



1997 ASSEMBLY BILL 606

November 13, 1997 - Introduced by COMMITTEE ON RULES. Referred to Calendar.

1 **AN ACT to repeal** 66.46 (6) (dm) 3. b. and 86.195 (2) (ag) 16m.; **to renumber and**
2 **amend** 48.685 (2) (b) 3. and 50.065 (2) (b) 3.; **to consolidate, renumber and**
3 **amend** 66.46 (6) (dm) 3. (intro.) and a.; **to amend** 20.285 (1) (rc), 20.923 (1),
4 29.50 (1) (e), 44.72 (4) (b), 44.72 (4) (d), 46.81 (2), 46.81 (5), 48.561 (3) (a), 48.57
5 (3p) (d), 48.685 (1) (a), 48.685 (2) (am) (intro.), 48.685 (2) (b) 1. (intro.), 48.685
6 (2) (bg), 48.685 (2) (c), 48.685 (3) (a), 48.685 (3) (b), 48.685 (6) (b), 48.685 (7) (a),
7 49.141 (1) (p), 49.141 (7) (c) (intro.), 49.22 (2m), 49.45 (18) (b) 6., 50.065 (1) (b),
8 50.065 (1) (c) (intro.), 50.065 (1) (c) 3., 50.065 (2) (a) (intro.), 50.065 (2) (am)
9 (intro.), 50.065 (2) (b) 1. (intro.), 50.065 (2) (bg), 50.065 (2) (c), 50.065 (3) (a),
10 50.065 (3) (b), 50.065 (5) (intro.), 50.065 (5m), 50.065 (6) (a), 50.065 (6) (b),
11 50.065 (7) (a), 59.53 (5), 66.46 (6) (c), 66.46 (7) (a), 70.375 (6), 71.06 (2s) (a), 71.07
12 (2dx) (a) 5., 71.28 (1dx) (a) 5., 71.47 (1dx) (a) 5., 71.64 (9) (b), 78.58 (3), 118.51
13 (4) (a) (intro.), 118.52 (4), 125.51 (3) (e) 3., 125.51 (4) (br) 1. b., c. and d., 146.40
14 (4r) (am), 166.215 (5), 180.1130 (10m), 196.202 (1), 196.218 (3) (a) 3., 287.23 (3)

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1 (a) 2., 287.23 (5) (c) 2., 287.23 (7), 299.80 (16), 348.27 (9m) (a) 3., 560.785 (1) (c)
2 1., 560.785 (1) (c) 2., 565.05 (1) (intro.), 565.05 (1) (a), 565.17 (5) (a), 632.746 (2)
3 (b), 973.09 (3) (bm) 3., 973.09 (3) (bm) 4., 980.06 (2) (c) and 980.08 (5); **to repeal**
4 **and recreate** 48.561 (3) (a), 49.155 (1m) (a) 1m., 77.53 (9m) and 77.54 (14) (f);
5 **to create** 20.566 (1) (b), 36.54 (2) (f), 48.685 (5) (f), 48.685 (7) (am), 50.065 (1)
6 (c) 6., 50.065 (2) (am) 5., 50.065 (2) (b) 1. e., 50.065 (5) (f), 50.065 (7) (am), 66.46
7 (6) (dp) and 196.218 (5) (a) 7. of the statutes; and **to affect** 1997 Wisconsin Act
8 27, section 9137 (9c) and 1997 Wisconsin Act 27, section 9143 (1m); **relating**
9 **to:** the application of the business combination and the control share voting
10 restriction provisions of the business corporation law; dry cleaning fees; the
11 regulation of providers of domestic public commercial mobile radio service;
12 nontarget population members; pregnancy as a preexisting condition; the date
13 by which certain school board resolutions pertaining to the open enrollment
14 programs must be adopted; loans made to school districts by the technology for
15 educational achievement in Wisconsin board; the method for calculating
16 contributions to the universal service fund; use of the universal service fund to
17 make grants to certain school districts for telecommunications access; financial
18 assistance for local recycling programs; funding for a boat landing located on
19 the Wisconsin River in the town of Buena Vista; grants awarded by the
20 environmental education board that are related to forestry; the transportation
21 and sale of fish; reports concerning the environmental cooperation pilot
22 program; funding for air and solid and hazardous waste programs; studies of
23 fish in the Great Lakes; restrictions on the placement of sexually violent
24 persons who are granted supervised release; provision of information necessary
25 for the administration of child support and economic support programs;

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1 copayments under the medical assistance program for specialized medical
2 vehicle services; eligibility for child care subsidies under the Wisconsin works
3 program; increased funding for the benefit specialist program for older
4 individuals; the amount that a county having a population of 500,000 or more
5 must contribute for the provision of child welfare services in that county by the
6 department of health and family services; the photographing of a person
7 applying for or receiving kinship care payments, of employes and prospective
8 employes of a person applying for or receiving kinship care payments and of
9 adult residents and prospective adult residents of the home of a person applying
10 for or receiving kinship care payments; criminal history and abuse record
11 searches of persons applying to the department of health and family services
12 for a license, certification or registration to operate certain entities that care for
13 children or adults and of employes, prospective employes, adult residents and
14 prospective adult residents of those entities; eliminating cross-references to
15 the Wisconsin works health plan; the indexing of the mining tax; computing the
16 aviation fuel tax; a sales tax and use tax exemption for samples of medicine and
17 registration for use tax purposes; tax increment sharing for tax incremental
18 financing districts in Oshkosh that contain polluted soil; changing conflict of
19 interest provisions and lottery participation restrictions that affect certain
20 employes of the department of revenue; the department of revenue's expenses
21 to administer the fee on vehicle rentals; the international fuel tax agreement;
22 directing the department of revenue to not adjust individual income tax
23 withholding tables and making a technical adjustment in the calculation of
24 income tax liability by individual nonresidents and part-year residents of this
25 state; weight limitations for vehicles and combinations of vehicles transporting

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1 bulk potatoes; specific information signs along STH 172; salary-setting
2 authority of certain state bodies; reserve "Class B" intoxicating liquor licenses;
3 the abolishment of the emergency response board; revocation of probation for
4 failure to pay supervision fees owed to the department of corrections; and
5 making an appropriation.

Analysis by the Legislative Reference Bureau**COMMERCE**

Wisconsin's business corporations law contains various provisions which generally protect Wisconsin corporations from hostile take-overs. Prior to the enactment of 1997 Wisconsin Act 27 (the budget act), these antitake-over provisions used 2 different terms to describe the corporations to which these provisions applied. Certain provisions applied to "resident domestic corporations"; others applied to "issuing public corporations". The budget act revised these antitake-over provisions to use the term "resident domestic corporation" throughout. However, the revised definition inadvertently excludes publicly traded corporations and includes private corporations, when the reverse was intended. This bill corrects this error and modifies the definition of "resident domestic corporation" to apply only if the corporation has a class of voting stock that is registered or traded on a national securities exchange or that is registered under federal securities law.

Under current law, dry cleaners are subject to an annual fee of 1.8% of their previous year's gross receipts. Under this bill, for the first year of the fee (1998) it is equal to the gross receipts from the effective date of the 1997-98 biennial budget act (October 14, 1997) to December 31, 1997.

Under current law, a cellular mobile radio telecommunications utility is not subject to the same regulation by the public service commission as certain other providers of telecommunications services. A "cellular mobile radio telecommunications utility" is defined as a person authorized by the federal communications commission (FCC) to provide domestic public commercial mobile cellular radio telecommunications service under federal law.

This bill changes the definition of "cellular mobile radio telecommunications utility" to mean a person authorized by the FCC to provide domestic public commercial mobile radio service under federal law.

The department of commerce administers the development zone program. Generally, after the department of commerce designates an area as a development zone, a person that conducts economic development activity in the area is certified

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by the department of commerce as eligible for certain tax credits. A person may claim up to \$6,500 in tax credits for creating or retaining a full-time job that is filled by an individual who is a member of the target population and up to \$4,000 in tax credits for creating or retaining a full-time job that is filled by an individual who is not a member of the target population. (Members of the target population are specifically described in the statutes and targeted for economic benefit under the program.) This bill specifies that the individuals who are not members of the target population must be Wisconsin residents.

Under current law, a group health benefit plan, which is a health benefit plan that is issued to an employer on behalf of a group that consists of at least 2 employees, may not impose a preexisting condition exclusion related to pregnancy as a preexisting condition. This bill qualifies that requirement by specifying that the preexisting condition exclusion related to pregnancy may not be imposed for the purpose of coverage of expenses related to prenatal and postnatal care, delivery and complications of pregnancy.

EDUCATION

Under the full-time and part-time open enrollment programs, currently each school board is required to adopt a resolution by December 1997 specifying various school board criteria and policies relating to the programs.

This bill changes the date by which the resolution must be adopted to February 1, 1998.

Under current law, the technology for educational achievement in Wisconsin board (the TEACH board) may make subsidized loans to school districts and to public library boards for the purpose of upgrading the electrical wiring of school and library buildings and for the purpose of installing and upgrading computer network wiring. These subsidized loans are funded with public debt contracted by the state. Under current law, the term of the state public debt used to fund the subsidized loans may not exceed 10 years. This bill removes this restriction on the term of the public debt used to fund the subsidized loans and instead provides that the term of the subsidized loans made to school districts and public library boards may not exceed 10 years.

Under current law, the public service commission (PSC) must promulgate rules establishing an educational telecommunications access program under which certain educational entities, including private schools, are provided access to data lines and video circuits. The educational entities are required to pay a certain portion of the cost of such access. The costs in excess of this portion are paid from the universal service fund, which is also used to fund certain other programs. Certain telecommunications providers and other persons are required to contribute to the universal service fund. The PSC must designate a method for calculating the required contributions that ensures that the contributions are sufficient to pay the cost of the educational telecommunications access program that is in excess of the portion that is paid by educational entities that are not private schools.

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Under this bill, the method for calculating the required contributions to the universal service fund must also ensure that the contributions are sufficient to pay the cost of the educational telecommunications access program that is in excess of the portion that is paid by private schools.

Under current law, the technology for educational achievement in Wisconsin board (board) awards grants from the universal service fund to certain school districts to pay a portion of the costs incurred under certain contracts for telecommunications access that the school districts entered into before October 14, 1997. The PSC is required to use the moneys in the universal service fund only for specified purposes which do not include the grants awarded by the board to the school districts. This bill specifies that the PSC may use the universal fund to make the grants awarded by the board to school districts.

ENVIRONMENT AND NATURAL RESOURCES

Under current law, this state awards grants to local governmental units for the operation of local recycling programs. The grants are funded through the year 2000.

This bill specifies that the eligibility requirements and the formula for determining the amount of the grant for the year 2000 are the same requirements and formula used for 1999. The bill also establishes the year 2000 as the sunset date of the grant program.

This bill corrects a reference to the location of a boat landing for which Richland County received funding under the recreational boating project program in the 1997 biennial budget act.

Current law authorizes the environmental education board to award grants to nonprofit corporations and public agencies to develop, disseminate and present environmental education programs. Moneys are appropriated from the conservation fund for such grants that are related to forestry.

This bill allows the environmental education board to use up to 5% of the amount appropriated from the conservation fund to administer the grants that are related to forestry.

Under current law, state fish hatcheries, the propagation, transportation and transplanting of fish by the department of natural resources (DNR), the removal of deleterious fish by DNR, the transportation of fish in or out of the state by other states or by the federal government and the transportation and sale of fish by any person are exempt from any law that protects wild animals. This bill limits this exemption for the transportation and sale of fish to those fish that are raised on fish farms.

