRAM CONSOLIDATION. The repeal and recreation of sections 15.227 (24) (a) 4. and 20.445 (1) (em) and (ev) of the statutes, the amendment of sections 103.70 (1) and 121.02 (1) (m) of the statutes, the renumbering of section 101.265 (title), (1), (2), (4) and (5) of the statutes and the renumbering and amendment of sections 101.262, 101.264 and 101.265 (2m) and (3) of the statutes take effect on July 1, 1996.

(7) PLAT REVIEW TRANSFER. The treatment of sections 20.445 (1) (j), (by SECTION 979), 236.12 (2) (a) and 236.13 (1) (d) and (2m) of the statutes takes effect on July 1, 1996.

(7j) CAREER COUNSELING CENTERS. The treatment of section 106.14 (1) and (4) of the statutes and the repeal of section 20.445 (1) (ep) of the statutes take effect on July 1, 1997.

SECTION 9436. Effective dates; justice.

(1) PUBLIC INTERVENOR. The treatment of sections 18.13 (4), 23.39 (5), 165.07 (title), 165.075 (title) and 814.245 (2) (d) of the statutes and the renumbering and amendment of sections 165.07 and 165.075 of the statutes take effect on the first day of the 2nd month beginning after publication.

(2q) TRANSFER OF CONSUMER PROTECTION FUNCTION. The treatment of sections 15.13, 100.18 (11) (b) 1. and (d), 100.182 (5) (a) and (b), 100.205 (7) and (8), 100.207 (6) (b) 1. and 2., (c) and (e), 100.21 (3) (a), 100.26 (6), 100.28 (4) (c), 100.50 (6) (c), 134.22 (4) (intro.) and (a), 134.42 (4) (b), 134.68 (5) (a) (intro.) and (b) and (7) (a) (intro.) and (b), 134.70 (13) (b) 1. (intro.), 2. and 3. and (15) (a) (intro.) and (am), 134.71 (12), 134.74 (7) (b) and (8) (intro.), 134.83 (5) (intro.) and (6), 134.85 (3) (a), 136.03 (title) and (1) (intro.), 165.25 (4) (ar), 344.576 (3) (a) 5. and (c), 344.579 (2) (intro.), 704.90 (11) (title) and (a), 707.49 (4), 707.57 (2) (title), (a) and (b) and (3) and 779.93 (title), (1) and (2) (intro.) of the statutes and the amendment of section 100.263 of the statutes take effect on July 1, 1996.

(2v) CRIMINAL HISTORY SEARCHES. The treatment of section 165.82 (1) (a), (ag), (ar) and (b) of the statutes and SECTION 9336 (2v) of this act take effect on October 1, 1995.

(3g) PENALTY ASSESSMENT INCREASE. The treatment of section 165.87 (2) (a) of the statutes and SECTION 9336 (2g) of this act take effect on October 1, 1995.

(3h) PENALTY ASSESSMENT ALLOCATION. The treatment of sections 20.455 (1) (g) and 165.87 (1) (a) (by SECTION 4460bp), (b), (bd), (bn), (bp), (br) and (c) of the statutes takes effect on January 1, 1996.

SECTION 9437. Effective dates; legislature.

(1t) COUNTY AND MUNICIPAL BEST PRACTICES REVIEWS. The repeal of section 13.94 (8) of the statutes takes effect on July 1, 1999.

SECTION 9439. Effective dates; lower Wisconsin state riverway board.

(1) ATTACHMENT OF LOWER WISCONSIN STATE RIVERWAY BOARD. The treatment of sections 15.07 (1) (b) 15., 15.345 (6) and 30.42 (1) (e) of the statutes and SECTION 9139 (1g) of this act take effect on July 1, 1996.

SECTION 9442. Effective dates; natural resources.

(1) WILDLIFE HABITAT AIDS. The treatment of sections 23.09 (17m) (title), (a), (by SECTION 1242) (b) (by SECTION 1244), (c), (d), (e), (f), (g), (h), (hg), (hr) and (i) and 28.11 (5) (a) of the statutes takes effect on January 1, 1996.

(3) FEES FOR CERTIFICATES OF NUMBER FOR BOATS. The treatment of section 30.52 (3) (b), (c), (d), (e), (f) and (i) of the statutes and SECTION 9342 (6) of this act take effect on April 1, 1996.

(4m) YOUTH SMALL GAME LICENSES. The treatment of section 29.092 (3v) (am) of the statutes, the amendment of section 29.092 (14) (a) and (b) (by SECTION 1601m) of the statutes takes effect on January 1, 1996.

(7) PETROLEUM STORAGE TANKS. The treatment of sections 20.445 (1) (w), 101.143 (title) and (4) (ei) 1. b., 101.144 and 144.76 (2) (e) and (7) (a) and (c) of the statutes and SECTION 9142 (3) of this act take effect on July 1, 1996.

(7t) WASTE TIRE PROGRAM. The treatment of sections 20.370 (2) (dj) (by SECTION 649) and (dL), 25.40 (1) (a) 5., 159.17 (2) (intro.) and 342.14 (1m) of the statutes takes effect on June 30, 1997.

(8) CLEAN WATER FUND ADMINISTRATION. The treatment of sections 144.241 (2), (3m) (a) and (c), (6) (b) (intro.), (8) (g) and (h), (8m), (8s), (9) (a), (ae), (am), (b) and (e), (9m), (10) (title), (a), (b) and (c) to (e), (11) (title), (a), (b), (c) and (d), (12) (c), (d) and (f), (13m) (b), (14) (b) 1. and 8. and (15) (a) (intro.), 1. and 3., (am), (b), (c) and (e) and 144.2415 (3) (b) (intro.), 1. and 2., (dm), (i) and (j), (9) (a) and (am), (11) (a), (am) and (c), (12) and (14) of the statutes takes effect on July 1, 1996.

(8g) BOATING ENFORCEMENT FUNDING. The repeal and recreation of section 20.370 (5) (eq) of the statutes takes effect on July 1, 1997.

(8p) VEHICLE ADMISSION AREA FEES. The treatment of section 27.01 (7) (f) 1. and 2., (g) 2. and (gm) 3. and 4. of the statutes and the amendment of section 27.01 (7) (g) 1. of the statutes take effect on January 1, 1996.

(8x) LAKE STATES WOOD UTILIZATION CONSORTIUM. The repeal of section 20.370 (5) (ax) and (6) (bt) of the statutes takes effect on June 30, 1998.

(9) NONRESIDENT SPORTS AND CONSERVATION PATRON LICENSES. The treatment of sections 29.092 (2) (o), (4) (am) and (bn), 29.093 (2) (b), (g) and (i) 2., 29.147 (1), (2) and (2m), 29.1475 (1), (2), (2m) and (6), 29.15 (2) and 29.41 (3) of the statutes, the amendment of section 29.092 (13) (b) (by SECTION 1589), (14) (b) (by SECTION 1602m) of the statutes and the repeal and recreation of sections 27.01 (7) (g) 1. and 29.092 (14) (a) of the statutes take effect on April 1, 1996.

(10s) SNOWMOBILE SUPPLEMENTAL TRAIL AIDS. The repeal and recreation of sections 20.370 (5) (cs) of the statutes takes effect on July 1, 1996.

(12g) DEBT SERVICE FOR PROGRAM FOR LOCAL AIDS FOR DAMS. The repeal and recreation of section 20.370 (7) (aa) and (ar) of the statutes takes effect on July 1, 1997.

(12x) HERITAGE STATE PARKS AND FORESTS TRUST FUND. The treatment of sections 20.370 (1) (eq), 25.17 (1) (gi), 25.29 (1) (a), 25.295, 27.015, 27.016, 60.23 (5) and 236.02 (3) of the statutes takes effect on July 1, 1996.

SECTION 9445. Effective dates; public instruction.

