



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-4843/1

ALL:all:all

1997 ASSEMBLY BILL 768

February 3, 1998 - Introduced by Representative GARD, cosponsored by Senator BURKE, by request of Governor Tommy G. Thompson. Referred to Joint committee on Finance.

1 **AN ACT to repeal** 16.24 (3) (c), 40.25 (6) (a) 5., 40.31 (2), 46.10 (14) (e) 1m., 46.27
2 (11) (c) 3m., 49.45 (2) (a) 21., 50.01 (5), 50.065 (1) (c) 5., 50.50 (12), 71.91 (8)
3 (title), 73.03 (27) (a) to (e), 73.03 (28g), 85.52 (3) (dm), 106.04 (2r) (a) (intro.),
4 292.66 (5), 440.03 (12), 440.08 (2g), 440.08 (2r), 779.14 (1m) (b) 1. and 808.04
5 (5); **to renumber** 48.685 (5) (a), 48.685 (5) (b), 48.685 (5) (c), 48.685 (5) (d),
6 48.685 (5) (e), 50.33 (1), 106.04 (2r) (a) 1., 106.04 (2r) (a) 2., 106.04 (2r) (a) 3.,
7 106.04 (2r) (a) 4., 106.04 (2r) (a) 6., 106.04 (2r) (c) 1., 106.04 (2r) (c) 2., 106.04
8 (2r) (c) 3., 106.04 (2r) (c) 4., 106.04 (2r) (f) (title) and 1., 106.04 (2r) (g) (title) and
9 1., 106.04 (2r) (g) 3., 138.09 (1m), 138.09 (4), 217.05 (intro.), 217.05 (1) to (4),
10 218.02 (6), 281.58 (3), 343.64, 343.65, 560.183 (6m) and 560.184 (6m); **to**
11 **renumber and amend** 16.24 (7) (a) to (e), 16.24 (7) (f), 16.24 (12) (b), 48.685
12 (2) (b) 3., 48.685 (5) (intro.), 50.065 (2) (b) 3., 71.91 (8), 73.03 (27) (intro.), 106.04
13 (2r) (a) 5., 106.04 (2r) (c) (intro.), 106.04 (2r) (d), 106.04 (2r) (e), 106.04 (2r) (f)
14 2., 106.04 (2r) (g) 2., 118.30 (1m) (a), 118.30 (1m) (am), 218.02 (2) (a), 218.04 (3)

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1 (a), 218.11 (2) (a), 343.61 (2), 343.62 (2), 440.01 (2) (cm), 632.68 (3), 632.68 (5),
2 779.14 (1m) (a), 779.14 (1m) (b) 1m., 779.14 (1m) (b) 2., 779.14 (1m) (b) 3., 779.14
3 (1m) (b) 4., 779.14 (1m) (b) 5., 782.02, 782.04 (intro.), (1), (2), (3) and (5), 782.04
4 (4), 801.02 (7), 807.04 and 938.235 (8); **to amend** 6.875 (1) (a), 13.63 (1), 13.64
5 (1) (a), 13.64 (2), 16.24 (3) (a) (intro.), 1. and 2., 16.24 (3) (d), 16.24 (4), 16.24 (5)
6 (a), 16.24 (6) (a) (intro.), 19.35 (3) (f), 20.002 (11) (b), 20.143 (1) (c), 20.143 (1)
7 (ie), 20.143 (1) (qa), 20.255 (2) (ac), 20.320 (1) (x), 20.370 (2) (da), 20.370 (5) (cq),
8 20.370 (6) (br), 20.370 (8) (mt), 20.410 (3) (hm), 20.410 (3) (ho), 20.435 (6) (a),
9 20.435 (7) (o), 20.485 (2) (vm), 20.566 (1) (hq), 20.866 (2) (ze), 20.866 (2) (zf),
10 20.921 (2) (a), 25.43 (2) (c), 25.43 (3), 29.134 (3), 29.135 (3), 29.33 (2) (d), 29.50
11 (1) (e), 29.521 (2) (a), 29.521 (2) (c) 1., 29.544 (3), 29.573 (2), 29.574 (3), 29.575
12 (3), 29.575 (4), 29.578 (4), 29.578 (5), 29.578 (11), 29.578 (14) (am), 29.578 (14)
13 (b) (intro.), 29.585 (1), 29.585 (3), 38.14 (2) (d) 1., 40.08 (1), 40.32 (3), 45.74 (7),
14 46.10 (1), 46.10 (2), 46.10 (14) (b), 46.21 (5) (b), 46.247, 46.40 (2m) (a), 48.01 (1)
15 (a), 48.01 (1) (gg), 48.21 (5) (b), 48.27 (3) (a) 2., 48.27 (6), 48.355 (2) (b) 6., 48.355
16 (2c) (a) (intro.), 48.355 (2c) (a) 1., 48.355 (2c) (b), 48.357 (2r), 48.363 (1m), 48.365
17 (1), 48.365 (2g) (b) 2., 48.365 (2g) (b) 3., 48.365 (2m) (a), 48.365 (2m) (ag), 48.38
18 (3), 48.38 (4) (a), 48.38 (4) (bm), 48.38 (4) (e), 48.38 (4) (f) 1., 48.38 (4) (f) 3., 48.38
19 (4) (g), 48.38 (5) (b), 48.38 (5) (c) 1., 48.38 (5) (c) 4., 48.38 (5) (c) 5., 48.38 (5) (c)
20 6. (intro.), a., b. and c., 48.38 (5) (c) 7., 48.38 (6) (c), 48.415 (1) (a) (intro.), 48.415
21 (1) (a) 1., 48.415 (1) (a) 1m., 48.415 (1) (a) 2., 48.415 (2) (b) 1., 48.415 (2) (b) 2.,
22 48.415 (2) (c), 48.42 (2g) (b), 48.425 (1) (c), 48.425 (1) (d), 48.427 (1m), 48.57 (3m)
23 (am) 2., 48.66 (1), 48.66 (2), 48.685 (1) (a), 48.685 (1) (b), 48.685 (2) (a) (intro.),
24 48.685 (2) (ad), 48.685 (2) (am) (intro.), 48.685 (2) (am) 5., 48.685 (2) (b) 1.
25 (intro.), 48.685 (2) (b) 1. e., 48.685 (2) (bg), 48.685 (2) (c), 48.685 (3) (a), 48.685