This bill eliminates 2 references in the statutes to the environmental performance council, which was proposed to be created in the 1997 budget bill but was deleted from the budget bill in the legislative process.

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This bill also makes 2 minor adjustments in appropriations to DNR.

This bill provides funding to the department of natural resources to study fish in the Great Lakes.

SOCIAL SERVICES

Currently, a person who is found by a jury or a judge to be a sexually violent person must be committed to the custody of the department of health and family services (DHFS) for control, care and treatment. A sexually violent person is a person who has committed certain sexually violent offenses and who is dangerous because he or she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence. A person found to be a sexually violent person must be committed either to institutional care or for supervised release to the community. A person initially committed to institutional care is placed in a mental health facility by DHFS, but the person may later be given supervised release if it is no longer substantially probable that the person will engage in acts of sexual violence if he or she is not confined in a mental health unit or facility.

Generally, if a sexually violent person is given supervised release, the social services department of the person's county of residence must prepare a plan identifying the treatment and services the person will receive in the community. If the county of residence declines to prepare such a plan, DHFS must try to arrange for another county to prepare a plan for the person and accept the supervision and residence of the person.

However, if DHFS cannot get another county to prepare a plan, the court must designate a county to prepare a plan and place the person on supervised release in that county, except that the court may not designate the county where the facility in which the person was committed for institutional care is located unless that county is also the person's county of residence.

This bill provides that if a sexually violent person is being given supervised release and the court must designate a county to prepare a plan for and accept the supervision and residence of the person, the court may not designate any county where there is a facility in which persons are placed after being committed to institutional care for being a sexually violent predator, regardless of whether the person was actually placed in the facility of that county, unless that county is the person's county of residence.

Under current law, the department of workforce development may request from any person any information that it determines is appropriate and necessary for the administration of child and spousal support programs and certain economic support programs, such as aid to families with dependent children and medical assistance. The person is required to provide the information within 7 days of receiving the request. This bill adds the Wisconsin works program to the list of economic support programs covered by the provision.

Under current law, certain specified services under the medical assistance program are not subject to recipient cost sharing or "copayments", including

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specialized medical vehicle services (SMV services) . 1997 Wisconsin Act 27 reduced medical assistance benefits funding to reflect benefit savings from the creation of a copayment for SMV services, but did not amend the statutory prohibition on copayments for SMV services. This bill removes that statutory prohibition.

Under current law, an individual may receive a child care subsidy under the Wisconsin works program for child care needed to obtain a high school diploma or to participate in a course of study for a declaration of equivalency of high school graduation (GED), if the individual meets certain eligibility requirements. Among other things, the individual must be under 20 years of age and must reside in certain types of supervised living arrangements. These supervised living arrangements include residency with a custodial parent or a kinship care relative and residency in a foster home, a group home or an independent living arrangement supervised by an adult. This bill modifies these eligibility requirements so that the supervised living arrangement requirement applies only to persons under 18.

Currently, DHFS must allocate \$1,224,000 of general purpose revenues in each fiscal year to county aging units to provide benefit specialist services for persons who are aged at least 60. DHFS must also allocate \$132,500 in each fiscal year to area agencies on aging for training, supervision and legal back-up services for benefit specialists. Under 1997 Wisconsin Act 27 (the biennial budget act), although the appropriation amount for these purposes was increased, after partial veto, to provide \$2,348,400 in each fiscal year for elderly benefit specialist services, the statutes authorizing this program were not correspondingly changed.

This bill requires DHFS to allocate \$2,298,400 in general purpose revenues to counties in each fiscal year to provide elderly benefit specialist services. The bill also requires DHFS to allocate \$182,500 in general purpose revenues to area agencies on aging in each fiscal year for training, supervision and legal back-up services for benefit specialists.

Under current law, on January 1, 1998, DHFS takes over from the Milwaukee County department of social services the responsibility for providing child welfare services in Milwaukee County. Current law requires Milwaukee County to contribute \$31,280,700 in state fiscal year 1997-98 and \$62,561,400 in state fiscal year 1998-99 for the provision of those services. This bill adjusts those amounts to \$30,489,200 in state fiscal year 1997-98 and \$60,978,400 in state fiscal year 1998-99.

Under current law, a county department of human services or social services (county department) must conduct a criminal background investigation of all persons applying for kinship care payments (kinship care relatives), of all employes and prospective employes of a kinship care relative who have or would have regular contact with the child for whom the kinship care payments are being made and of all adult residents and prospective adult residents of the home of a kinship care relative. As part of the background investigation, the county department must require the

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person being investigated to be photographed and fingerprinted, if the person is, or within the last 5 years has been, a nonresident or if the county department determines that there is a reasonable basis for further investigation. This bill eliminates the requirement that a county department require a person meeting any of those criteria be photographed.

Under current law, DHFS may not license a person to operate certain facilities that provide care for children or adults (entities), for example, child caring institutions, group homes, foster homes, day care centers, community-based residential facilities and nursing homes, if DHFS knows or should know that the person has been convicted of, or has pending against him or her a charge for, a serious crime, as defined by DHFS by rule, that the person has been found to have abused or neglected a client or a child or to have misappropriated the property of a client or, if the person must be credentialed by the department of regulation and licensing (DORL), that the person's credential is not current or is limited so as to prevent the person from providing adequate care to a client, unless the person demonstrates that he or she has been rehabilitated. Similarly, under current law, an entity may not hire or contract with a person who will be under the entity's control and who is expected to have access to the entity's clients and may not permit to reside at the entity a person who is expected to have access to the entity's clients if the entity knows or should know that any of those conditions apply to that person, unless the person demonstrates that he or she has been rehabilitated. Current law requires DHFS to obtain, with respect to a person applying for a license to operate an entity, and an entity to obtain, with respect to a prospective employe, contractor or resident, a criminal history search, information contained in the client abuse registry maintained by DHFS, information maintained by DORL regarding the status of the person's credentials, if applicable, and information maintained by DHFS regarding any substantiated reports of child abuse or neglect against the person (criminal history search and abuse record law).

This bill makes all of the following changes relating to the criminal history and abuse record search law:

1. Extends the applicability of the law to prohibiting DHFS not only from *licensing*, but also from *certifying or registering* a person to operate an entity if the person is a person who may not be licensed under current law.

2. Limits the application of the law to children and adults who receive *direct care or treatment* services from an entity and to entities that are licensed or certified by, or registered with, but not otherwise *regulated* by, DHFS to provide *direct care or treatment* to clients. The bill also excludes public health dispensaries from coverage under the law.

3. Requires DHFS, in defining by rule "serious crime" for purposes of the law, to include in that definition not only crimes involving abuse or neglect of a client for which a person *may not* demonstrate that he or she has been rehabilitated, but also crimes involving misappropriation of the property of a client or abuse or neglect of a client for which a person *may* demonstrate that he or she has been rehabilitated. The bill also requires DHFS to establish a separate list of crimes or acts involving

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abuse or neglect of a client for which no person may demonstrate that he or she has been rehabilitated. Under current law, the list of offenses for which no person may demonstrate that he or she has been rehabilitated is limited to certain offenses listed in the statutes.

4. Requires an entity to report to DHFS, for inclusion in the client abuse registry, and to report to DORL, for purposes of credentialing a person, misappropriation only of *a client's* property, and not of *any* property, by a person employed by or under contract with the entity.

5. Transfers from the entity to DHFS the responsibility for investigating the background of a resident or prospective resident of the entity who is expected to have access to the entity's clients.

6. Includes among the information that DHFS must obtain in investigating the background of a person applying for a license, certification or registration to operate an entity for the care of adults and of a prospective resident of an entity and that an entity providing care for adults must obtain in investigating the background of a prospective employe or contractor, information regarding any previous denials of a license, certification or registration or of employment, a contract or permission to reside at an entity for a reason specified under current law. Under current law, DHFS must obtain that information with respect to a person applying for a license to operate an entity to provide care for children, but not for adults, and an entity that provides care for children, but not for adults, must obtain that information with respect to a prospective employe, contractor or resident.

7. Requires an entity, which under current law may obtain the information required under current law with respect to a person from another entity or from a temporary employment agency if the other entity or temporary employment agency has already obtained that information with respect to that person within the last 4 years, to obtain updated information with respect to that person if the entity has reasonable grounds to believe that the information obtained from the other entity or temporary employment agency is no longer accurate.

1997 Wisconsin Act 27 (the budget act) eliminated the Wisconsin works health plan. This bill eliminates cross-references to the Wisconsin works health plan that erroneously remained in the budget act.

This bill also transfers 2 full-time general program revenue positions in DHFS from the subunit of DHFS primarily concerned with general administration to the subunit of DHFS primarily concerned with health services planning, regulation and delivery.

TAXATION AND TAX ADMINISTRATION

This bill makes a technical change that indicates the indexing of certain elements of the mining tax has occurred since 1983.

This bill makes a technical correction to make the administration of the aviation fuel tax consistent.

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This bill responds to uncertainty about the validity of 2 vetoes to 1997 Wisconsin Act 27. The bill provides that any person who is not otherwise required to collect sales taxes or use taxes may register with the department of revenue and that medicines that may not be dispensed without a prescription and that are furnished without charge to a physician, nurse, nurse anesthetist, advanced practice nurse, osteopath, dentist, podiatrist or optometrist are exempt from the sales tax and the use tax.

Under the current tax incremental financing (TIF) program, a city or village may create a tax incremental district (TID) in part of its territory to foster development if at least 50% of the area to be included in the TID is blighted, in need of rehabilitation or suitable for industrial sites. Before a city or village may create a TID, several steps and plans are required. These steps and plans include public hearings on the proposed TID, preparation and adoption by the local planning commission of a proposed project plan for the TID, approval of the proposed project plan by the common council or village board and creation by the city or village of a joint review board to review the proposal. The joint review board, which is made up of representatives of the overlying taxing jurisdictions of the proposed TID, must approve the project plan or the TID may not be created. If an existing TID project plan is amended by a planning commission, these steps are also required.

Also under current law, once a TID has been created, the department of revenue (DOR) calculates the "tax increment base value" of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a "value increment" is created. That portion of taxes collected on the value increment in excess of the base value is called a "tax increment". The tax increment is placed in a special fund that may only be used to pay back the costs of the TID. The costs of a TID, which are initially incurred by the creating city or village, include public works such as sewers, streets and lighting systems; financing costs; site preparation costs; and professional service costs. DOR authorizes the allocation of the tax increments until the TID terminates or 23 years, or 27 years in certain cases, after the TID is created, whichever is sooner. TIDs are required to terminate, under current law and with one exception, once these costs are paid back, 16 years, or 20 years in certain cases, after the last expenditure identified in the project plan is made or when the creating city or village dissolves the TID, whichever occurs first. Current law also provides that in general, unless the project plan is amended, no expenditure of tax increments may be made later than 7 years, or 10 years in certain cases, after the TID is created. In no event, however, may the total number of years during which expenditures are made plus the total number of years during which tax increments are allocated exceed 27 years.

Also under current law, once a TID pays off the aggregate of all of its project costs under its project plan but not later than the date on which it would otherwise have to terminate, a planning commission may allocate positive tax increments generated by that TID (a donor TID) to another TID (a donee TID) created by that planning commission in which environmental pollution exists to the extent that

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development has not been able to proceed according to the project plan because of the environmental pollution. This increment sharing may only occur in TIDs created by the cities of Kenosha, Glendale and Oshkosh. The provision that allows such increment sharing does not apply after January 1, 2002, for Glendale and Oshkosh and does not apply after August 1, 2016, for Kenosha.