(1) AGENCY NAME CHANGE. The treatment of sections 14.017 (2), 15.02 (1), 15.06 (2) (c), (3) (a) 6., (4), (5) and (6), 15.07 (2) (f), 15.195 (4) (d), 15.197 (11n) (a) 3. and (23) (a) 9., 15.225 (3) (c) 4., 15.347 (4) (c), 15.37, 15.374 (1), 15.375 (1), (2) and (3) (b) 1. and 6. (intro.), 15.377 (1), (3), (4), (6) and (7m), 15.57 (1), 15.91, 15.94 (1), 20.255 (title) and (2) (r), 20.435 (6) (hx), 20.866 (2) (zh) (title), 20.923 (4) (g) 1g., 24.61 (3) (c) 2. a., 24.71 (5), 35.24 (1) (a), 36.51 (7), 38.04 (26), 38.36 (7), 40.02 (55) (a), 43.01 (6), 43.03 (intro.), 43.05 (13), 43.07 (intro.), (2), (3), (4), (5) and (7), 43.13 (4), 43.70, 48.48 (4), 48.57 (1) (c), 48.982 (2) (g) (intro.), 60.33 (9) (a), 61.34 (4), 62.12 (9), 66.03 (3) (c) and (5), 66.30 (6) (g), 67.03 (1) (b), 73.0305, 101.14 (1) (c), 111.70 (1) (ne), 115.001 (13m), 115.28 (7) (a), (7m) and (20) (a), (b), (c), (d) and (e), 115.29 (intro.), (1), (2) and (4), 115.30 (4) (a), (c) and (f), 115.345 (1) to (4) and (6) to (8), 115.35 (5) (c), 115.361 (5) (c) 3., 115.40 (4) (a), (b) and (c) (intro.), 115.45 (2) (b) and (6) (b), 115.47, 115.48, 115.745 (2) (intro.), 115.77 (1) and (2) (intro.), 115.79 (1) (intro.) and (d), 115.81 (7) and (8), 115.85 (2) (c) 2. (intro.), 115.89, 116.03 (10), (11) and (13), 117.03 (2), 117.05 (1), (1m), (2) (a) and (10), 118.01 (1), 118.013 (3) (a), 118.165 (2), 118.167, 118.20 (2) and (4) to (7), 118.24 (2) (e), 118.255 (3), 118.37 (3m) (b), 119.04 (title), 119.28 (5), 120.17 (8) (bm), 121.006 (1) (a), 121.06 (1), 121.135 (1), 121.15 (2) (c), 121.17, 121.52 (4), 121.56, 121.58 (5), 121.845 (3), 121.91 (5) (a), 230.08 (2) (e) 9., 255.30 (4), 887.23 (1), 967.02

(2) and 973.135 (title), (1) (a) and (b), (2) and (3), chapter 115 (title) and subchapter II (title) of chapter 115 of the statutes, the creation of sections 20.265, 973.135 (1) (a) and subchapter VI of chapter 14 of the statutes and SECTION 9145 (1) and (8g) of this act take effect on January 1, 1996.

(3v) COOPERATIVE EDUCATIONAL SERVICE AGENCIES. The treatment of section 116.02 (1) (a), (c) and (d), (2) and (3) of the statutes takes effect on June 12, 1996.

(7x) SCHOOL AID APPROPRIATION. The repeal and recreation of section 20.255 (2) (ac) of the statutes takes effect on July 1, 1996.

(13g) EDUCATIONAL TECHNOLOGY BOARD MEMBERSHIP. The repeal and recreation of section 15.105 (26) (a) 1. of the statutes takes effect on January 1, 1996.

SECTION 9446. Effective dates; public service commission.

(1) OFFICE OF THE COMMISSIONER OF RAILROADS. The treatment of section 195.60 (2) of the statutes takes effect on July 1, 1996.

SECTION 9447. Effective dates; regulation and licensing.

(1) INITIAL AND RENEWAL CREDENTIAL FEES. The treatment of sections 440.05 (1) (a) and 440.08 (2) (a) 1., 2., 3., 4., 4m., 5., 6., 7., 8., 9., 11., 11m., 12., 13., 14., 14r., 15., 16., 17., 18., 19., 20., 21., 22., 23., 24., 25., 26., 27., 27m., 28., 29., 30., 31., 32., 33., 34., 35., 36., 37., 37m., 38., 39., 42., 43., 44., 45., 46., 46m., 48., 49., 50., 51., 52., 53., 54., 55., 56., 57., 58., 59., 60., 61., 62., 63., 63m., 64., 65., 66., 66m., 67., 68., 68d., 68h., 68p., 68t., 68v., 69. and 70. of the statutes takes effect on September 1, 1995, or the first day of the 2nd month beginning after publication, whichever is later.

(2) RECIPROCAL AND TEMPORARY CREDENTIAL FEES. The treatment of section 440.05 (2) and (6) of the statutes and SECTION 9347 (1) of this act take effect on July 1, 1996.

(3) REPLACEMENT CREDENTIAL FEE. The treatment of section 440.05 (7) of the statutes and SECTION 9347 (2) of this act take effect on July 1, 1996.

(4) LATE RENEWAL FEE. The consolidation, renumbering and amendment of section 440.08 (3) (a) (intro.) and 2. of the statutes, the repeal of section 440.08 (3) (a) 1. of the statutes and SECTION 9347 (3) of this act take effect on July 1, 1996.

(5) CHARITABLE ORGANIZATION CERTIFICATE OF REGISTRATION RENEWAL. The treatment of sections 440.08 (2) (a) 23m. and 440.42 (1) (b) 2g. and 2r. and (c) and (2) (d) and (e) of the statutes, the repeal and recreation of sections 440.08 (2) (a) (intro.) and 440.23 (1) and SECTION 9147 (1) of this act take effect on August 1, 1995.

(7) MORTGAGE BANKING TRANSFER. The treatment of sections 221.49 (1), 224.70, 224.72 (8), 234.01 (5k), 234.49 (2) (a) 4., 234.59 (1) (h), 422.501 (2) (b) 8., 440.08 (2) (a) 40., 41. and 47., 440.71, 440.72 (title), (1), (1m), (2), (3), (4), (5) and (7), 440.73, 440.74, 440.75, 440.76, 440.77 (title), (1), (2), (3), (4) and (5), 440.78, 440.80, 440.81, 440.82, 452.01 (3) (g), 706.11 (1) (f) and 943.62 (2m), subchapter I (title) of chapter 224 and subchapter VI (title) of chapter 440 of the statutes and SECTION 9147 (3) of this act take effect on July 1, 1996.

SECTION 9448. Effective dates; revenue.

(1) FEES ON DELINQUENT ACCOUNTS. The treatment of section 73.03 (33m) of the statutes takes effect on December 31, 1995.

(2) CENTRAL OFFICE EQUIPMENT. The treatment of section 77.54 (24) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(3) QUALIFIED WHOLESALE ELECTRIC COMPANIES. The treatment of sections 76.02 (11), 76.28 (1) (d), (e) (intro.), (em) and (gm) and 79.04 (1) (a) and (c) 2. and (2) (a) of the statutes takes effect on January 1, 1996.

(3m) PAYMENTS TO SMALL MUNICIPALITIES. The treatment of section 79.03 (3c) (f) of the statutes takes effect on January 1, 1996.

(4) CAR LINE COMPANIES. The treatment of sections 73.01 (4) (a) and (5) (a), 76.01, 76.02 (5), (9), (10) and (12r), 76.03 (1) and (2), 76.04 (1), 76.07 (1), (2) and (4g) (intro.) and (f), 76.13 (1), 76.39 (title), (1), (2), (3), (3a), (4) and (5), 76.46 and 227.03 (1) and subchapter II (title) of chapter 76 of the statutes and the repeal and recreation of section 20.913 (1) (b) of the statutes take effect on January 1, 1996.

(6) INSTITUTIONS FOR CHILDREN. The treatment of section 70.11 (19) of the statutes takes effect on the January 1 after publication.

(6g) COUNTY ASSESSMENT AID. The treatment of sections 20.835 (6) and 70.99 (12) of the statutes takes effect on July 2, 1996.

(8i) USE TAX ON DEALERS' VEHICLES. The treatment of sections 77.53 (1) and (1m) and 77.71 (2) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(8t) COUNTY SALES TAX ADMINISTRATIVE COSTS. The treatment of sections 20.835 (4) (g) and 77.76 (3) and (4) of the statutes takes effect on July 1, 1997.

(8z) BUSINESS REGISTRATION. The treatment of sections 71.67 (6), 77.52 (7), (8), (9), (10), (11) (a) and (b), (12) and (17m) (a) and (b) 7., 77.53 (9) and (9m), 77.58 (5), 77.60 (2) (intro.), 78.09 (2) and (5), 78.10 (1) and (2) to (5), 78.48 (1) and (2) to (5), 78.57 (1) and (2) to (5), 139.05 (7) (b), 139.09, 139.34 (1) (c) 7. and (f), (2) and (3), 139.37 (1) (a), 139.79 (2) and 480.24 (2) (h) of the statutes takes effect on January 1, 1996.