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1 (3) (b), 48.685 (3m), 48.685 (5c) (a), 48.685 (5c) (b), 48.685 (5c) (c), 48.685 (5g),
2 48.685 (5m), 48.685 (6) (a), 48.685 (6) (b), 48.685 (7) (a), 48.685 (8), 48.69, 48.72,
3 48.977 (2) (f), 49.145 (2) (i), 49.22 (2m), 49.45 (2) (a) 11., 49.45 (2) (a) 12., 49.45
4 (6b) (a), 49.45 (6b) (b), 49.45 (6b) (c), 49.45 (18) (b) 6., 49.665 (1) (d), 49.81 (2),
5 49.855 (3), 49.855 (4m) (b), 49.855 (4m) (c), 50.01 (1) (b), 50.01 (1g) (intro.), 50.01
6 (3) (intro.), 50.01 (4m), 50.01 (4o), 50.01 (6), 50.065 (1) (b), 50.065 (1) (c) (intro.),
7 50.065 (1) (c) 3., 50.065 (2) (a) (intro.), 50.065 (2) (am) (intro.), 50.065 (2) (b) 1.
8 (intro.), 50.065 (2) (bg), 50.065 (2) (c), 50.065 (3) (a), 50.065 (3) (b), 50.065 (3m),
9 50.065 (5) (intro.), 50.065 (5m), 50.065 (6) (a), 50.065 (6) (b), 50.065 (7) (a), 50.33
10 (2) (c), 50.35, 50.49 (6) (a), 50.49 (6) (b), 50.49 (10), 50.50 (3) (a) 6., 50.50 (6),
11 50.52 (2) (c) 3., 51.038, 51.04, 51.42 (7) (b) 11. (intro.), 51.421 (3) (a), 51.45 (8)
12 (a), 51.45 (8) (e), 51.45 (8) (f), 55.06 (6), 55.06 (9) (b), 59.52 (4) (a) 18., 66.432 (1),
13 66.432 (2), 71.01 (6) (m), 71.01 (7r), 71.05 (6) (a) 12., 71.08 (1) (intro.), 71.10 (4)
14 (i), 71.125 (2), 71.22 (4) (m), 71.22 (4m) (k), 71.26 (2) (b) 13., 71.26 (3) (y), 71.34
15 (1g) (m), 71.365 (1m), 71.42 (2) (L), 71.45 (2) (a) 13., 71.83 (3), 71.92 (2), 73.09
16 (7) (e), 73.12 (1) (b), 76.03 (1), 76.81, 77.62 (1) (intro.), 78.70 (1) (intro.), 84.06
17 (2) (a), 93.06 (8), 95.72 (2) (c) 5., 99.02 (1), 101.01 (11), 101.01 (12), 101.127,
18 101.13 (title), 102.27 (2) (a), 106.04 (6) (a) 3., 106.04 (6) (b), 111.70 (1) (nc) 1. b.,
19 111.70 (1) (nc) 1. c., 115.31 (title), 121.15 (3m) (c), 127.17 (2) (a), 127.17 (2) (b),
20 127.17 (2) (c) 1., 127.17 (2) (d), 127.17 (2) (e) 1., 138.09 (3) (a), 138.12 (4) (a),
21 139.03 (2x) (c), 139.03 (4), 139.315 (3), 139.39 (6), 146.40 (3), 146.40 (3m), 146.40
22 (4m), 146.40 (4r) (am), 196.218 (4r) (g), 217.09 (4), 217.09 (6), 218.02 (9) (a),
23 218.04 (4) (a), 218.04 (5) (b), 218.05 (11), 218.05 (12) (b), 218.05 (12) (e), 218.11
24 (7) (a), 218.11 (7) (b), 218.12 (2) (a), 218.12 (5), 218.22 (4) (a), 218.22 (4) (b),
25 218.32 (4) (a), 218.32 (4) (b), 224.72 (5) (a), 224.72 (5) (b) 1., 224.72 (5) (b) 2.,