Under this bill the increment sharing provision, as it relates to the city of Oshkosh, does not apply after January 1, 2016. Also under this bill, a donor TID created by the city of Oshkosh is not required to pay off its project costs before contributing to the donee TID.

Under current law, no employe of DOR who performs any duty related to the state lottery or the executive assistant or the secretary or deputy secretary of revenue may do any of the following:

1. Have a direct or indirect interest in, or be employed by, any vendor while serving as a DOR employe performing any duty related to the state lottery or as the executive assistant or as secretary or deputy secretary of revenue or for 2 years following the person's termination of service.

2. Have a direct or indirect interest in or be employed by a business which has entered into a lottery retailer contract.

3. Accept or agree to accept money or any other thing of value from any vendor, retailer or person who has submitted a bid, proposal or application to be a lottery vendor or lottery retailer.

In addition, no DOR employe who performs any duty related to the state lottery or the executive assistant or the secretary or deputy secretary of revenue and no member of such a person's immediate family may purchase a lottery ticket or lottery share.

This bill narrows the application of these restrictions from applying to all DOR employes who perform any duty related to the state lottery to only employes in the lottery division of DOR.

This bill creates 4.5 FTE positions for, and makes an appropriation to, DOR for the administration of the rental vehicle fee.

Under the international fuel tax agreement (IFTA), to which this state is a party, every person who drives a larger motor truck into this state using motor fuel purchased outside this state pays the Wisconsin motor vehicle fuel tax and the oil inspection fee by purchasing in this state motor vehicle fuel in an amount that is equivalent to the gallonage consumed while driving the truck in this state, or by remitting the tax and fee directly to the department of transportation (DOT) or to another jurisdiction that is a party to IFTA. 1997 Wisconsin Act 27, the biennial state budget act, increased the motor vehicle fuel tax rate.

This bill requires DOT to recalculate the amount of motor vehicle fuel tax payable under IFTA for the 4th quarter of 1997 to reflect the midquarter increase to this state's motor vehicle fuel tax rate.

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The rate of taxation under current law, for taxable years beginning before January 1, 1998, for the lowest income tax bracket for single individuals, certain fiduciaries, heads of households and married persons is 4.9% of taxable income, the rate for the middle bracket is 6.55% and the rate for the highest bracket is 6.93%.

For taxable years beginning after December 31, 1997, current law lowers the rate of taxation for all brackets by 1.0%. Therefore, for taxable years beginning after December 31, 1997, the rate of taxation under current law for the lowest bracket for single individuals, certain fiduciaries, heads of households and married persons is 4.85% of taxable income, the rate for the middle bracket is 6.48% and the rate for the highest bracket is 6.87%.

For taxable years beginning after December 31, 1998, current law also indexes for inflation the maximum dollar amount in each tax bracket and the corresponding minimum dollar amount in the next bracket, and the dollar amounts of the standard deduction that may be claimed by individual income tax payers.

Current law also prohibits DOR from adjusting the withholding tables to reflect the changes in rates of taxation for any taxable year that begins before January 1, 2000. This bill prohibits DOR from adjusting the withholding tables to reflect the changes in dollar amounts because of tax bracket and standard deduction indexing for any taxable year that begins before January 1, 2000.

This bill also makes a technical change in the calculation of the income tax liability of nonresident and part-year resident individuals. Under current law, one of the 2 formulas used to calculate the tax liability of nonresident and part-year resident individuals applies to taxable years beginning after December 31, 1996, and ending before January 1, 1998. The other formula use to calculate their tax liability applies to taxable years beginning after December 31, 1997. This bill changes the applicability of the first formula such that it applies to taxable years beginning after December 31, 1996, and before January 1, 1998.

TRANSPORTATION

Under current law, DOT may issue annual and consecutive month permits for overweight vehicles and combinations of vehicles that are transporting bulk potatoes from storage facilities to food processing facilities. A permit does not authorize the operation of a vehicle or vehicle combination at a maximum gross weight of more than 90,000 pounds. A permit is valid on designated portions of USH 51 and I 39 that are part of the national system of interstate and defense highways.

This bill provides that any annual or consecutive month permit DOT issues for an overweight vehicle or vehicle combination that is transporting bulk potatoes from storage facilities to food processing facilities is not valid on any part of the national system of interstate and defense highways, except to the extent permitted by federal law without any loss or reduction of federal aid or other sanction.

Under current law, DOT may authorize the erection of specific information signs on designated highways. The signs indicate that certain businesses located near a highway are available to provide gas, food, lodging or camping to motorists. 1997 Wisconsin Act 27, the biennial budget act, designated STH 172 from I 43

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southeast of Green Bay to STH 54 west of Ashwaubenon as a highway on which DOT may authorize the erection of specific information signs.

This bill repeals the designation of STH 172 from I 43 southeast of Green Bay to STH 54 west of Ashwaubenon as a highway on which DOT may authorize the erection of specific information signs.

OTHER

This bill clarifies that the salary-setting authority of the University of Wisconsin board of regents is subject to general salary-setting provisions affecting all boards, commissions and elective and appointive state officials. The bill does not affect the authority of the University of Wisconsin board of regents to adjust salaries for incumbents of certain positions in an amount different from that provided in the compensation plan if the adjustment is for the purpose of correcting a salary inequity or recognizing competitive factors.

1997 Wisconsin Act 27 created a reserve "Class B" license, which authorizes the sale of intoxicating liquor to be consumed on the premises where sold, and established a quota on the number of these licenses which a municipality may issue.

This bill corrects cross-references relating to a municipal clerk's duty to record certain information required for determining the municipality's quota of reserve "Class B" licenses.

The bill also clarifies that a fee that is payable only upon the initial issuance of a "Class B" license is not an "annual" fee.

The budget bill, 1997 Wisconsin Act 27, abolishes the state emergency response board effective July 1, 1998, and gives that board's former responsibilities to the division of emergency management in the department of military affairs. Under current law, the state emergency response board is required to notify the joint committee on finance before entering into any agreements with regional emergency response teams related to emergency responses to level A releases, those releases that require the highest level of protection for the responders. This bill transfers that requirement to the division of emergency management in the department of military affairs.

Under current law, the department of corrections (DOC) assesses supervision fees to persons who are on probation. If a person on probation fails to pay supervision fees assessed by DOC, the court that placed the person on probation may, after a hearing, extend a probationer's period of probation, modify the terms and conditions of probation or revoke the person's probation. In addition, if the court does not extend the period of probation, a court's finding that the person owes supervision fees can be entered as a civil judgment against the person, which DOC can use to collect the unpaid fees. Finally, DOC may seek revocation of a person's probation using the administrative revocation process if the person fails to pay supervision fees.

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This bill eliminates the courts' authority to revoke a person's probation for failing to pay supervision fees. The bill does not affect the authority of DOC to seek revocation of probation using the administrative revocation process.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

3				1997-98	1998-99
4	20.566	Revenue, department of			
5	(1)	COLLECTION OF TAXES			
6	(b)	Administration of rental vehicle			
7	fee		GPR A	229,603	386,951

8 **SECTION 2.** 20.285 (1) (rc) of the statutes, as created by 1997 Wisconsin Act 27,
9 is amended to read:

10 20.285 (1) (rc) Environmental education; forestry. From the conservation fund,
11 the amounts in the schedule for environmental education grants related to forestry
12 under s. 36.54 (2) and to administer such grants.

13 **SECTION 3.** 20.566 (1) (b) of the statutes is created to read:

14 20.566 (1) (b) *Administration of rental vehicle fee.* The amounts in the schedule
15 for the administration of the rental vehicle fee under subch. XI of ch. 77.

16 **SECTION 4.** 20.923 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is
17 amended to read:

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1 20.923 (1) ESTABLISHMENT OF EXECUTIVE SALARY GROUPS. To this end, a
2 compensation plan consisting of 10 executive salary groups is established in
3 schedule one of the state compensation plan for the classified service from ranges 18
4 through 27. No salary range established above salary range 23 may be utilized in the
5 establishment and compensation of positions in the classified service without
6 specific approval of the joint committee on employment relations. The dollar value
7 of the salary range minimum and maximum for each executive salary group shall be
8 reviewed and established in the same manner as that provided for positions in the
9 classified service under s. 230.12 (3). The salary-setting authority of individual
10 boards, commissions, elective and appointive officials elsewhere provided by law is
11 subject to and limited by this section, and the salary rate for these positions upon
12 appointment and subsequent thereto shall be set by the appointing authority
13 pursuant to this section, ~~except as provided in s. 36.09 (1) (j) and~~ as otherwise
14 required by article IV, section 26, of the constitution.

15 **SECTION 5.** 29.50 (1) (e) of the statutes, as affected by 1997 Wisconsin Act 27,
16 is amended to read:

17 29.50 (1) (e) The transportation and sale of farm-raised fish.

18 **SECTION 6.** 36.54 (2) (f) of the statutes is created to read:

19 36.54 (2) (f) The environmental education board may use up to 5% of the
20 amount appropriated under s. 20.285 (1) (rc) to administer the grants under this
21 subsection that are related to forestry.

22 **SECTION 7.** 44.72 (4) (b) of the statutes, as created by 1997 Wisconsin Act 27,
23 is amended to read:

24 44.72 (4) (b) *Subsidized loan applications, terms and conditions.* The board
25 shall establish application procedures for, and the terms and conditions of,

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1 subsidized loans under this subsection. The terms may include provision of
2 professional building construction services under s. 16.85 (15). The board shall
3 determine the interest rate on these loans. The interest rate shall be as low as
4 possible but shall be sufficient to fully pay all interest expenses incurred by the state
5 and to provide reserves that are reasonably expected to be required in the judgment
6 of the board to ensure against losses arising from delinquency and default in the
7 repayment of subsidized loans. The term of a subsidized loan under this subsection
8 may not exceed 10 years.

9 **SECTION 8.** 44.72 (4) (d) of the statutes, as created by 1997 Wisconsin Act 27,
10 is amended to read:

11 44.72 (4) (d) *Funding for subsidized loans.* The board, with the approval of the
12 governor and subject to the limits of s. 20.866 (2) (zc) and (zcm), may request that the
13 building commission contract public debt in accordance with ch. 18 to fund loans
14 under this subsection. ~~The term of public debt contracted under s. 20.866 (2) (zc) and~~
15 ~~(zcm) may not exceed 10 years.~~

16 **SECTION 9.** 46.81 (2) of the statutes is amended to read:

17 46.81 (2) From the appropriation under s. 20.435 (7) (dj), the department shall
18 allocate ~~\$1,224,000~~ \$2,298,400 in each fiscal year to aging units to provide benefit
19 specialist services for older individuals. The department shall ensure that each
20 aging unit receives funds and shall take into account the proportion of the state's
21 population of low-income older individuals who reside in a county.

22 **SECTION 10.** 46.81 (5) of the statutes is amended to read:

23 46.81 (5) From the appropriation under s. 20.435 (7) (dj) the department shall
24 allocate ~~\$132,500~~ \$182,500 in each fiscal year to area agencies on aging. Each area

ASSEMBLY BILL 606**SECTION 10**

1 agency on aging shall use the funds for training, supervision and legal back-up
2 services for benefit specialists within its area.

3 **SECTION 11.** 48.561 (3) (a) of the statutes, as created by 1997 Wisconsin Act 27,
4 is amended to read:

5 48.561 (3) (a) A county having a population of 500,000 or more shall contribute
6 ~~\$31,280,700~~ \$30,489,200 in state fiscal year 1997 -- 98 for the provision of child
7 welfare services in that county by the department.