(9x) LOTTERY CREDIT PRECERTIFICATION. The treatment of sections 77.22 (2) (intro.), 77.23 and 79.10 (10) (a), (b), (c) and (e) of the statutes takes effect on January 1, 1996.

SECTION 9450. Effective dates; secretary of state.

(1) UNIFORM COMMERCIAL CODE. The repeal and recreation of section 59.57 (6) of the statutes and the amendment of section 409.407 (2) (c) of the statutes take effect on July 1, 1996.

(3) LIMITED LIABILITY COMPANY ANNUAL REPORTS.

(a) The treatment of sections 183.0109 (1) (a) 4., 183.0113 (2) (b) 4., 183.0114 (1) (a) and (w), (x) and (2) (c) and 183.1010 (4) (b) of the statutes, the amendment of sections 183.0109 (1) (b) (by SECTION 4767) and 183.0111 (1) (a) (intro.) (by SECTION 4778) of the statutes and the creation of sections 183.0105 (2) (c) and (8) (c) 2., 183.0113 (2) (b) 1m., 183.0120, 183.1010 (4) (b) 2., 183.1020, 183.1021 and 183.1022 of the statutes take effect on January 1, 1996.

SECTION 9452. Effective dates; state fair park board.

(1g) ATTACHMENT TO DEPARTMENT OF TOURISM. The treatment of sections 13.48 (13) (a) (by SECTION 24c) and (b), 15.07 (1) (b) 15m., 15.87, 20.923 (4) (d) 12., 42.08, 42.10 and 42.105 of the statutes takes effect on July 1, 1996.

SECTION 9453. Effective dates; supreme court.

(1g) JUSTICE INFORMATION FEE. The repeal and recreation of section 20.505 (1) (ja) of the statutes takes effect on November 1, 1995.

SECTION 9454. Effective dates; technical college system.

(1) RECYCLING PROGRAMS. The treatment of sections 20.292 (1) (s) and 38.04 (18) of the statutes takes effect on July 1, 1995.

(2) ELIMINATION OF EDUCATIONAL APPROVAL BOARD. The treatment of sections 15.07 (5) (i), 15.945 (1), 20.292 (2) (title), (a), (g) and (m) and 38.51 (title), (1) (a), (cm) and (g), (2), (3), (5), (6) (a), (7) (intro.), (g), (h) and (i), (8) (a), (b), (c) (intro.), 1., 2., 4. and 5., (d) and (e), (9) (h), (10) (a), (b) and (c) (intro.) and 1. of the statutes and SECTION 9154 (1) of this act take effect on July 1, 1996.

SECTION 9455. Effective dates; transportation.

(1j) EMPLOYMENT TRANSIT ASSISTANCE PROGRAM. The treatment of sections 20.395 (1) (by) and (bz) and 85.26 of the statutes takes effect on July 1, 1996.

SECTION 9456. Effective dates; treasurer.

(1) CUSTODIANSHIP OF STATE–OWNED SECURITIES.

(a) The treatment of sections 20.585 (1) (js) and 25.19 (1) and (2) of the statutes and the amendment of section 25.14 (3) of the statutes take effect on September 1, 1995.

(b) The repeal and recreation of section 25.14 (3) of the statutes takes effect on July 1, 1996.

(3m) STATE TREASURER DUTIES AND POWERS. The treatment of sections 13.94 (1) (a), (d) 2. and (f), 14.563 (title), 14.58 (1) (intro.), (a), (b), (c) and (d), (2), (3), (4), (5), (6), (8), (9), (10), (12), (13), (17), (18), (19) and (21), 14.62, 16.40 (26) and (32), 16.412, 16.415 (1), 16.53 (10) (a) and (b), 18.60 (3), 19.43 (7), 20.115 (2) (j), 20.395 (9) (gg), 20.435 (6) (gb), 20.566 (1) (a), 20.585 (1) (a) and (km), 20.906 (1), (4), (5) and (6), 20.907 (2), (5) (a), (b), (c) and (d), 20.912 (1), (3) and (5), 20.920 (2) (a), 20.923 (8), 20.929, 21.33, 23.49, 23.85, 24.17 (1) (intro.) and (2), 24.20, 24.25, 24.29, 24.32 (2), 24.33, 24.61 (2) (b), 24.67 (3) (by SECTION 1378g), 24.69 (1), 24.70 (2), (4) and (6), 24.71 (2) and (4), 25.19 (3) and (4), 25.31 (1), 25.40 (1) (a) 6., 25.65 (3), (4), (6) and (7) (b), 26.14 (4), 26.30 (9) (b) (intro.), 29.9965 (1) (e) and (f) and (2), 29.9967 (1) (c) and (d), 29.997 (1) (c) and (d), 29.998 (1) (c) and (d), 36.51 (6), 38.36 (6), 40.04 (3) (c), 40.06 (1) (c), 42.06 (1), 45.37 (11), 46.973 (3), 48.275 (2) (d) (by SECTION 2448j), 48.715 (3) (a) 3., 49.19 (3) (b) and (14) (b), 49.498 (16) (g), 50.03 (5g) (c) 1. c., 50.04 (5) (f), 50.98 (5), 59.20 (5) (a) and (b), (8m), (8n), (8r) and (11), 66.12 (1) (b) and (3) (c), 69.22 (1) (c), 66.94 (5) (c), 66.98 (1), 69.22 (1m), 70.385, 70.39 (4), 71.10 (3) (b) and (5) (h) (intro.),

71.74 (13) (a) and (b) and (14), 71.90 (2), 71.91 (5) (h) and (7) (e), 72.24, 73.03 (6), 73.10 (6), 74.25 (1) (a) 5., 74.27, 74.30 (1) (e) and (1m), 76.13 (2) and (3), 76.15 (2), 76.22 (3), 76.24 (1), 76.38 (3) and (12) (b), 76.48 (3) and (5), 77.59 (7), 84.11 (4), 84.12 (4), 85.14 (1) (b) and (2), 87.07 (4), 87.11 (2), 87.13, 93.31, 101.573 (1), (3) (b) and (4), 102.28 (7) (a), 102.63, 102.85 (4) (c) and (d), 108.15 (6) (c), (d) (intro.) and (e), 108.20 (2), 115.345 (5), 125.14 (2) (e) and (f), 139.10 (title), (1) and (4), 144.992 (3) and (4), 150.963 (3) (e), 161.41 (5) (b) and (c), 165.30 (3) (a) (by SECTION 4454t), 165.87 (2) (b), (c) and (d), 167.31 (5) (c) and (d), 181.64, 194.51, 195.29 (5), 195.60 (3), (4) and (5), 196.85 (3), (4) (d) and (5), 217.11 (5), 223.02 (title) and (3), 254.59 (2) and (5), 301.105 (intro.), 343.10 (6), 344.185 (2) (e) 2., 345.08, 346.655 (2) (a) (by SECTION 6416e) and (b) and (3), 350.115 (1) (c) and (d), 562.02 (1) (g), 565.37 (3), 601.13 (1) (intro.), (3) (intro.), (5), (6), (8) (intro.) and (11), 601.45 (3), 601.62 (4), 604.04 (4), 604.05, 604.06 (1), 604.07, 605.30, 611.76 (4) (e), 753.061 (5), 753.07 (2) (a), (3) (a) and (4), 776.43, 778.135, 778.136, 778.17, 812.42 (2) (c), 813.31 (1), (2) and (3), 814.60 (1), 814.61 (1) (a) (by SECTION 7152m), (3) (by SECTION 7154e), (7) (a) (by SECTION 7154rm) and (b) and (8) (c) and (d), 814.62 (1) (by SECTION 7165m) and (3) (d) 2. (by SECTION 7169m) and 3. (by SECTION 7170m), 814.63 (5) (by SECTION 7174m), 814.634 (2), 814.635 (2), 814.65 (1), 814.66 (3), 863.39 (3) (a), 973.045 (2), (3) (a) (intro.) and (4), 973.046 (2), (3) and (4), 973.055 (2) (a) and (b) and 978.12 (5) (c) 1. of the statutes and the repeal of section 20.585 (1) (jt) of the statutes take effect on July 1, 1996.