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1 227.44 (8), 250.05 (5), 250.05 (6), 250.05 (8), 250.10, 254.176 (1), 254.176 (3)
2 (intro.), 254.176 (5), 254.20 (2) (d), 254.20 (4), 254.20 (7), 280.13 (4), 281.48 (3)
3 (a), 281.48 (5) (b), 281.58 (6) (b) 5., 281.58 (13) (b) (intro.), 281.58 (13) (d), 281.58
4 (13) (e) (intro.), 281.59 (3) (a) 6., 281.59 (3e) (a) 1., 281.59 (3e) (e), 281.99 (2) (a)
5 1., 292.15 (2) (a) (intro.), 292.15 (4) (intro.), 292.15 (7) (c), 293.45 (1), 301.048
6 (3) (d), 301.08 (2) (d) 5., 301.26 (2) (b), 301.26 (4) (d) 1., 301.26 (4) (d) 1m., 301.26
7 (4) (dt), 301.26 (4) (e), 301.26 (4) (ed), 301.26 (4) (eg), 301.26 (4) (g), 301.45 (7)
8 (a), 301.46 (4) (a) 5., 302.11 (1), 302.11 (2) (c), 302.11 (7) (b), 302.43, 303.07 (3),
9 304.06 (1) (b), 343.66 (6), 343.68, 343.69, 348.27 (9m) (a) 3., 350.12 (3j) (b),
10 350.12 (3m) (a), 440.03 (7), 440.08 (2) (c), 441.07 (2), 442.12 (7), 443.11 (6),
11 443.12 (4), 445.13 (2), 446.05 (2), 447.07 (5), 449.07 (3), 452.12 (6) (e) (intro.),
12 452.18, 455.09 (3), 456.11 (1) and (2), 560.17 (5c) (b), 560.183 (3) (b), 560.183 (5)
13 (a), 560.183 (5) (b) (intro.), 560.184 (3) (b), 560.184 (5) (a), 560.184 (5) (b) (intro.),
14 628.04 (1) (intro.), 628.04 (2), 628.09 (1), 628.09 (4), 628.10 (2) (b), 632.68 (2) (b)
15 (intro.), 632.68 (2) (b) 2., 632.68 (2) (c), 632.68 (2) (e), 632.68 (3) (title), 632.68
16 (4) (b), 632.68 (4) (c), 632.68 (5) (title), 632.7495 (1) (a), 632.897 (4) (d) (intro.),
17 633.15 (2) (b) 1. (intro.), 701.06 (5) (intro.), 753.075 (3) (a), 767.32 (1) (b) 4.,
18 767.32 (2r), 767.32 (2s), 779.14 (2) (a) 2., 779.14 (2) (a) 3., 779.14 (2) (am) 2. c.,
19 782.01 (1), 782.03, 782.20, 788.01, 801.09 (2) (a), 802.06 (1), 802.06 (2) (a)
20 (intro.), 804.01 (1), 804.05 (1), 804.06 (1) (a), 804.08 (1) (a), 804.09 (2), 804.11
21 (1) (a), 814.24, 814.245 (3), 814.29 (1) (a), 814.29 (3) (b), 859.07 (2), 880.33 (2)
22 (a) 3., 880.331 (8), 893.16 (1), 893.82 (3), 938.21 (5) (b), 938.27 (3) (a) 2., 938.27
23 (6), 938.296 (6), 938.33 (4m) (intro.), 938.33 (4m) (b), 938.355 (2) (b) 6., 938.355
24 (2c) (a) (intro.), 938.355 (2c) (a) 1., 938.355 (2c) (b), 938.357 (2r), 938.357 (5m),
25 938.36 (1) (a), 938.36 (2), 938.363 (1m), 938.365 (1), 938.365 (2g) (b) 2., 938.365