8 **SECTION 12.** 48.561 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
9 section 1600d, and 1997 Wisconsin Act ... (this act), is repealed and recreated to read:

10 48.561 (3) (a) A county having a population of 500,000 or more shall contribute
11 \$60,978,400 in each state fiscal year for the provision of child welfare services in that
12 county by the department.

13 **SECTION 13.** 48.57 (3p) (d) of the statutes, as affected by 1997 Wisconsin Act
14 27, is amended to read:

15 48.57 (3p) (d) If the person being investigated under par. (b) or (c) is a
16 nonresident, or at any time within the 5 years preceding the date of the application
17 has been a nonresident, or if the county department or, in a county having a
18 population of 500,000 or more, the department of health and family services
19 determines that the person's employment, licensing or state court records provide a
20 reasonable basis for further investigation, the county department or department of
21 health and family services shall require the person to be ~~photographed and~~
22 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
23 fingerprints. The department of justice may provide for the submission of the
24 fingerprint cards to the federal bureau of investigation for the purposes of verifying

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1 the identity of the person fingerprinted and obtaining records of his or her criminal
2 arrest and conviction.

3 **SECTION 14.** 48.685 (1) (a) of the statutes, as created by 1997 Wisconsin Act 27,
4 is amended to read:

5 48.685 (1) (a) "Client" means a child who receives direct care or treatment
6 services from an entity.

7 **SECTION 15.** 48.685 (2) (am) (intro.) of the statutes, as created by 1997
8 Wisconsin Act 27, is amended to read:

9 48.685 (2) (am) (intro.) Subject to subd. 5. and par. (bd), the department, a
10 county department or a school board shall obtain all of the following with respect to
11 a person specified under par. (a) (intro.) and a person specified under par. (ag) (intro.)
12 who is a resident or prospective resident of an entity:

13 **SECTION 16.** 48.685 (2) (b) 1. (intro.) of the statutes, as created by 1997
14 Wisconsin Act 27, is amended to read:

15 48.685 (2) (b) 1. (intro.) Subject to subds. 1. e., and 2. and 3. par. (bd), every
16 entity shall obtain all of the following with respect to a person specified under par.
17 (ag) (intro.) who is an employe, prospective employe, contractor or prospective
18 contractor of the entity:

19 **SECTION 17.** 48.685 (2) (b) 3. of the statutes, as created by 1997 Wisconsin Act
20 27, is renumbered 48.685 (2) (bd) and amended to read:

21 48.685 (2) (bd) ~~Subdivision 1. does Paragraphs (am) and (b) 1. do not apply with~~
22 respect to a person under 18 years of age whose background information form under
23 sub. (6) (am) indicates that the person is not ineligible to be employed, contracted
24 with or permitted to reside at the entity for a reason specified in par. (ag) 1. to 5. and
25 with respect to whom the entity otherwise has no reason to believe that the person

ASSEMBLY BILL 606**SECTION 17**

1 is ineligible to be employed, contracted with or permitted to reside at the entity for
2 any of those reasons.

3 **SECTION 18.** 48.685 (2) (bg) of the statutes, as created by 1997 Wisconsin Act
4 27, is amended to read:

5 48.685 (2) (bg) If an entity takes an action specified in par. (ag) (intro.) with
6 respect to ~~a person~~ an employe, prospective employe, contractor or prospective
7 contractor for whom, within the last 4 years, the information required under par. (b)
8 1. a. to c. and e. has already been obtained, either by another entity or by a temporary
9 employment agency, the entity may obtain the information required under par. (b)
10 1. a. to c. and e. from that other entity or temporary employment agency, which shall
11 provide the information, if possible, to the entity. If an entity cannot obtain the
12 information required under par. (b) 1. a. to c. and e. from another entity or from a
13 temporary employment agency or if an entity has reasonable grounds to believe that
14 any information obtained from another entity or from a temporary employment
15 agency is no longer accurate, the entity shall obtain that information from the
16 sources specified in par. (b) 1. a. to c. and e.

17 **SECTION 19.** 48.685 (2) (c) of the statutes, as created by 1997 Wisconsin Act 27,
18 is amended to read:

19 48.685 (2) (c) If the background information form completed by a person under
20 sub. (6) (am) indicates that the person is not ineligible to be employed, contracted
21 with or permitted to reside at an entity for a reason specified in par. (ag) 1. to 5., an
22 entity may employ or contract with the person or permit the person to reside at the
23 entity for not more than 60 days pending the receipt of the information sought under
24 par. (am) or (b) 1. An entity shall provide supervision for a person who is employed,
25 contracted with or permitted to reside as permitted under this paragraph.

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1 **SECTION 20.** 48.685 (3) (a) of the statutes, as created by 1997 Wisconsin Act 27,
2 is amended to read:

3 48.685 **(3)** (a) Every 4 years or at any time within that period that the
4 department, a county department or a school board considers appropriate, the
5 department, county department or school board shall request the information
6 specified in sub. (2) (am) 1. to 5. for all persons who are licensed, certified or
7 contracted to operate an entity and for all persons specified in par. (ag) (intro.) who
8 are residents of an entity.

9 **SECTION 21.** 48.685 (3) (b) of the statutes, as created by 1997 Wisconsin Act 27,
10 is amended to read:

11 48.685 **(3)** (b) Every 4 years or at any time within that period that an entity
12 considers appropriate, the entity shall request the information specified in sub. (2)
13 (b) 1. a. to e. for all persons specified in sub. (2) (ag) (intro.) who are employes or
14 contractors of the entity.

15 **SECTION 22.** 48.685 (5) (f) of the statutes is created to read:

16 48.685 **(5)** (f) An offense that is included in the list established by the
17 department by rule promulgated under sub. (7) (am).

18 **SECTION 23.** 48.685 (6) (b) of the statutes, as created by 1997 Wisconsin Act 27,
19 is amended to read:

20 48.685 **(6)** (b) For persons specified under par. (a) who are ~~regulated, licensed~~
21 ~~or certified by, or registered with, by~~ the department, for persons specified in par.
22 (am) 2. who are residents or prospective residents of an entity licensed by the
23 department, and for other persons specified by the department by rule, the entity
24 shall send the background information form to the department. ~~For all other persons~~
25 ~~specified in par. (a) and for~~ For persons specified under par. (a) who are certified by

ASSEMBLY BILL 606**SECTION 23**

1 a county department, for persons specified in par. (am) 2. who are residents or
2 prospective residents of an entity certified by a county department and for other
3 persons specified by the department by rule, the entity shall send the background
4 information form to the county department. For persons specified under par. (a) who
5 are contracted with by a school board, for persons specified in par. (am) 2. who are
6 residents or prospective residents of an entity contracted with by a school board and
7 for other persons specified by the department by rule, the entity shall send the
8 background information form to the school board. For persons specified under par.
9 (am) 1., the entity shall maintain the background information form on file for
10 inspection by the department.

11 **SECTION 24.** 48.685 (7) (a) of the statutes, as created by 1997 Wisconsin Act 27,
12 is amended to read:

13 48.685 (7) (a) Establish by rule a definition of "serious crime" for the purpose
14 of this section. The definition shall include only crimes or acts that are substantially
15 related to the care of a client, shall include those crimes or acts that are included in
16 the list established under par. (am), shall include the offenses specified in sub. (5) (a)
17 to (e) and shall include classes of crimes or acts involving misappropriation of the
18 property of a client or abuse or neglect of a client for which ~~no~~ a person who has
19 committed any of those crimes or acts may be permitted to demonstrate under sub.
20 (5) that he or she has been rehabilitated. ~~The definition may also include other~~
21 ~~crimes or acts that do not involve abuse or neglect of a client but that are~~
22 ~~substantially related to the care of a client for which no person who committed any~~
23 ~~of those crimes or acts may be permitted to demonstrate under sub. (5) that he or she~~
24 ~~has been rehabilitated.~~

25 **SECTION 25.** 48.685 (7) (am) of the statutes is created to read:

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1 48.685 (7) (am) Establish by rule a list of crimes or acts, in addition to those
2 offenses specified in sub. (5) (a) to (e), involving the abuse or neglect of a client for
3 which no person who has committed any of those crimes or acts may be permitted to
4 demonstrate under sub. (5) that he or she has been rehabilitated. The list may also
5 include other crimes or acts, in addition to those offenses specified in sub. (5) (a) to
6 (e), that do not involve the abuse or neglect of a client, but that are substantially
7 related to the care of a client, for which no person who has committed any of those
8 crimes or acts may be permitted to demonstrate under sub. (5) that he or she has been
9 rehabilitated.

10 **SECTION 26.** 49.141 (1) (p) of the statutes, as affected by 1997 Wisconsin Act 27,
11 is amended to read:

12 49.141 (1) (p) "Wisconsin works" means the assistance program for families
13 with dependent children, administered under ss. 49.141 to 49.161, ~~except that~~
14 ~~"Wisconsin works" does not include the Wisconsin works health plan under s. 49.153,~~
15 ~~unless a waiver under s. 49.153 (1m) is granted and in effect or federal legislation~~
16 ~~that permits the application of s. 49.153 is enacted.~~

17 **SECTION 27.** 49.141 (7) (c) (intro.) of the statutes, as created by 1997 Wisconsin
18 Act 27, is amended to read:

19 49.141 (7) (c) Except as provided in par. (d), in addition to the penalties
20 applicable under par. (a) or (b), a person shall be suspended from participating in
21 Wisconsin works, ~~except s. 49.153~~, for a period of 10 years, beginning on the date of
22 conviction, if the person is convicted in a federal or state court for any of the following:

23 **SECTION 28.** 49.155 (1m) (a) 1m. of the statutes, as created by 1997 Wisconsin
24 Act 27, is repealed and recreated to read:

ASSEMBLY BILL 606**SECTION 28**

1 49.155 **(1m)** (a) 1m. Obtain a high school diploma or participate in a course of
2 study meeting the standards established by the state superintendent of public
3 instruction for the granting of a declaration of equivalency of high school graduation,
4 if the individual is not subject to the school attendance requirement under s. 49.26
5 (1) (ge) and at least one of the following conditions is met:

6 a. The individual is 18 or 19 years of age.

7 b. The individual has not yet attained the age of 18 years and the individual
8 resides with his or her custodial parent or with a kinship care relative under s. 48.57
9 (3m) or is in a foster home or treatment foster home licensed under s. 48.62, a group
10 home or an independent living arrangement supervised by an adult.

11 **SECTION 29.** 49.22 (2m) of the statutes, as affected by 1997 Wisconsin Act 27,
12 is amended to read:

13 49.22 **(2m)** The department may request from any person any information it
14 determines appropriate and necessary for the administration of this section, ss.
15 49.141 to 49.161, 49.19, 49.46, 49.468 and 49.47 and programs carrying out the
16 purposes of 7 USC 2011 to 2029. Any person in this state shall provide this
17 information within 7 days after receiving a request under this subsection. Except
18 as provided in sub. (2p) and subject to sub. (12), the department or the county child
19 support agency under s. 59.53 (5) may disclose information obtained under this
20 subsection only in the administration of this section, ss. 49.141 to 49.161, 49.19,
21 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011 to 2029.

22 **SECTION 30.** 49.45 (18) (b) 6. of the statutes is amended to read:

23 49.45 **(18)** (b) 6. Transportation by common carrier or private motor vehicle, if
24 authorized in advance by a county department under s. 46.215 or 46.22, ~~or by~~
25 ~~specialized medical vehicle.~~

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1 **SECTION 31.** 50.065 (1) (b) of the statutes, as created by 1997 Wisconsin Act 27,
2 is amended to read:

3 50.065 (1) (b) “Client” means a person who receives direct care or treatment
4 services from an entity.