(4) ELIMINATION OF STENOGRAPHER POSITION ASSIGNED TO THE STATE TREASURER. The treatment of sections 20.923 (6) (am) and 230.08 (2) (g) of the statutes takes effect on June 30, 1996.

SECTION 9457. Effective dates; University of Wisconsin System.

(1p) TRANSFER OF MARKET DEVELOPMENT BOARD. The treatment of sections 15.915 (5), 20.285 (1) (L), (s) and (t), 36.25 (30e) (by SECTION 1775f) and 159.46 (3) (by SECTION 4435d) and (4) (by SECTION 4436d) of the statutes and SECTION 9157 (2p) of this act take effect on July 1, 1997, or on the day after publication of the 1997–99 biennial budget act, whichever is later.

(3g) CONTINGENT FUNDS. The treatment of section 20.285 (2) (b) of the statutes takes effect on January 1, 1996.

SECTION 9458. Effective dates; veterans affairs.

(1g) VETERANS MUSEUM. The treatment of section 20.485 (2) (c) of the statutes takes effect on January 1, 1997.

(1x) HEALTH CARE AID. The treatment of section 20.485 (2) (vm) (by SECTION 1040q) of the statutes takes effect on July 1, 1997.

SECTION 9459. Effective dates; other.

(1) INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUNDING. The repeal of sections 20.425 (1) (ka) and 20.488 (1) (ka) of the statutes, the repeal and recreation of section 20.505 (4) (kb) of the statutes and the creation of section 20.380 (1) (kd) of the statutes take effect on July 1, 1996.

(2) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.

(a) The treatment of section 20.921 (2) (a) of the statutes takes effect on January 1, 1996.

(b) The treatment of sections 13.48 (28), 13.94 (4) (a) 2., 16.50 (3), 16.505 (1) (intro.) and (2n), 36.25 (13) (title), (a), (b), (c) and (d), 45.35 (6), 46.041 (1) (a), 46.215 (1) (a), 46.22 (1) (c) 1. (intro.), b. and c., 115.53 (4) (intro.) and (b), 142.07 (title), (1), (3), and (4) (by SECTION 4200), 142.09, 142.11, 230.09 (2) (g), 233.03 (15) and (16), 233.04 (3b) (b) and chapter 142 (title) of the statutes, the repeal of section 20.285 (1)

(kb) of the statutes and the amendment of section 16.505 (2n) of the statutes take effect on June 29, 1996.

(c) The treatment of sections 19.82 (1), 19.85 (3), 19.86, 111.02 (1), (2), (3), (6) (a), (7), (7m), (9m) and (10m), 111.05 (2), (3g), (5) and (6), 111.06 (1) (c) 1., (d), (i) and (m) and (2) (i), 111.075, 111.11 (title) and (2), 111.115, 111.17, 111.815 (2), 111.825 (1m), (3), (4) and (4m), 111.83 (7), 111.85 (5), 111.91 (1) (am) and (4) and 111.92 (1) of the statutes, the repeal of sections 230.44 (1) (g) and 233.10 (6) of the statutes, the repeal and recreation of sections 20.921 (1) (b), 40.05 (1) (b), 111.815 (1), 111.825 (1) (intro.), 233.03 (7) and 233.10 (2) (intro.) of the statutes and the creation of sections 111.17 (2) and 111.92 (1) (b) of the statutes take effect on July 1, 1997.

(d) The treatment of section 40.81 (3) of the statutes and the repeal and recreation of sections 40.02 (22) (e) and (25) (b) 8., 40.05 (4) (ag) (intro.), (ar) and (b), (5) (intro.) and (b) 4. and (6) (a) and 40.62 (2) of the statutes take effect on July 1, 1997.

(3) MUNICIPAL BOUNDARY REVIEW FUNCTION. The treatment of sections 66.013 (2) (a), 66.02, 66.021 (7) (a), 66.021 (11) (a) and (c) (intro.), (12) and (15) of the statutes and SECTION 9159 (7x) of this act take effect on July 1, 1996.

(4) ARRANGEMENT OF STATE AGENCY APPROPRIATIONS IN THE STATUTES. The treatment of section 20.003 (3) (a) of the statutes takes effect on July 1, 1996.

(5) ACID DEPOSITION STUDIES, EVALUATION AND MONITORING. The treatment of sections 20.505 (1) (jm), 144.389 (1) (intro.), (a) and (b) and (3) and 196.856 (1) and (2) of the statutes takes effect on July 1, 1996.

(7) DEPARTMENT OF FINANCIAL INSTITUTIONS. The repeal of sections 15.55, 15.555 (title), 15.595 (title), 15.82, 15.825 (title), 15.85, 20.124 (intro.) and (1) (title), 20.124 (1) (g), 20.141 (intro.) and (1) (title), 20.175, 20.185 (intro.) and (1) (title) and (g), 20.923 (4) (c) 5., 20.923 (4) (d) 3., 20.923 (4) (d) 11., 186.01 (1), 186.012 (1), 186.119,

214.01 (1) (f), 215.01 (21), 215.02 (1), (2) and (3), 217.02 (6), 218.01 (1) (c), 218.01 (1) (d), 218.02 (1) (b), 218.05 (1) (a), 220.02 (1), 220.02 (6), 230.08 (2) (L) 1., 230.08 (2) (L) 6. and 230.08 (2) (L) 7. of the statutes, the renumbering of sections 20.124 (1) (a), 20.124 (1) (u), 20.141 (1) (m) and 20.185 (1) (h) of the statutes, the renumbering and amendment of sections 15.555 (1), 15.555 (2), 15.59, 15.595 (1), 15.825 (1), 15.825 (2), 20.141 (title), 20.141 (1) (g), 138.09 (1) and 230.08 (2) (L) 3. of the statutes, the amendment of sections 15.01 (6), 15.02 (3) (c) 1., 15.06 (1) (b), 15.135 (5), 20.912 (4), 20.923 (4) (c) 3., 25.40 (1) (a) 2., 34.01 (2) (a), 34.03 (intro.), 34.03 (2), 34.03 (3), 34.03 (4), 34.08 (1), 34.08 (2), 34.08 (3), 34.09, 34.10, 34.11, 35.86 (1), 66.412, 66.416 (2), 71.26 (1) (d), 112.07 (1), 138.052 (5) (am) 2. a., 138.052 (5) (am) 2. b., 138.055 (4) (a), 138.055 (4) (b), 138.055 (4) (d), 138.056 (1) (a) 4. a., 138.056 (1) (a) 4. b., 138.056 (1) (a) 4. d., 138.09 (2), 138.09 (3) (a), 138.09 (3) (b), 138.09 (3) (c), 138.09 (3) (d), 138.09 (3) (e), 138.09 (3) (f), 138.09 (4) (intro.), 138.09 (4) (a), 138.09 (4) (b), 138.09 (4a), 138.09 (6) (a), 138.09 (6) (b), 138.09 (7) (bn) 4., 138.09 (11), 138.12 (1) (a), 138.12 (1) (c), 138.12 (2) (a), 138.12 (3) (b) (by SECTION 4179), 138.12 (3) (c), 138.12 (4) (a) (by SECTION 4182), 138.12 (4) (am), 138.12 (4) (b) (intro.), 138.12 (5) (b), 138.12 (5) (c), 138.12 (6) (a), 138.12 (7), 177.30 (2), 186.012 (title), 186.012 (2), 186.012 (3), 186.012 (4), 186.015 (1), 186.015 (2), 186.015 (3) (a), 186.015 (3) (b), 186.015 (3) (c), 186.02 (1), 186.02 (3) (a), 186.02 (3) (b), 186.02 (4) (a), 186.02 (4) (b), 186.03, 186.04 (1), 186.04 (2), 186.04 (5), 186.098 (7), 186.098 (8) (b), 186.098 (10), 186.098 (12), 186.11 (1), 186.11 (2) (b), 186.112, 186.113 (1), 186.113 (1m) (a) 3., 186.113 (1m) (a) 4., 186.113 (2), 186.113 (15) (a), 186.113 (15) (c), 186.113 (15) (d), 186.115 (1), 186.115 (2), 186.116, 186.16 (2), 186.17 (2), 186.18, 186.19 (1), 186.19 (2), 186.19 (3), 186.19 (4) (a), 186.19 (4) (b), 186.19 (5), 186.21 (1), 186.21 (2), 186.21 (3), 186.21 (4), 186.22 (1) (intro.), 186.22 (2) (intro.), 186.22 (3) (intro.), 186.22 (3) (a), 186.22 (3) (b), 186.22 (4)

(d), 186.22 (4) (g), 186.22 (5) (c), 186.22 (6), 186.22 (10), 186.22 (11), 186.22 (15), 186.23, 186.24 (1), 186.24 (2), 186.24 (3), 186.25, 186.26 (1) (a), 186.26 (1) (b), 186.26 (2), 186.27 (intro.), 186.27 (3) (intro.), 186.27 (3) (b), 186.28 (title), 186.28 (1), 186.28 (2), 186.29 (title), 186.29 (1) (intro.), 186.29 (1) (h), 186.29 (1m) (a), 186.29 (1m) (b), 186.29 (1p) (title), 186.29 (1p) (a), 186.29 (1p) (b), 186.29 (2) (intro.), 186.29 (2) (a), 186.29 (2) (b), 186.29 (2) (c), 186.29 (2) (d), 186.29 (3), 186.29 (4), 186.29 (5), 186.29 (6), 186.29 (7), 186.29 (8), 186.29 (9), 186.29 (10), 186.29 (11) (intro.), 186.29 (11) (a), 186.29 (11) (b), 186.29 (11) (c), 186.29 (11) (d), 186.29 (12), 186.29 (13) (a), 186.29 (13) (b), 186.29 (13) (c), 186.30 (1), 186.30 (2), 186.30 (3), 186.30 (5), 186.30 (7), 186.30 (8), 186.30 (9), 186.30 (11), 186.31 (1), 186.31 (2), 186.314 (2), 186.314 (3), 186.314 (4), 186.315, 186.33, 186.34 (2) (a), 186.34 (2) (b), 186.34 (3) (intro.), 186.34 (4), 186.35 (1), 186.35 (2) (b), 186.35 (3) (n), 186.35 (3m) (intro.), 186.35 (5) (d) 2., 186.35 (5) (f), 186.35 (7), 186.35 (8), 186.35 (9), 186.35 (11) (a), 186.35 (11) (b), 186.37, 186.38 (2), 186.38 (5) (c), 186.38 (7), 186.38 (9), 186.38 (10), 186.38 (11), 186.41 (2) (b), 186.41 (4) (a), 186.41 (4) (b), 186.41 (4) (c), 186.41 (4) (d), 186.41 (4) (e), 186.41 (5) (intro.), 186.41 (5) (ct), 186.41 (5) (e), 186.41 (6) (a), 186.41 (8), 214.01 (1) (pm), 214.01 (1) (r), 214.015, 214.025, 214.03 (1), 214.03 (2), 214.035 (1), 214.035 (2), 214.04 (4), 214.04 (8), 214.04 (9), 214.04 (12) (intro.), 214.04 (14), 214.04 (17), 214.04 (18), 214.04 (20), 214.04 (21) (a), 214.04 (21) (b), 214.04 (21) (c), 214.04 (21) (d), 214.04 (25), 214.04 (26), 214.04 (27), 214.045, 214.06 (1) (intro.), 214.07, 214.08, 214.085 (1) (a), 214.085 (1) (b), 214.085 (1) (c), 214.085 (2), 214.09, 214.095 (3), 214.155 (2), 214.16 (2), 214.17 (1) (intro.), 214.17 (2), 214.17 (3), 214.17 (4), 214.17 (5), 214.18 (intro.), 214.18 (6), 214.18 (8), 214.20, 214.24 (1), 214.24 (2), 214.24 (3), 214.245 (intro.), 214.25 (1), 214.25 (2), 214.25 (3), 214.25 (5), 214.255 (1), 214.255 (2), 214.255 (3), 214.26 (1), 214.26 (2) (a), 214.26 (2) (c), 214.26 (2) (d), 214.26 (3) (a), 214.26 (3) (b), 214.26 (4) (intro.), 214.26

(4) (b), 214.26 (5), 214.26 (7) (intro.), 214.26 (7) (c), 214.26 (8), 214.265 (1) (a), 214.265 (5), 214.265 (6), 214.265 (8), 214.265 (9), 214.265 (10), 214.27 (1), 214.27 (2), 214.27 (3), 214.275, 214.305, 214.31 (1), 214.34 (1), 214.34 (2), 214.345 (1), 214.345 (2), 214.345 (5) (intro.), 214.37 (4) (b), 214.37 (5), 214.375, 214.40 (1), 214.40 (2), 214.42 (1), 214.42 (2), 214.43 (1), 214.435 (3), 214.435 (4), 214.48 (3), 214.48 (5), 214.485 (intro.), 214.485 (8), 214.485 (12), 214.485 (17), 214.49 (intro.), 214.49 (5) (intro.), 214.49 (15), 214.51 (1), 214.51 (2), 214.52 (3), 214.525, 214.53 (3), 214.54 (1), 214.545, 214.58 (1), 214.585 (5), 214.592, 214.62 (2) (e), 214.62 (3), 214.62 (4) (intro.), 214.62 (5), 214.625, 214.63, 214.64, 214.645, 214.65 (2) (a), 214.65 (2) (b), 214.65 (3), 214.655 (2) (intro.), 214.66 (1), 214.66 (5), 214.66 (7), 214.665 (1), 214.665 (2), 214.67 (1), 214.67 (2), 214.675 (1), 214.675 (2), 214.675 (3), 214.675 (4), 214.675 (5), 214.68 (1) (b), 214.68 (1) (d), 214.68 (1) (e), 214.68 (3), 214.685 (1), 214.685 (2), 214.685 (3) (intro.), 214.685 (3) (b), 214.685 (4) (intro.), 214.685 (4) (c), 214.685 (5), 214.685 (8) (intro.), 214.685 (8) (j), 214.715 (title), 214.715 (1) (intro.), 214.715 (1) (e), 214.715 (1) (f), 214.715 (1) (h), 214.715 (2), 214.715 (3), 214.715 (4) (a), 214.715 (4) (b), 214.72 (1) (b), 214.72 (3), 214.725 (1), 214.725 (2), 214.725 (3) (f), 214.725 (4), 214.725 (5), 214.725 (7), 214.735, 214.74 (title), 214.74 (1), 214.74 (2), 214.74 (3), 214.74 (4), 214.745, 214.75 (1), 214.75 (2), 214.75 (3), 214.75 (4), 214.75 (5) (a), 214.755 (1) (intro.), 214.76 (1), 214.76 (3), 214.76 (4), 214.76 (5) (a) (intro.), 214.76 (5) (a) 3., 214.76 (5) (b), 214.765 (1), 214.765 (2), 214.765 (3), 214.772 (4) (a) 5., 214.772 (4) (b) (intro.), 214.772 (4) (b) 1., 214.772 (4) (c) (intro.), 214.772 (4) (c) 2., 214.772 (4) (c) 3., 214.772 (5), 214.772 (6), 214.772 (7), 214.775 (intro.), 214.78 (1) (a), 214.78 (1) (b), 214.78 (1) (c), 214.78 (3), 214.785 (1), 214.785 (2), 214.82 (title), 214.82 (1) (intro.), 214.82 (1) (a), 214.82 (1) (b), 214.82 (1) (e), 214.82 (1) (h), 214.82 (1) (j), 214.82 (2), 214.82 (3), 214.825, 214.83, 214.835 (intro.), 214.835 (1), 214.835 (3), 214.84,