5 **SECTION 32.** 50.065 (1) (c) (intro.) of the statutes, as created by 1997 Wisconsin
6 Act 27, is amended to read:

7 50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is
8 regulated, licensed or certified by or registered with the department to provide direct
9 care or treatment services to clients. “Entity” includes a personal care worker agency
10 and a supportive home care service agency. “Entity” does not include any of the
11 following:

12 **SECTION 33.** 50.065 (1) (c) 3. of the statutes, as created by 1997 Wisconsin Act
13 27, is amended to read:

14 50.065 (1) (c) 3. A person certified as a medical assistance provider, as defined
15 in s. 49.43 (10), who is not otherwise regulated, licensed or certified by or registered
16 with the department.

17 **SECTION 34.** 50.065 (1) (c) 6. of the statutes is created to read:

18 50.065 (1) (c) 6. A public health dispensary established under s. 252.10.

19 **SECTION 35.** 50.065 (2) (a) (intro.) of the statutes, as created by 1997 Wisconsin
20 Act 27, is amended to read:

21 50.065 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
22 sub. (5), the department may not license, certify or register a person to operate an
23 entity or continue the license, certification or registration of a person to operate an
24 entity if the department knows or should have known any of the following:

ASSEMBLY BILL 606**SECTION 36**

1 **SECTION 36.** 50.065 (2) (am) (intro.) of the statutes, as created by 1997
2 Wisconsin Act 27, is amended to read:

3 50.065 (2) (am) (intro.) The Subject to par. (bd), the department shall obtain
4 all of the following with respect to a person specified under par. (a) (intro.) and a
5 person specified under par. (ag) (intro.) who is a resident or prospective resident of
6 an entity:

7 **SECTION 37.** 50.065 (2) (am) 5. of the statutes is created to read:

8 50.065 (2) (am) 5. Information maintained by the department under this
9 section regarding any denial to the person of a license, certification or registration
10 or of a continuation of a license, certification or registration to operate an entity for
11 a reason specified in par. (a) 1. to 5. and regarding any denial to the person of
12 employment at, a contract with or permission to reside at an entity for a reason
13 specified in par. (ag) 1. to 5. If the information obtained under this subdivision
14 indicates that the person has been denied a license, certification or registration,
15 continuation of a license, certification or registration, a contract, employment or
16 permission to reside as described in this subdivision, the department, a county
17 department or a school board need not obtain the information specified in subds. 1.
18 to 4.

19 **SECTION 38.** 50.065 (2) (b) 1. (intro.) of the statutes, as created by 1997
20 Wisconsin Act 27, is amended to read:

21 50.065 (2) (b) 1. (intro.) Subject to subds. subd. 2. and 3. par. (bd), every entity
22 shall obtain all of the following with respect to a person specified under par. (ag)
23 (intro.) who is an employe or contractor or a prospective employe or contractor of the
24 entity:

25 **SECTION 39.** 50.065 (2) (b) 1. e. of the statutes is created to read:

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1 50.065 (2) (b) 1. e. Information maintained by the department under this
2 section regarding any denial to the person of a license, certification or registration
3 or of a continuation of a license, certification or registration to operate an entity for
4 a reason specified in par. (a) 1. to 5. and regarding any denial to the person of
5 employment at, a contract with or permission to reside at an entity for a reason
6 specified in par. (ag) 1. to 5. If the information obtained under this subd. 1. e.
7 indicates that the person has been denied a license, certification or registration,
8 continuation of a license, certification or registration, a contract, employment or
9 permission to reside as described in this subd. 1. e., the entity need not obtain the
10 information specified in subd. 1. a. to d.

11 **SECTION 40.** 50.065 (2) (b) 3. of the statutes, as created by 1997 Wisconsin Act
12 27, is renumbered 50.065 (2) (bd) and amended to read:

13 50.065 (2) (bd) ~~Subdivision 1. does~~ Paragraphs (am) and (b) 1. do not apply with
14 respect to a person under 18 years of age whose background information form under
15 sub. (6) (am) indicates that the person is not ineligible to be employed, contracted
16 with or permitted to reside at the entity for a reason specified in par. (ag) 1. to 5. and
17 with respect to whom the entity otherwise has no reason to believe that the person
18 is ineligible to be employed, contracted with or permitted to reside at the entity for
19 any of those reasons.

20 **SECTION 41.** 50.065 (2) (bg) of the statutes, as created by 1997 Wisconsin Act
21 27, is amended to read:

22 50.065 (2) (bg) If an entity takes an action specified in par. (ag) (intro.) with
23 respect to a person an employe, prospective employe, contractor or prospective
24 contractor for whom, within the last 4 years, the information required under par. (b)
25 1. a. to c. and e. has already been obtained, either by another entity or by a temporary

ASSEMBLY BILL 606**SECTION 41**

1 employment agency, the entity may obtain the information required under par. (b)
2 1. a. to c. and e. from that other entity or temporary employment agency, which shall
3 provide the information, if possible, to the entity. If an entity cannot obtain the
4 information required under par. (b) 1. a. to c. and e. from another entity or from a
5 temporary employment agency or if an entity has reasonable grounds to believe that
6 any information obtained from another entity or from a temporary employment
7 agency is no longer accurate, the entity shall obtain that information from the
8 sources specified in par. (b) 1. a. to c and e.

9 **SECTION 42.** 50.065 (2) (c) of the statutes, as created by 1997 Wisconsin Act 27,
10 is amended to read:

11 50.065 (2) (c) If the background information form completed by a person under
12 sub. (6) (am) indicates that the person is not ineligible to be employed, contracted
13 with or permitted to reside at an entity for a reason specified in par. (ag) 1. to 5., an
14 entity may employ or contract with the person or permit the person to reside at the
15 entity for not more than 60 days pending the receipt of the information sought under
16 par. (am) or (b) 1. An entity shall provide supervision for a person who is employed
17 or contracted with or permitted to reside as permitted under this paragraph.

18 **SECTION 43.** 50.065 (3) (a) of the statutes, as created by 1997 Wisconsin Act 27,
19 is amended to read:

20 50.065 (3) (a) Every 4 years or at any time within that period that the
21 department considers appropriate, the department shall request the information
22 specified in sub. (2) (am) 1. to 4. for all persons who are licensed to operate an entity
23 and for all persons specified in par. (ag) (intro.) who are residents of an entity.

24 **SECTION 44.** 50.065 (3) (b) of the statutes, as created by 1997 Wisconsin Act 27,
25 is amended to read:

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1 50.065 (3) (b) Every 4 years or at any other time within that period that an
2 entity considers appropriate, the entity shall request the information specified in
3 sub. (2) (b) 1. a. to d. for all persons specified in sub. (2) (ag) (intro.) who are employes
4 or contractors of the entity.

5 **SECTION 45.** 50.065 (5) (intro.) of the statutes, as created by 1997 Wisconsin Act
6 27, is amended to read:

7 50.065 (5) (intro.) The department may license, certify or register to operate
8 an entity a person who otherwise may not be licensed certified or registered for a
9 reason specified in sub. (2) (a) 1. to 5., and an entity may employ, contract with or
10 permit to reside at the entity a person who otherwise may not be employed,
11 contracted with or permitted to reside at the entity for a reason specified in sub. (2)
12 (ag) 1. to 5., if the person demonstrates to the department by clear and convincing
13 evidence and in accordance with procedures established by the department by rule
14 that he or she has been rehabilitated. No person who has been convicted of any of
15 the following offenses may be permitted to demonstrate that he or she has been
16 rehabilitated:

17 **SECTION 46.** 50.065 (5) (f) of the statutes is created to read:

18 50.065 (5) (f) An offense that is included in the list established by the
19 department by rule promulgated under sub. (7) (am).

20 **SECTION 47.** 50.065 (5m) of the statutes, as created by 1997 Wisconsin Act 27,
21 is amended to read:

22 50.065 (5m) Notwithstanding s. 111.335, the department may refuse to license,
23 certify or register a person to operate an entity, and an entity may refuse to employ,
24 contract with or permit to reside at the entity a person specified in sub. (2) (ag)
25 (intro.), if the person has been convicted of an offense that the department has not

ASSEMBLY BILL 606**SECTION 47**

1 defined as a “serious crime” by rule promulgated under sub. (7) (a), or specified in the
2 list established by rule under sub. (7) (b), but that is, in the estimation of the
3 department or entity, substantially related to the care of a client.

4 **SECTION 48.** 50.065 (6) (a) of the statutes, as created by 1997 Wisconsin Act 27,
5 is amended to read:

6 50.065 (6) (a) The department shall require any person who applies for
7 issuance or continuation of a license, certification or registration to operate an entity
8 to complete a background information form that is provided by the department.

9 **SECTION 49.** 50.065 (6) (b) of the statutes, as created by 1997 Wisconsin Act 27,
10 is amended to read:

11 50.065 (6) (b) For persons specified under par. (a) who are ~~regulated~~, licensed
12 or certified by, or registered with, the department, for person specified in par. (am)
13 2., and for other persons specified by the department by rule, the entity shall send
14 the background information form to the department. ~~For all other persons specified~~
15 ~~in par. (a) and for persons specified under par. (am) 1.,~~ the entity shall maintain the
16 background information form on file for inspection by the department.

17 **SECTION 50.** 50.065 (7) (a) of the statutes, as created by 1997 Wisconsin Act 27,
18 is amended to read:

19 50.065 (7) (a) Establish by rule a definition of “serious crime” for the purpose
20 of this section. The definition shall include only crimes or acts that are substantially
21 related to the care of a client, shall include those crimes or acts that are included in
22 the list established under par. (am), shall include the offenses specified in sub. (5) (a)
23 to (e) and shall include classes of crimes or acts involving abuse or neglect of a client
24 for which ~~no~~ a person who has committed any of those crimes or acts may be
25 permitted to demonstrate under sub. (5) that he or she has been rehabilitated. ~~The~~

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1 ~~definition may also include other crimes or acts that do not involve abuse or neglect~~
2 ~~of a client but that are substantially related to the care of a client for which no person~~
3 ~~who committed any of those crimes or acts may be permitted to demonstrate under~~
4 ~~sub. (5) that he or she has been rehabilitated.~~

5 **SECTION 51.** 50.065 (7) (am) of the statutes is created to read:

6 50.065 (7) (am) Establish by rule a list of crimes or acts, in addition to those
7 offenses specified in sub. (5) (a) to (e), involving the abuse or neglect of a client for
8 which no person who has committed any of those crimes or acts may be permitted to
9 demonstrate under sub. (5) that he or she has been rehabilitated. The list may also
10 include other crimes or acts, in addition to those offenses specified in sub. (5) (a) to
11 (e), that do not involve the abuse or neglect of a client, but that are substantially
12 related to the care of a client, for which no person who has committed any of those
13 crimes or acts may be permitted to demonstrate under sub. (5) what he or she has
14 been rehabilitated.

15 **SECTION 52.** 59.53 (5) of the statutes, as affected by 1997 Wisconsin Act 3 and
16 1997 Wisconsin Act 27, section 2165, is amended to read:

17 59.53 (5) CHILD AND SPOUSAL SUPPORT; PATERNITY PROGRAM; MEDICAL SUPPORT
18 LIABILITY PROGRAM. The board shall contract with the department of workforce
19 development to implement and administer the child and spousal support and
20 establishment of paternity and the medical support liability programs provided for
21 by Title IV of the federal social security act. The board may designate by board
22 resolution any office, officer, board, department or agency, except the clerk of circuit
23 court, as the county child support agency. The board or county child support agency
24 shall implement and administer the programs in accordance with the contract with
25 the department of workforce development. The attorneys responsible for support

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1 enforcement under sub. (6) (a), family court commissioner and all other county
2 officials shall cooperate with the county and the department of workforce
3 development as necessary to provide the services required under the programs. The
4 county shall charge the fee established by the department of workforce development
5 under s. 49.22 for services provided under this subsection to persons not receiving
6 benefits under s. 49.148, ~~49.153~~ or 49.155 or assistance under s. 46.261, 49.19 or
7 49.47.