214.845, 214.85, 214.855, 214.90 (intro.), 214.90 (1) (b), 214.90 (5), 214.90 (6), 214.905 (1) (intro.), 214.905 (1) (c), 214.905 (2), 214.91 (1) (intro.), 214.91 (1) (a), 214.91 (2) (intro.), 214.915 (1), 214.92, 214.925 (1), 214.93, 214.935 (intro.), 214.935 (1), 215.01 (6), 215.01 (19), 215.01 (20) (a), 215.01 (20) (b), 215.02 (4), 215.02 (5), 215.02 (6) (a) (intro.), 215.02 (6) (a) 3., 215.02 (6) (a) 4. (intro.), 215.02 (6) (a) 4. a., 215.02 (6) (a) 4. b., 215.02 (6) (a) 5., 215.02 (6) (a) 6., 215.02 (7) (title), 215.02 (7) (a), 215.02 (7) (c), 215.02 (7) (d), 215.02 (8), 215.02 (9), 215.02 (10) (a) 1. (intro.), 215.02 (10) (a) 1. b., 215.02 (10) (a) 2., 215.02 (10) (a) 3., 215.02 (10) (b), 215.02 (11) (a), 215.02 (11) (b), 215.02 (12), 215.02 (14) (title), 215.02 (14) (a), 215.02 (15) (a) 1. (intro.), 215.02 (15) (b), 215.02 (15) (c), 215.02 (15) (d), 215.02 (16) (a), 215.02 (16) (b), 215.02 (16) (c) 1., 215.02 (16) (c) 2., 215.02 (16) (d), 215.02 (17) (a), 215.02 (17) (b), 215.02 (18), 215.03 (1), 215.03 (2) (a), 215.03 (2) (b), 215.03 (5) (title), 215.03 (5) (a), 215.03 (5) (b), 215.03 (6) (a) 1., 215.03 (6) (a) 2. c., 215.03 (6) (a) 3., 215.03 (6) (b), 215.03 (7) (a), 215.03 (7) (b), 215.03 (8) (a), 215.03 (8) (b), 215.03 (8) (c), 215.04 (1) (a), 215.04 (1) (b), 215.04 (1) (c), 215.04 (3) (b), 215.04 (4), 215.04 (6), 215.11 (1), 215.11 (2), 215.11 (3), 215.11 (4) (a), 215.11 (4) (b), 215.11 (5), 215.13 (21), 215.13 (22), 215.13 (26) (intro.), 215.13 (26) (f), 215.13 (27), 215.13 (28), 215.13 (31), 215.13 (36), 215.13 (39), 215.13 (40), 215.13 (41), 215.13 (42), 215.13 (46) (a) 1., 215.13 (46) (a) 3., 215.13 (46) (a) 4., 215.13 (47), 215.13 (51), 215.135 (1), 215.135 (2), 215.141, 215.15 (1), 215.15 (3) (a) (intro.), 215.15 (3) (b), 215.15 (3) (c), 215.16 (intro.), 215.18 (3), 215.20 (2), 215.205 (intro.), 215.205 (4), 215.21 (1) (intro.), 215.21 (1) (c), 215.21 (5) (a), 215.21 (6) (a), 215.21 (7) (intro.), 215.21 (7) (c), 215.21 (14), 215.21 (15), 215.21 (17) (b) (intro.), 215.21 (17) (b) 2., 215.21 (17) (d) 2., 215.21 (28), 215.22 (2), 215.23 (intro.), 215.24, 215.25, 215.26 (3), 215.26 (4) (a), 215.26 (5), 215.26 (8) (b) 1., 215.26 (8) (b) 3., 215.26 (9), 215.32 (title), 215.32 (1m) (intro.), 215.32 (1m) (h), 215.32 (2) (intro.), 215.32 (2)

(a), 215.32 (2) (b), 215.32 (3), 215.32 (4), 215.32 (5), 215.32 (6) (title), 215.32 (6) (a), 215.32 (6) (b), 215.32 (6) (c), 215.32 (6) (d), 215.32 (6) (e), 215.32 (6) (em) 1., 215.32 (6) (f), 215.32 (6) (g), 215.32 (6) (h), 215.32 (7) (a) 1. (intro.), 215.32 (7) (a) 1. a., 215.32 (7) (a) 2., 215.32 (7) (a) 3. (intro.), 215.32 (7) (c) (intro.), 215.32 (7) (d), 215.32 (8), 215.32 (9), 215.32 (10), 215.32 (11), 215.32 (13) (intro.), 215.32 (13) (a), 215.32 (13) (b), 215.32 (13) (c), 215.32 (13) (d), 215.32 (14), 215.32 (15) (a), 215.32 (15) (b), 215.32 (15) (c), 215.33 (3) (a) 5., 215.33 (3) (b) (intro.), 215.33 (3) (b) 1., 215.33 (3) (b) 2., 215.33 (3) (c) (intro.), 215.33 (3) (c) 2., 215.33 (3) (c) 3., 215.33 (4), 215.33 (5), 215.33 (6), 215.35 (1) (intro.), 215.36 (2) (b), 215.36 (3) (b), 215.36 (5) (a) (intro.), 215.36 (5) (b), 215.36 (5) (c), 215.36 (5) (d), 215.36 (5) (e), 215.36 (7) (intro.), 215.36 (7) (ct), 215.36 (7) (e), 215.36 (9) (a), 215.36 (11), 215.40 (1) (c), 215.40 (2) (intro.), 215.40 (2) (d), 215.40 (3), 215.40 (4) (e), 215.40 (5), 215.40 (6) (a), 215.40 (6) (b), 215.40 (6) (d), 215.40 (6) (e), 215.40 (7) (a), 215.40 (7) (b) (intro.), 215.40 (7) (b) 2., 215.40 (7) (b) 3., 215.40 (7) (c), 215.40 (8), 215.40 (11), 215.40 (13) (a) (intro.), 215.40 (13) (a) 1., 215.40 (13) (a) 3., 215.40 (13) (a) 9., 215.40 (13) (b), 215.40 (14), 215.40 (15), 215.40 (17), 215.40 (18), 215.41 (1), 215.41 (2), 215.41 (3), 215.41 (5), 215.42 (1), 215.42 (2), 215.42 (3), 215.50 (1), 215.50 (6), 215.50 (7), 215.50 (10), 215.50 (11) (a), 215.53 (1) (a) (intro.), 215.53 (1) (a) 4., 215.53 (3), 215.56 (1) (b) 1., 215.56 (2), 215.56 (6), 215.56 (7) (a), 215.56 (7) (b) (intro.), 215.56 (7) (b) 3., 215.56 (8), 215.57 (1) (b), 215.57 (1) (d) 1., 215.57 (1) (d) 2., 215.57 (4), 215.58 (1) (a), 215.58 (1) (b), 215.58 (1) (c) (intro.), 215.58 (1) (c) 2., 215.58 (2) (intro.), 215.58 (2) (c), 215.58 (3), 215.58 (6) (intro.), 215.59 (1) (c), 215.59 (1) (d) 3., 215.59 (1) (e) 1., 215.59 (1) (e) 3., 215.59 (1) (f) (intro.), 215.59 (1) (f) 3., 215.59 (1) (g), 215.59 (3) (a) 10., 215.59 (3) (a) 12., 215.59 (4), 215.60 (1) (c), 215.60 (2) (intro.), 215.60 (2) (c), 215.60 (3), 215.60 (4) (h), 215.60 (5), 215.60 (6), 215.60 (7), 215.60 (10), 215.60 (11) (a) (intro.), 215.60 (11) (a) 1., 215.60 (11) (a) 2., 215.60 (11)