8 **SECTION 53.** 66.46 (6) (c) of the statutes, as affected by 1997 Wisconsin Act 27,
9 is amended to read:

10 66.46 (6) (c) Except for tax increments allocated under par. (d), (dm), (dp) or (e),
11 all tax increments received with respect to a tax incremental district shall, upon
12 receipt by the city treasurer, be deposited into a special fund for that district. The
13 city treasurer may deposit additional moneys into such fund pursuant to an
14 appropriation by the common council. No moneys may be paid out of such fund
15 except to pay project costs with respect to that district, to reimburse the city for such
16 payments, to pay project costs of a district under par. (d), (dm), (dp) or (e) or to satisfy
17 claims of holders of bonds or notes issued with respect to such district. Subject to par.
18 (d), (dm), (dp) or (e), moneys paid out of the fund to pay project costs with respect to
19 a district may be paid out before or after the district is terminated under sub. (7).
20 Subject to any agreement with bondholders, moneys in the fund may be temporarily
21 invested in the same manner as other city funds if any investment earnings are
22 applied to reduce project costs. After all project costs and all bonds and notes with
23 respect to the district have been paid or the payment thereof provided for, subject to
24 any agreement with bondholders, if there remain in the fund any moneys that are
25 not allocated under par. (d), (dm), (dp) or (e), they shall be paid over to the treasurer

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1 of each county, school district or other tax levying municipality or to the general fund
2 of the city in the amounts that belong to each respectively, having due regard for that
3 portion of the moneys, if any, that represents tax increments not allocated to the city
4 and that portion, if any, that represents voluntary deposits of the city into the fund.

5 **SECTION 54.** 66.46 (6) (dm) 3. (intro.) and a. of the statutes, as created by 1997
6 Wisconsin Act 27, are consolidated, renumbered 66.46 (6) (dm) 3. and amended to
7 read:

8 66.46 (6) (dm) 3. This paragraph applies only to the following cities: ~~a. A~~ a in
9 a city with a population of at least 10,000 that was incorporated in 1950 and that is
10 in a county with a population of more than 500,000 which is adjacent to one of the
11 Great Lakes.

12 **SECTION 55.** 66.46 (6) (dm) 3. b. of the statutes, as created by 1997 Wisconsin
13 Act 27, is repealed.

14 **SECTION 56.** 66.46 (6) (dp) of the statutes is created to read:

15 66.46 (6) (dp) 1. Not later than the date on which a tax incremental district
16 terminates under sub. (7) (am), a planning commission may amend under sub. (4) (h)
17 1. the project plan of such a tax incremental district to allocate positive tax
18 increments generated by that tax incremental district to another tax incremental
19 district created by that planning commission in which soil affected by environmental
20 pollution exists to the extent that development has not been able to proceed
21 according to the project plan because of the environmental pollution.

22 2. Except as provided in subd. 2m., no tax increments may be allocated under
23 this paragraph later than 16 years after the last expenditure identified in the project
24 plan of the tax incremental district, the positive tax increments of which are to be
25 allocated, is made.

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1 2m. No tax increments may be allocated under this paragraph later than 20
2 years after the last expenditure identified in the project plan of the tax incremental
3 district, the positive tax increments of which are to be allocated, is made if the district
4 is created before October 1, 1995, except that in no case may the total number of years
5 during which expenditures are made under par. (am) 1. plus the total number of
6 years during which tax increments are allocated under this paragraph exceed 27
7 years.

8 3. This paragraph applies only in a city with a population of at least 50,000 that
9 was incorporated in 1853 and that is in a county with a population of more than
10 140,000 that contains a portion of the Fox River and Lake Winnebago.

11 4. This paragraph does not apply after January 1, 2016.

12 **SECTION 57.** 66.46 (7) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
13 is amended to read:

14 66.46 (7) (a) That time when the city has received aggregate tax increments
15 with respect to such district in an amount equal to the aggregate of all project costs
16 under the project plan and any amendments to the project plan for such district,
17 except that this paragraph does not apply to a district whose positive tax increments
18 have been allocated under sub. (6) (d), (dm), (dp) or (e) until the district to which the
19 allocation is made has paid off the aggregate of all of its project costs under its project
20 plan.

21 **SECTION 58.** 70.375 (6) of the statutes, as affected by 1997 Wisconsin Act 27,
22 is amended to read:

23 70.375 (6) INDEXING. The For calendar year 1983 and corresponding fiscal years
24 and thereafter, the dollar amounts in sub. (5) and s. 70.395 (1) and (2) (d) 1m. and
25 5. a. and (dg) shall be changed to reflect the percentage change between the gross

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1 national product deflator for June of the current year and the gross national product
2 deflator for June of the previous year, as determined by the U.S. department of
3 commerce as of December 30 of the year for which the taxes are due, except that no
4 annual increase may be more than 10%. For calendar year 1983 and corresponding
5 fiscal years and thereafter until calendar year 1997 and corresponding fiscal years,
6 the dollar amounts in s. 70.395 (1m), 1995 stats., shall be changed to reflect the
7 percentage change between the gross national product deflator for June of the
8 current year and the gross national product deflator for June of the previous year,
9 as determined by the U.S. department of commerce as of December 30 of the year for
10 which the taxes are due, except that no annual increase may be more than 10%. The
11 revised amounts shall be rounded to the nearest whole number divisible by 100 and
12 shall not be reduced below the amounts under sub. (5) on November 28, 1981.
13 Annually, the department shall adopt any changes in dollar amounts required under
14 this subsection and incorporate them into the appropriate tax forms.

15 **SECTION 59.** 71.06 (2s) (a) of the statutes, as created by 1997 Wisconsin Act 27,
16 is amended to read:

17 71.06 (2s) (a) For taxable years beginning after December 31, 1996, and ending
18 before January 1, 1998, with respect to nonresident individuals, including
19 individuals changing their domicile into or from this state, the tax brackets under
20 subs. (1) and (2) shall be multiplied by a fraction, the numerator of which is
21 Wisconsin adjusted gross income and the denominator of which is federal adjusted
22 gross income. In this paragraph, for married persons filing separately "adjusted
23 gross income" means the separate adjusted gross income of each spouse, and for
24 married persons filing jointly "adjusted gross income" means the total adjusted gross
25 income of both spouses. If an individual and that individual's spouse are not both

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1 domiciled in this state during the entire taxable year, the tax brackets under subs.
2 (1) and (2) on a joint return shall be multiplied by a fraction, the numerator of which
3 is their joint Wisconsin adjusted gross income and the denominator of which is their
4 joint federal adjusted gross income.

5 **SECTION 60.** 71.07 (2dx) (a) 5. of the statutes, as created by 1997 Wisconsin Act
6 27, is amended to read:

7 71.07 **(2dx)** (a) 5. "Member of a targeted group" means a person under sub. (2dj)
8 (am) 1., a person who resides in an empowerment zone, or an enterprise community,
9 that the U.S. government designates, a person who is employed in an unsubsidized
10 job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin
11 works employment position, a person who is employed in a trial job, as defined in s.
12 49.141 (1) (n), ~~a person who is eligible for the Wisconsin works health plan under s.~~
13 ~~49.153~~ or a person who is eligible for child care assistance under s. 49.155; if the
14 person has been certified in the manner under sub. (2dj) (am) 3. by a designated local
15 agency, as defined in sub. (2dj) (am) 2.

16 **SECTION 61.** 71.28 (1dx) (a) 5. of the statutes, as created by 1997 Wisconsin Act
17 27, is amended to read:

18 71.28 **(1dx)** (a) 5. "Member of a targeted group" means a person under sub. (1dj)
19 (am) 1., a person who resides in an empowerment zone, or an enterprise community,
20 that the U.S. government designates, a person who is employed in an unsubsidized
21 job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin
22 works employment position, a person who is employed in a trial job, as defined in s.
23 49.141 (1) (n), ~~a person who is eligible for the Wisconsin works health plan under s.~~
24 ~~49.153~~ or a person who is eligible for child care assistance under s. 49.155; if the

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1 person has been certified in the manner under sub. (1dj) (am) 3. by a designated local
2 agency, as defined in sub. (1dj) (am) 2.

3 **SECTION 62.** 71.47 (1dx) (a) 5. of the statutes, as created by 1997 Wisconsin Act
4 27, is amended to read:

5 71.47 (1dx) (a) 5. "Member of a targeted group" means a person under sub. (1dj)
6 (am) 1., a person who resides in an empowerment zone, or an enterprise community,
7 that the U.S. government designates, a person who is employed in an unsubsidized
8 job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin
9 works employment position, a person who is employed in a trial job, as defined in s.
10 49.141 (1) (n), ~~a person who is eligible for the Wisconsin works health plan under s.~~
11 ~~49.153~~ or a person who is eligible for child care assistance under s. 49.155; if the
12 person has been certified in the manner under sub. (1dj) (am) 3. by a designated local
13 agency, as defined in sub. (1dj) (am) 2.

14 **SECTION 63.** 71.64 (9) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
15 is amended to read:

16 71.64 (9) (b) The department shall from time to time adjust the withholding
17 tables to reflect any changes in income tax rates, any applicable surtax or any
18 changes in dollar amounts in s. 71.06 (1), (1m) and (2) resulting from statutory
19 changes, except that the department may not adjust the withholding tables to reflect
20 the changes in rates in s. 71.06 (1m) and (2) (c) and (d) and any changes in dollar
21 amounts with respect to bracket indexing under s. 71.06 (2e) and with respect to
22 standard deduction indexing under s. 71.05 (22) (ds) for any taxable year that begins
23 before January 1, 2000. The tables shall account for the working families tax credit
24 under s. 71.07 (5m). The tables shall be extended to cover from zero to 10 withholding
25 exemptions, shall assume that the payment of wages in each pay period will, when

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1 multiplied by the number of pay periods in a year, reasonably reflect the annual wage
2 of the employe from the employer and shall be based on the further assumption that
3 the annual wage will be reduced for allowable deductions from gross income. The
4 department may determine the length of the tables and a reasonable span for each
5 bracket. In preparing the tables the department shall adjust all withholding
6 amounts not an exact multiple of 10 cents to the next highest figure that is a multiple
7 of 10 cents. The department shall also provide instructions with the tables for
8 withholding with respect to quarterly, semiannual and annual pay periods.

9 **SECTION 64.** 77.53 (9m) of the statutes, as affected by 1997 Wisconsin Act 27,
10 is repealed and recreated to read:

11 77.53 (9m) Any person who is not otherwise required to collect any tax imposed
12 by this subchapter and who makes sales to persons within this state of tangible
13 personal property or taxable services the use of which is subject to tax under this
14 subchapter may register with the department under the terms and conditions that
15 the department imposes and shall obtain a valid certificate under s. 73.03 (50) and
16 thereby be authorized and required to collect, report and remit to the department the
17 use tax imposed by this subchapter.

18 **SECTION 65.** 77.54 (14) (f) of the statutes, as created by 1997 Wisconsin Act 27,
19 is repealed and recreated to read:

20 77.54 (14) (f) Furnished without charge to a physician, surgeon, nurse
21 anesthetist, advanced practice nurse, osteopath, dentist who is licensed under ch.
22 447, podiatrist who is licensed under ch. 448 or optometrist who is licensed under ch.
23 449 if the medicine may not be dispensed without a prescription.

24 **SECTION 66.** 78.58 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is
25 amended to read:

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1 78.58 (3) COMPUTATION OF TAX. Each general aviation fuel licensee at the time
2 of making the monthly or quarterly report shall compute and pay the full amount of
3 the general aviation fuel tax for the next preceding month or quarter, which shall be
4 computed as follows: the number of gallons of general aviation fuel placed into the
5 fuel supply tanks of an aircraft or into bulk storage facilities by the general aviation
6 fuel licensee, multiplied by ~~0.065~~ 0.06 and the resulting figure expressed in dollars.

7 **SECTION 67.** 86.195 (2) (ag) 16m. of the statutes, as created by 1997 Wisconsin
8 Act 27, is repealed.

9 **SECTION 68.** 118.51 (4) (a) (intro.) of the statutes, as affected by 1997 Wisconsin
10 Act 27, is amended to read:

11 118.51 (4) (a) (intro.) By ~~December 1997~~ February 1, 1998, each school board
12 shall adopt a resolution specifying all of the following:

13 **SECTION 69.** 118.52 (4) of the statutes, as affected by 1997 Wisconsin Act 27,
14 is amended to read:

15 118.52 (4) ADOPTION OF POLICIES AND CRITERIA. By ~~December 1997~~ February 1,
16 1998, each school board shall adopt a resolution specifying the criteria and policies
17 described in subs. (5) and (6). If the school board wishes to revise the criteria or
18 policies, it shall do so by resolution.

19 **SECTION 70.** 125.51 (3) (e) 3. of the statutes, as created by 1997 Wisconsin Act
20 27, is amended to read:

21 125.51 (3) (e) 3. Each municipal governing body shall establish the annual fee
22 for a "Class B" license issued under sub. (4) (v). The initial ~~annual~~ fee may be
23 different from the annual fee to renew the license.

24 **SECTION 71.** 125.51 (4) (br) 1. b., c. and d. of the statutes, as created by 1997
25 Wisconsin Act 27, are amended to read:

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1 125.51 (4) (br) 1. b. Subtract the number recorded under par. (bm) 2. ~~b.~~ from
2 the result under subd. 1. a.

3 c. Divide the result under subd. ~~2.~~ 1. b. by 2, except that if the result is not a
4 whole number round the quotient down to the nearest whole number.

5 d. Add 3 to the result under subd. ~~2.~~ 1. c.

6 **SECTION 72.** 146.40 (4r) (am) of the statutes, as created by 1997 Wisconsin Act
7 27, is amended to read:

8 146.40 (4r) (am) 1. Except as provided in subd. 2., an entity shall report to the
9 department any allegation of misappropriation of the property of a client or of neglect
10 or abuse of a client by any person employed by or under contract with the entity if
11 the person is under the control of the entity.

12 2. An entity shall report to the department of regulation and licensing any
13 allegation of misappropriation of the property of a client or of neglect or abuse of a
14 client by any person employed by or under contract with the entity if that person
15 holds a credential that is related to the person's employment at, or contract with, the
16 entity if the person is under the control of the entity.

17 3. An entity that intentionally fails to report an allegation of misappropriation
18 of the property of a client or of neglect or abuse of a client may be required to forfeit
19 not more than \$1,000 and may be subject to other sanctions specified by the
20 department by rule.

21 **SECTION 73.** 166.215 (5) of the statutes, as created by 1997 Wisconsin Act 27,
22 is amended to read:

23 166.215 (5) The ~~board~~ division shall notify the joint committee on finance in
24 writing, before entering into a new contractual agreement under sub. (1) or renewing
25 or extending a contractual agreement under sub. (1), of the specific funding

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1 commitment involved in that proposed new, renewed or extended contract. The
2 board division shall include in that notification information regarding any
3 anticipated contractual provisions that involve state fiscal commitments for each
4 fiscal year in the proposed new, renewed or extended contract. The board division
5 may enter into a new contractual agreement or renew or extend a contractual
6 agreement, as proposed in the notification to the joint committee on finance, if within
7 14 working days after notification the committee does not schedule a meeting to
8 review the board's division's proposed action. If, within 14 working days after
9 notification to the joint committee on finance, the committee notifies the board
10 division that the committee has scheduled a meeting to review the board's division's
11 proposed action, the board division may enter into the proposed new contract or renew
12 or extend the contract as proposed only if the committee approves that action.
13 Notwithstanding s. 13.10, the board division may include in its notification to the
14 joint committee on finance a request for approval of any increase in the amount of
15 money in the appropriation account under s. 20.465 (3) (dd) necessary to provide
16 sufficient money for the proposed new, renewed or extended contracts under sub. (1).

17 **SECTION 74.** 180.1130 (10m) of the statutes, as created by 1997 Wisconsin Act
18 27, is amended to read:

19 180.1130 (10m) "Resident domestic corporation" means a resident domestic
20 corporation, as defined in s. 180.1140 (9), if that corporation ~~does not have~~ has a class
21 of voting stock that is registered or traded on a national securities exchange or that
22 is registered under section 12 (g) of the Securities Exchange Act.

23 **SECTION 75.** 196.202 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
24 is amended to read:

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1 196.202 (1) DEFINITION. In this section, “cellular mobile radio
2 telecommunications utility” means a person authorized by the federal
3 communications commission to provide domestic public commercial mobile cellular
4 radio telecommunications service under 47 USC 154 (i).

5 **SECTION 76.** 196.218 (3) (a) 3. of the statutes, as affected by 1997 Wisconsin Act
6 27, is amended to read:

7 196.218 (3) (a) 3. The commission shall designate the method by which the
8 contributions under this paragraph shall be calculated and collected. The method
9 shall ensure that the contributions are sufficient to generate the amounts
10 appropriated under ss. 20.155 (1) (q), 20.275 (1) (s) and, (t) and (tm) and 20.285 (1)
11 (q). Contributions may be based only on the gross operating revenues from the
12 provision of broadcast services identified by the commission under subd. 2. and on
13 intrastate telecommunications services in this state of the telecommunications
14 providers subject to the contribution.

15 **SECTION 77.** 196.218 (5) (a) 7. of the statutes is created to read:

16 196.218 (5) (a) 7. To make grants awarded by the board to school districts under
17 sub. (4r) (g). This subdivision does not apply after June 30, 2002.

18 **SECTION 78.** 287.23 (3) (a) 2. of the statutes is amended to read:

19 287.23 (3) (a) 2. For assistance in 1995 to 1999 2000, a responsible unit that
20 has been determined under s. 287.11 to have an effective recycling program.

21 **SECTION 79.** 287.23 (5) (c) 2. of the statutes, as affected by 1997 Wisconsin Act
22 27, is amended to read:

23 287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other
24 responsible units, the amount of the grant for 1993 through 1999 2000 equals either

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1 66% of the difference between eligible expenses and avoided disposal costs or \$8
2 times the population of the responsible unit, whichever is less.

3 **SECTION 80.** 287.23 (7) of the statutes is amended to read:

4 287.23 (7) SUNSET. No grant may be awarded under this section for any year
5 after ~~1999~~ the year 2000.

6 **SECTION 81.** 299.80 (16) of the statutes, as created by 1997 Wisconsin Act 27,
7 is amended to read:

8 299.80 (16) REPORTS CONCERNING THE PROGRAM UNDER THIS SECTION. (a)
9 Beginning not later than the first day of the 13th month beginning after October 14,
10 1997, the secretary of natural resources shall submit an annual progress report on
11 the program under this section to the governor, ~~the environmental performance~~
12 ~~council~~ and, under s. 13.172 (3), the standing committees of the legislature with
13 jurisdiction over environmental matters.

14 (b) Not later than the first day of the 48th month beginning after October 14,
15 1997, the secretary of natural resources shall submit a report to the governor, ~~the~~
16 ~~environmental performance council~~ and, under s. 13.172 (2) the legislature on the
17 success of the program under this section. The report shall include recommendations
18 concerning the continuation of the program under this section and any changes that
19 should be made to the program.

20 **SECTION 82.** 348.27 (9m) (a) 3. of the statutes, as created by 1997 Wisconsin Act
21 27, is amended to read:

22 348.27 (9m) (a) 3. Bulk potatoes from storage facilities to food processing
23 facilities in vehicles or vehicle combinations that exceed the maximum gross weight
24 limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit under
25 this subdivision is not valid on ~~USH 51 between STH 64 near Merrill and STH 29~~

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1 ~~south of Wausau in Lincoln and Marathon counties, and on I 39 between STH 29~~
2 ~~south of Wausau and the I 90/94 interchange near Portage in Marathon, Portage,~~
3 ~~Waushara, Marquette and Columbia counties~~ highways designated as part of the
4 national system of interstate and defense highways, except to the extent permitted
5 by federal law without any loss or reduction of federal aid or other sanction.

6 **SECTION 83.** 560.785 (1) (c) 1. of the statutes, as created by 1997 Wisconsin Act
7 27, is amended to read:

8 560.785 (1) (c) 1. Creating a full-time job that is filled by an individual who is
9 a Wisconsin resident and who is not a member of the target population.

10 **SECTION 84.** 560.785 (1) (c) 2. of the statutes, as created by 1997 Wisconsin Act
11 27, is amended to read:

12 560.785 (1) (c) 2. Retaining a full-time job that is filled by an individual who
13 is a Wisconsin resident and who is not a member of the target population.

14 **SECTION 85.** 565.05 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
15 Act 27, is amended to read:

16 565.05 (1) (intro.) No employe of ~~in the~~ lottery division of the department ~~who~~
17 ~~performs any duty related to the state lottery or the executive assistant or the~~
18 ~~secretary or deputy secretary of revenue may do any of the following:~~

19 **SECTION 86.** 565.05 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
20 is amended to read:

21 565.05 (1) (a) Have a direct or indirect interest in, or be employed by, any
22 vendor while serving as an employe in the lottery division of the department ~~and~~
23 ~~performing any duty related to the state lottery or as the executive assistant or as~~
24 ~~secretary or deputy secretary of revenue or for 2 years following the person's~~
25 ~~termination of service.~~

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1 **SECTION 87.** 565.17 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 565.17 **(5)** (a) No employe of in the lottery division of the department who
4 ~~performs any duty related to the state lottery~~ or the executive assistant or the
5 secretary or deputy secretary of revenue and no member of such a person's
6 immediate family, as defined in s. 19.42 (7), may purchase a lottery ticket or lottery
7 share.

8 **SECTION 88.** 632.746 (2) (b) of the statutes, as created by 1997 Wisconsin Act
9 27, is amended to read:

10 632.746 **(2)** (b) An insurer offering a group health benefit plan may not impose
11 a preexisting condition exclusion relating to pregnancy as a preexisting condition for
12 the purpose of coverage of expenses related to prenatal and postnatal care, delivery
13 and any complications of pregnancy.

14 **SECTION 89.** 973.09 (3) (bm) 3. of the statutes, as created by 1997 Wisconsin Act
15 27, is amended to read:

16 973.09 **(3)** (bm) 3. At a probation review hearing under subd. 2., the department
17 has the burden of proving that the probationer owes unpaid fees under s. 304.073 or
18 304.074 and the amount of the unpaid fees. If the department proves by a
19 preponderance of the evidence that the probationer owes unpaid fees under s.
20 304.073 or 304.074, the court may, by order, extend the period of probation for a
21 stated period, or modify the terms and conditions of probation ~~or revoke the~~
22 ~~probationer's probation.~~

23 **SECTION 90.** 973.09 (3) (bm) 4. of the statutes, as created by 1997 Wisconsin Act
24 27, is amended to read:

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1 973.09 (3) (bm) 4. If the court does not extend, ~~revoke~~ or modify the terms of
2 probation under subd. 3., it shall issue a judgment for the unpaid fees and direct the
3 clerk of circuit court to file and enter the judgment in the judgment and lien docket,
4 without fee. If the court issues a judgment for the unpaid fees, the court shall send
5 to the department a written notification that a civil judgment has been issued for the
6 unpaid fees. The judgment has the same force and effect as judgments entered under
7 s. 806.10.