(a) 3., 215.60 (11) (a) 7., 215.60 (11) (b), 215.60 (12), 215.60 (13), 215.60 (14), 215.60 (15), 215.61 (1), 215.61 (2), 215.61 (5), 215.62 (1), 215.62 (2), 215.62 (3), 215.64 (1), 215.67, 215.70 (1), 215.70 (4), 215.73 (1) (a) (intro.), 215.73 (3), 215.76 (1) (b) 1., 215.76 (2), 215.76 (6), 215.76 (7) (a), 215.76 (7) (b) (intro.), 215.76 (7) (b) 3., 215.76 (8), 215.77 (1) (b), 215.77 (1) (d) 1., 215.77 (1) (d) 2., 215.77 (4), 217.02 (3), 217.02 (10), 217.03 (1), 217.03 (2), 217.05 (intro.), 217.05 (5) (a), 217.05 (5) (c) (by SECTION 5803), 217.06 (intro.), 217.06 (2), 217.06 (3) (a), 217.06 (3) (b), 217.07, 217.08 (2), 217.08 (3), 217.09 (1) (intro.), 217.09 (1) (c), 217.09 (2), 217.09 (3), 217.09 (4), 217.09 (5), 217.09 (6), 217.10 (intro.), 217.10 (2), 217.12 (4), 217.15, 217.17 (1), 217.17 (2), 217.18 (1), 217.18 (2), 217.18 (3), 217.19 (title), 217.19 (1), 217.19 (2), 217.19 (4), 217.19 (5), 217.19 (6), 217.20, 217.21 (1), 217.21 (2), 218.01 (1) (jm), 218.01 (1) (k), 218.01 (1a), 218.01 (2) (b) (by SECTION 5843), 218.01 (2) (bb), 218.01 (2) (bc), 218.01 (2) (bd) 1., 218.01 (2) (bd) 1g., 218.01 (2) (bd) 2., 218.01 (2) (bf), 218.01 (2) (bm) 1. a., 218.01 (2) (bm) 2. b., 218.01 (2) (cm) 2., 218.01 (2) (cm) 3., 218.01 (2) (cm) 4., 218.01 (2) (cm) 5., 218.01 (2) (d) 1., 218.01 (2) (d) 8. a., 218.01 (2) (d) 8. b., 218.01 (2) (dm) 1., 218.01 (2) (dm) 2., 218.01 (2) (h) 2., 218.01 (2) (i), 218.01 (2) (k) (intro.), 218.01 (2a) (a), 218.01 (2a) (b), 218.01 (2a) (c), 218.01 (2w) (b), 218.01 (3) (a) 17., 218.01 (3) (a) 36. a., 218.01 (3) (a) 36. b., 218.01 (3) (bf) 1., 218.01 (3) (c) 3., 218.01 (3) (f) 1., 218.01 (3) (fm) 1., 218.01 (3) (g), 218.01 (3) (h), 218.01 (3a) (title), 218.01 (3a) (a), 218.01 (3a) (b), 218.01 (3a) (c), 218.01 (3c) (c), 218.01 (3c) (d), 218.01 (3x) (b) 1., 218.01 (3x) (b) 2., 218.01 (3x) (b) 3., 218.01 (5) (b) 1., 218.01 (5) (b) 3., 218.01 (6) (b) (intro.), 218.01 (6) (em), 218.01 (7a) (a), 218.01 (7a) (b), 218.01 (7b), 218.02 (2) (a), 218.02 (2) (b) (by SECTION 5898), 218.02 (2) (c), 218.02 (3) (intro.), 218.02 (4), 218.02 (5) (b), 218.02 (5) (c), 218.02 (6) (intro.), 218.02 (6) (c), 218.02 (7) (intro.), 218.02 (7) (c), 218.02 (9) (a), 218.02 (9) (b), 218.02 (9) (c), 218.04 (1) (c), 218.04 (3) (a), 218.04 (3) (b) (by SECTION 5914), 218.04

(3) (c) (by SECTION 5916), 218.04 (3) (d), 218.04 (4) (a), 218.04 (4) (b), 218.04 (5) (a) (intro.), 218.04 (5) (a) 1., 218.04 (5) (a) 2., 218.04 (5) (c), 218.04 (6) (a), 218.04 (6) (b), 218.04 (6) (c) (intro.), 218.04 (7) (intro.), 218.04 (7) (b), 218.04 (7) (c), 218.04 (8), 218.04 (9), 218.04 (9g) (b), 218.04 (9m) (title), 218.04 (9m) (a), 218.04 (9m) (b), 218.04 (9m) (c), 218.04 (9m) (e), 218.04 (9m) (f), 218.04 (9m) (g), 218.04 (9m) (h), 218.04 (10) (a), 218.04 (10) (b), 218.04 (13), 218.05 (2), 218.05 (3) (a) (intro.), 218.05 (3) (a) 3., 218.05 (3) (b) (by SECTION 5950), 218.05 (3) (c), 218.05 (4), 218.05 (6), 218.05 (8), 218.05 (10) (b), 218.05 (10) (c), 218.05 (11) (by SECTION 5958), 218.05 (12) (a) (intro.), 218.05 (12) (a) 1., 218.05 (12) (a) 2., 218.05 (12) (a) 3., 218.05 (12) (b), 218.05 (12) (c), 218.05 (12) (d), 218.05 (12) (e), 218.05 (13), 218.05 (14) (a), 218.05 (14) (b) 1., 218.05 (14) (b) 2., 218.05 (14) (c) 1., 218.05 (14) (c) 2., 220.02 (title), 220.02 (2) (intro.), 220.02 (3), 220.02 (5), 220.035 (1) (a), 220.035 (1) (b), 220.035 (1) (c), 220.035 (1) (d), 220.035 (4), 220.037 (1), 220.037 (2), 220.04 (title), 220.04 (1) (a), 220.04 (1) (b), 220.04 (2), 220.04 (3), 220.04 (4), 220.04 (5), 220.04 (6) (a), 220.04 (6) (d), 220.04 (7) (b) (intro.), 220.04 (7) (b) 1., 220.04 (8), 220.04 (9) (a) 2., 220.04 (9) (b) (intro.), 220.04 (9) (b) 1., 220.04 (9) (b) 3., 220.04 (9) (d), 220.04 (9) (e) 1., 220.04 (9) (f) 1., 220.04 (9) (g) (intro.), 220.04 (10), 220.05 (title), 220.05 (1), 220.05 (2), 220.05 (5), 220.05 (6), 220.06 (1), 220.06 (1m), 220.06 (2), 220.06 (3) (a), 220.065, 220.07 (1), 220.07 (2), 220.075 (1), 220.075 (3), 220.075 (4), 220.08 (title), 220.08 (1), 220.08 (2), 220.08 (2a), 220.08 (3), 220.08 (3a), 220.08 (3b), 220.08 (4), 220.08 (5), 220.08 (6), 220.08 (7), 220.08 (8), 220.08 (9), 220.08 (10), 220.08 (11), 220.08 (12), 220.08 (13), 220.08 (14), 220.08 (15), 220.08 (16), 220.08 (17), 220.08 (18), 220.08 (19) (intro.), 220.08 (19) (b), 220.08 (19) (c), 220.08 (19) (d), 220.08 (20), 220.08 (20a), 220.081 (1), 220.081 (4), 220.086, 220.09, 220.10, 220.12, 220.13, 220.14 (intro.), 220.14 (1), 220.14 (7), 220.28, 220.285 (1), 221.01 (1), 221.01 (2) (e), 221.01 (3), 221.01 (4), 221.01 (5), 221.01 (6), 221.01 (10),

221.01 (11), 221.01 (12) (b), 221.01 (12) (c), 221.01 (12) (d) 1., 221.01 (12) (d) 2., 221.01 (13), 221.03 (1), 221.03 (2) (a) 2., 221.03 (3), 221.03 (4), 221.03 (5), 221.03 (6), 221.04 (1) (intro.), 221.04 (1) (jm) 1., 221.04 (1) (jm) 3., 221.04 (1) (jm) 4., 221.04 (1) (jm) 5., 221.04 (1) (jm) 6., 221.04 (1) (jm) 8., 221.04 (1) (jm) 9., 221.04 (1) (k) 1., 221.04 (1) (k) 3., 221.04 (1) (k) 4., 221.04 (1) (n) 1. (intro.), 221.04 (1) (n) 3m. (intro.), 221.04 (1) (n) 4., 221.04 (1) (p), 221.04 (1) (pm), 221.04 (3e) (a), 221.04 (3e) (b), 221.04 (4) (a), 221.04 (4) (b), 221.04 (4h), 221.04 (4m), 221.04 (5), 221.04 (6), 221.04 (6m), 221.04 (7), 221.041 (5), 221.045 (1), 221.046 (1), 221.046 (2), 221.047 (title), 221.047 (1), 221.047 (4), 221.05, 221.06 (intro.), 221.06 (1), 221.06 (2), 221.07, 221.08 (3), 221.08 (9), 221.09 (1) (intro.), 221.09 (5), 221.12, 221.14 (1), 221.14 (4s), 221.14 (5), 221.14 (6), 221.15 (1), 221.15 (3), 221.15 (4), 221.15 (6), 221.15 (7), 221.16, 221.18, 221.19, 221.205, 221.21, 221.22, 221.23, 221.24 (1), 221.245, 221.25 (1), 221.25 (3), 221.25 (4), 221.26, 221.27 (2), 221.27 (3) (g), 221.28, 221.29 (1) (f), 221.295 (1), 221.295 (2), 221.295 (3), 221.295 (4), 221.295 (6), 221.296 (1), 221.296 (2), 221.297 (1), 221.297 (2), 221.33 (1), 221.37 (1), 221.38 (1) (b), 221.38 (2), 221.41, 221.43, 221.47, 221.50, 221.51, 221.52, 221.53, 221.56 (1), 221.57, 221.58 (2) (b), 221.58 (4) (a), 221.58 (4) (b), 221.58 (4) (c), 221.58 (4) (d), 221.58 (4) (e), 221.58 (6) (intro.), 221.58 (6) (em), 221.58 (6) (g), 221.58 (8) (a), 221.58 (10), 223.02 (1), 223.02 (2), 223.025, 223.03 (10), 223.03 (14), 223.07 (1), 223.07 (3), 223.105 (2) (a), 223.105 (3) (a), 223.105 (4), 223.105 (5), 223.105 (6), 223.12 (1), 224.06 (1), 224.06 (3), 224.06 (4), 224.06 (5), 224.075, 227.52, 227.53 (1) (b) 2., 227.53 (1) (b) 3., 227.53 (1) (b) 4., 227.53 (1) (b) 5., 422.505 (1) (e), 426.103, 426.104 (2) (intro.), 426.203, 551.02 (3) (h), 551.02 (4), 551.02 (7) (f), 551.02 (12), 551.22 (1) (a), 551.22 (1) (b) (intro.), 551.22 (7), 551.22 (8), 551.22 (9), 551.22 (10), 551.22 (14), 551.22 (17), 551.23 (2), 551.23 (3) (c), 551.23 (3) (d), 551.23 (8) (f), 551.23 (8) (g), 551.23 (9), 551.23 (10), 551.23 (11) (b), 551.23 (12), 551.23 (15) (intro.), 551.23

(15) (a), 551.23 (18), 551.23 (19) (c) 2. a., 551.23 (19) (c) 2. b., 551.23 (19) (d), 551.23 (19) (f), 551.235 (intro.), 551.235 (6) (a) (intro.), 551.235 (6) (a) 5., 551.235 (6) (b), 551.24 (1), 551.24 (2), 551.24 (4) (intro.), 551.24 (6), 551.25 (2) (b), 551.25 (2) (c), 551.25 (2) (d), 551.25 (3) (a) 2., 551.25 (3) (a) 3., 551.25 (3) (b), 551.26 (2), 551.26 (3), 551.26 (4), 551.27 (1), 551.27 (4), 551.27 (5), 551.27 (7), 551.27 (8), 551.27 (9), 551.27 (10), 551.27 (11), 551.27 (12), 551.27 (14), 551.27 (15), 551.28 (1) (intro.), 551.28 (1) (c), 551.28 (1) (g), 551.28 (2), 551.28 (3), 551.28 (4), 551.28 (6), 551.28 (7), 551.31 (2) (b) 2., 551.31 (2) (c), 551.31 (2) (d), 551.31 (4), 551.31 (5), 551.31 (7) (b), 551.32 (1) (a), 551.32 (1) (b), 551.32 (1) (c) (intro.), 551.32 (1) (c) 2., 551.32 (1) (c) 4., 551.32 (1) (d), 551.32 (2), 551.32 (4), 551.32 (5), 551.32 (6), 551.32 (7), 551.33 (1), 551.33 (2), 551.33 (3), 551.33 (4), 551.33 (5), 551.33 (6), 551.34 (1) (intro.), 551.34 (1) (e), 551.34 (1) (f), 551.34 (1) (k), 551.34 (1) (m), 551.34 (2), 551.34 (3), 551.34 (4), 551.34 (5), 551.34 (6), 551.43, 551.44, 551.51 (1), 551.51 (2), 551.52 (1) (b) (intro.), 551.52 (3), 551.52 (4), 551.53 (1) (b), 551.53 (2), 551.54, 551.55, 551.56 (1) (intro.), 551.56 (1) (b), 551.56 (2), 551.56 (3) (a), 551.57, 551.58 (2), 551.59 (6) (a), 551.59 (6) (c), 551.60 (title), 551.60 (1), 551.60 (2) (a), 551.60 (2) (b), 551.60 (2) (c), 551.60 (3), 551.60 (4), 551.60 (5), 551.605 (1) (a) (intro.), 551.605 (1) (a) 1., 551.605 (1) (c), 551.605 (1) (d), 551.605 (2), 551.61 (1), 551.61 (2), 551.61 (3), 551.61 (5), 551.62 (1), 551.62 (2), 551.63 (1), 551.63 (2), 551.63 (3), 551.63 (4), 551.64 (1), 551.64 (2), 551.64 (3), 551.64 (4), 551.64 (5), 551.65 (1), 551.65 (2), 551.65 (3), 552.01 (1), 552.01 (2), 552.03 (1) (intro.), 552.03 (3), 552.03 (4), 552.03 (5), 552.03 (6), 552.05 (1), 552.05 (2) (intro.), 552.05 (3), 552.05 (4), 552.05 (5), 552.05 (6), 552.07 (1), 552.07 (2), 552.08, 552.09 (5), 552.11 (2), 552.11 (5), 552.11 (6), 552.13 (1), 552.13 (2), 552.13 (3), 552.13 (4), 552.15 (1), 552.15 (3), 552.17, 552.19 (2), 552.23 (1), 553.03 (3), 553.03 (5m) (a), 553.03 (5m) (d), 553.03 (9), 553.22 (1) (intro.), 553.22 (1) (c), 553.22 (1) (d), 553.22 (2), 553.22 (3) (intro.), 553.22 (3) (a),

553.22 (3) (d), 553.235 (2) (b), 553.24 (1), 553.24 (2), 553.24 (4) (intro.), 553.24 (6), 553.25, 553.26 (intro.), 553.26 (4), 553.26 (7) (intro.), 553.26 (18), 553.26 (20), 553.27 (2), 553.27 (3), 553.27 (4), 553.27 (6), 553.27 (7), 553.27 (8), 553.27 (9), 553.27 (10), 553.27 (11) (a), 553.27 (11) (b), 553.28 (1) (intro.), 553.28 (1) (a), 553.28 (1) (e), 553.28 (2), 553.28 (3), 553.29 (1) (a), 553.29 (1) (b), 553.29 (2), 553.29 (3), 553.30 (1), 553.30 (2), 553.31 (1), 553.31 (2), 553.41 (1), 553.41 (2), 553.41 (5), 553.51 (4), 553.53 (1), 553.53 (2), 553.54 (1), 553.54 (3), 553.54 (4), 553.55 (1), 553.55 (2), 553.55 (3) (a), 553.56 (1), 553.56 (2), 553.56 (3), 553.56 (5), 553.57, 553.58 (1), 553.58 (2), 553.58 (3), 553.58 (4), 553.58 (5), 553.60, 553.605 (1) (a) (intro.), 553.605 (1) (a) 1., 553.605 (1) (c), 553.605 (1) (d), 553.605 (2), 553.71 (1), 553.71 (2), 553.72 (intro.), 553.72 (2), 553.72 (3), 553.73, 553.74 (1), 553.74 (2), 553.75 (1), 553.75 (2), 553.75 (3), 553.75 (4), 553.75 (5), 553.78, 601.415 (9), 611.76 (11), 616.74 (1) (c), 701.107 (4), 701.108 (1) (b), 701.108 (1) (c), 701.108 (1) (d), 701.108 (1) (e), 701.108 (2) (intro.), 701.108 (2) (f) (intro.), 701.108 (2) (i), 701.108 (3) (b) 2., 701.108 (3m) (b), 766.565 (7) and 813.16 (7) of the statutes, the repeal and recreation of section 215.02 (title) of the statutes, the creation of sections 15.18, 15.183, 15.185 (title), 15.185 (7) (title), 20.144 (intro.), 20.144 (1) (title), 20.144 (1) (g), 20.923 (4) (f) 3f., 138.09 (1d), 214.01 (1) (im), 214.72 (1) (am), 217.02 (2m), 218.02 (1) (d), 218.05 (1) (d), 220.01 (1m), 230.08 (2) (e) 4f. and 701.107 (3m) of the statutes and SECTIONS 9106 (1), 9115 (1), 9149 (1), 9151 (1), 9206 (1), 9249 (1) and (2) and 9251 (1) and (2) of this act take effect on July 1, 1996.

(8f) TERMINATION OF CERTAIN NONSTATUTORY COUNCILS AND COMMITTEES. The repeal of section 15.04 (1) (cm) of the statutes takes effect on January 4, 1999.

(END)