8 **SECTION 91.** 980.06 (2) (c) of the statutes is amended to read:

9 980.06 (2) (c) If the court finds that the person is appropriate for supervised
10 release, the court shall notify the department. The department and the county
11 department under s. 51.42 in the county of residence of the person, as determined
12 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
13 any, that the person will receive in the community. The plan shall address the
14 person's need, if any, for supervision, counseling, medication, community support
15 services, residential services, vocational services, and alcohol or other drug abuse
16 treatment. The department may contract with a county department, under s. 51.42
17 (3) (aw) 1. d., with another public agency or with a private agency to provide the
18 treatment and services identified in the plan. The plan shall specify who will be
19 responsible for providing the treatment and services identified in the plan. The plan
20 shall be presented to the court for its approval within 21 days after the court finding
21 that the person is appropriate for supervised release, unless the department, county
22 department and person to be released request additional time to develop the plan.
23 If the county department of the person's county of residence declines to prepare a
24 plan, the department may arrange for another county to prepare the plan if that
25 county agrees to prepare the plan and if the person will be living in that county. If

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1 the department is unable to arrange for another county to prepare a plan, the court
2 shall designate a county department to prepare the plan, order the county
3 department to prepare the plan and place the person on supervised release in that
4 county, except that the court may not so designate the county department in ~~the~~ any
5 county where ~~the~~ there is a facility in which the person was persons committed for
6 to institutional care is located under this chapter are placed unless that county is also
7 the person's county of residence.

8 **SECTION 92.** 980.08 (5) of the statutes is amended to read:

9 980.08 (5) If the court finds that the person is appropriate for supervised
10 release, the court shall notify the department. The department and the county
11 department under s. 51.42 in the county of residence of the person, as determined
12 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
13 any, that the person will receive in the community. The plan shall address the
14 person's need, if any, for supervision, counseling, medication, community support
15 services, residential services, vocational services, and alcohol or other drug abuse
16 treatment. The department may contract with a county department, under s. 51.42
17 (3) (aw) 1. d., with another public agency or with a private agency to provide the
18 treatment and services identified in the plan. The plan shall specify who will be
19 responsible for providing the treatment and services identified in the plan. The plan
20 shall be presented to the court for its approval within 60 days after the court finding
21 that the person is appropriate for supervised release, unless the department, county
22 department and person to be released request additional time to develop the plan.
23 If the county department of the person's county of residence declines to prepare a
24 plan, the department may arrange for another county to prepare the plan if that
25 county agrees to prepare the plan and if the person will be living in that county. If

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1 the department is unable to arrange for another county to prepare a plan, the court
2 shall designate a county department to prepare the plan, order the county
3 department to prepare the plan and place the person on supervised release in that
4 county, except that the court may not so designate the county department in the any
5 county where ~~the~~ there is a facility in which the person was persons committed ~~for~~
6 to institutional care is located under this chapter are placed unless that county is also
7 the person's county of residence.

8 **SECTION 93.** 1997 Wisconsin Act 27, section 9137 (9c) is amended to read:

9 [1997 Wisconsin Act 27] Section 9137 (9c) RECREATIONAL BOATING PROJECT; ~~LONE~~
10 ~~ROCK~~ BOAT LANDING. From the appropriation under section 20.370 (5) (cq) of the
11 statutes, the department of natural resources shall provide to Richland County the
12 amount that is necessary for soil erosion control at ~~Lone Rock~~ a boat landing on the
13 Wisconsin River in the town of Buena Vista, but the amount may not exceed \$10,000.
14 Notwithstanding section 30.92 (4) (b) 2. of the statutes, as affected by this act,
15 Richland County need not contribute any moneys to match the amount provided
16 under this subsection. The amount expended under this subsection shall be
17 considered an expenditure for an inland water project as provided in section 30.92
18 (4) (b) 6. of the statutes. This project need not be placed on the priority list under
19 section 30.92 (3) (a) of the statutes. This subsection does not apply after June 30,
20 2000.

21 **SECTION 94.** 1997 Wisconsin Act 27, section 9143 (1m) is created to read:

22 [1997 Wisconsin Act 27] Section 9143 (1m) DRY CLEANER'S FEE. Notwithstanding
23 section 77.9961 (1) of the statutes, as created by this act, the fee that is due on
24 January 15, 1998, under section 77.9961 (2) of the statutes, as created by this act,

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1 is equal to 1.8% of the dry cleaner's gross receipts from October 14, 1997, to December
2 31, 1997.

3 **SECTION 9143. Nonstatutory provisions; revenue.**

4 (1) RENTAL VEHICLE ADMINISTRATION FEE. The authorized FTE positions for the
5 department of revenue are increased by 4.5 GPR positions on January 4, 1998, to be
6 funded from the appropriation under section 20.566 (1) (b) of the statutes, as created
7 by this act, for the administration of the rental vehicle fee under subchapter XI of
8 chapter 77 of the statutes.

9 **SECTION 9149. Nonstatutory provisions; transportation.**

10 (1) CALCULATION OF RATE. The department of transportation shall determine the
11 rate for calculating the amount due under section 341.45 (1g) (a) of the statutes for
12 the 4th quarter of 1997 by adding the rates for the taxes under chapter 78 of the
13 statutes and the fee under section 168.12 of the statutes for each of the months in the
14 quarter, by adding the 3 total rates and by dividing that total by 3.

15 **SECTION 9223. Appropriation changes; health and family services.**

16 (1) POSITION DECREASE. In the schedule under section 20.005 (3) of the statutes
17 for the appropriation to the department of health and family services under section
18 20.435 (8) (a) of the statutes, as affected by the acts of 1997, the dollar amount is
19 decreased by \$82,500 for fiscal year 1997-98 and the dollar amount is decreased by
20 \$82,500 for fiscal year 1998-99 to decrease the authorized FTE positions for the
21 department of health and family services by 2.0 GPR positions.

22 (2) POSITION INCREASE. In the schedule under section 20.005 (3) of the statutes
23 for the appropriation to the department of health and family services under section
24 20.435 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is
25 increased by \$82,500 for fiscal year 1997-98 and the dollar amount is increased by

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1 \$82,500 for fiscal year 1998-99 to increase the authorized FTE positions for the
2 department of health and family services by 2.0 GPR positions.

3 **SECTION 9237. Appropriation changes; natural resources.**

4 (1) OPERATION PERMIT PROGRAM. In the schedule under section 20.005 (3) of the
5 statutes for the appropriation to the department of natural resources under section
6 20.370 (9) (mh) of the statutes, as affected by the acts of 1997, the dollar amount is
7 decreased by \$14,200 for fiscal year 1997-98 and the dollar amount is decreased by
8 \$14,200 for fiscal year 1998-99 to decrease funding for the purposes for which the
9 appropriation is made.

10 (2) SOLID AND HAZARDOUS WASTE. In the schedule under section 20.005 (3) of the
11 statutes for the appropriation to the department of natural resources under section
12 20.370 (9) (mj) of the statutes, as affected by the acts of 1997, the dollar amount is
13 increased by \$14,200 for fiscal year 1997-98 and the dollar amount is increased by
14 \$14, 200 for fiscal year 1998-99 to increase funding for the purposes for which the
15 appropriation is made.

16 (3) STUDIES OF GREAT LAKES FISH. In the schedule under section 20.005 (3) of
17 the statutes for the appropriation to the department of natural resources under
18 section 20.370 (4) (mu) of the statutes, as affected by the acts of 1997, the dollar
19 amount is increased by \$16,000 for fiscal year 1997-98 and the dollar amount is
20 increased by \$32,000 for fiscal year 1998-99 to study fish in the Great Lakes.

21 **SECTION 9310. Initial applicability; commerce.**

22 (1) DEVELOPMENT ZONES CREDIT. The treatment of section 560.785 (1) (c) 1. and
23 2. of the statutes first applies to taxable years beginning on January 1, 1998.

24 **SECTION 9327. Initial applicability; insurance.**

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1 (1) PREGNANCY AS PREEXISTING CONDITION. The treatment of section 632.746 (2)

2 (b) of the statutes first applies to all of the following:

3 (a) Except as provided in paragraph (b), group health benefit plans that are
4 issued or renewed on the effective date of this paragraph.

5 (b) Group health benefit plans covering employees who are affected by a
6 collective bargaining agreement containing provisions inconsistent with section
7 632.746 (2) (b) of the statutes, as affected by this act, that are issued or renewed on
8 the earlier of the following:

9 1. The day on which the collective bargaining agreement expires.

10 2. The day on which the collective bargaining agreement is extended, modified
11 or renewed.

12 **SECTION 9419. Effective dates; financial institutions.**

13 (1) RESIDENT DOMESTIC CORPORATIONS. The treatment of section 180.1130 (10m)
14 of the statutes takes effect retroactively to October 14, 1997.

15 **SECTION 9423. Effective dates; health and family services.**

16 (1) MILWAUKEE CHILD WELFARE COUNTY CONTRIBUTION.

17 (a) The amendment of section 48.561 (3) (a) of the statutes takes effect on
18 January 1, 1998, or on the day after publication, whichever is later.

19 (b) The repeal and recreation of section 48.561 (3) (a) of the statutes takes effect
20 on July 1, 1998, or on the day after publication, whichever is later.

21 (2) KINSHIP CARE PHOTOGRAPH REQUIREMENT. The treatment of section 48.57 (3p)
22 (d) of the statutes takes effect on January 1, 1998, or on the day after publication,
23 whichever is later.

24 (3) CRIMINAL HISTORY AND ABUSE RECORD SEARCHES. The treatment of sections
25 48.685 (1) (a), (2) (am) (intro.), (b) 1. (intro.) and 3., (bg) and (c), (3) (a) and (b), (5) (f),

ASSEMBLY BILL 606**SECTION 9423**

1 (6) (b) and (7) (a) and (am), 50.065 (1) (b) and (c) (intro.), 3. and 6., (2) (a) (intro.), (am)
2 (intro.) and 5., (b) 1. (intro.) and e. and 3., (bg) and (c), (3) (a) and (b), (5) (intro.) and
3 (f), (5m), (6) (a) and (b) and (7) (a) and (am) and 146.40 (4r) (am) of the statutes takes
4 effect on October 1, 1998, or on the day after publication, whichever is later.

5 **SECTION 9436. Effective dates; military affairs.**

6 (1) EMERGENCY MANAGEMENT. The treatment of section 166.215 (5) of the
7 statutes takes effect on July 1, 1998.

8 **SECTION 9443. Effective dates; revenue.**

9 (1) MINING TAX. The treatment of section 70.375 (6) of the statutes takes effect
10 on January 1, 1998.

11 (2) AVIATION FUEL TAX. The treatment of section 78.58 (3) of the statutes takes
12 effect on January 1, 1998.

13 (3) USE TAX REGISTRATION; MEDICINE SAMPLES.

14 (a) The treatment of section 77.53 (9m) the statutes takes effect on January 1,
15 1998.

16 (b) The treatment of section 77.54 (14) (f) the statutes takes effect on December
17 1, 1997.

18 (END)