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1 (2g) (b) 3., 938.365 (2m) (a), 938.365 (2m) (ag), 938.38 (3) (intro.), 938.38 (4) (a),
2 938.38 (4) (bm), 938.38 (4) (e), 938.38 (4) (f) 1., 938.38 (4) (f) 3., 938.38 (4) (g),
3 938.38 (5) (b), 938.38 (5) (c) 1., 938.38 (5) (c) 4., 938.38 (5) (c) 5., 938.38 (5) (c)
4 6. (intro.), 938.38 (5) (c) 6. a., 938.38 (5) (c) 7. and 938.38 (6) (c); **to repeal and**
5 **recreate** 16.24 (3) (a) 3. and 4., 20.143 (1) (c), 20.370 (5) (cq), 40.25 (7) (g), 40.31
6 (1), 40.32 (1), 48.235 (8), 48.415 (9m) (b), 49.855 (3), 49.855 (4m) (b), 49.855 (4m)
7 (c), 71.78 (4) (o), 77.61 (5) (b) 10., 301.12, 440.08 (4) (b), 938.30 (6) and 938.31
8 (7); **to create** 16.24 (7) (a) (intro.), 16.24 (7m), 16.24 (12) (b) 2., 19.35 (3) (g),
9 19.55 (2) (d), 20.143 (1) (jc), 20.255 (2) (fk), 20.255 (3) (c), 20.320 (1) (y), 20.370
10 (6) (cq), 20.410 (3) (g), 20.410 (3) (gg), 20.435 (3) (pm), 20.445 (3) (pv), 20.465 (4),
11 20.566 (1) (gp), 20.566 (3) (j), 20.835 (1) (e), 20.835 (1) (qz), 20.835 (2) (e), 21.25,
12 25.32, 25.43 (1) (ae), 25.43 (2) (ae), 29.09 (11m), 46.036 (3) (g), 48.27 (3) (a) 1m.,
13 48.355 (2b), 48.355 (2d), 48.38 (4) (fm), 48.415 (1) (a) 1r., 48.417, 48.42 (2g) (am),
14 48.43 (1) (d), 48.66 (2m), 48.685 (5) (b) 6., 48.685 (5) (bm), 48.685 (7) (am), 48.715
15 (7), 48.75 (1m), 49.22 (2r), 49.22 (3m), 49.45 (2) (am), 49.46 (1m), 49.855 (2p),
16 50.01 (1e), 50.01 (1t), 50.01 (2m), 50.01 (6v), 50.035 (10), 50.065 (1) (am), 50.065
17 (1) (c) 6., 50.065 (1) (cm), 50.065 (2) (am) 5., 50.065 (2) (b) 1. e., 50.065 (5) (f),
18 50.065 (7) (am), 50.33 (1g), 50.498, 50.50 (1m), 50.56 (4), 51.032, 70.11 (39),
19 71.05 (6) (b) 27., 71.05 (6) (b) 28., 71.07 (8m), 71.17 (6), 73.03 (52), 73.0301, 73.09
20 (6m), 73.09 (7m), 77.9972 (3), 79.095, 93.13, 101.02 (20), 101.132, 101.143 (6s),
21 102.33 (2) (b) 5., 111.70 (1) (fm), 115.31 (6m), 115.405, 115.42, 118.19 (1m),
22 118.30 (1g) (c), 118.30 (1m) (a) 2., 118.30 (1m) (am) 2., 118.30 (5), 138.09 (1m)
23 (b), 138.09 (3) (am), 138.09 (4) (b), 138.12 (3) (d), 138.12 (4) (b) 4. and 5., 138.12
24 (5) (am), 146.40 (4d), 217.05 (1m), 217.06 (4) and (5), 217.09 (1m), 218.01 (2) (ig),
25 218.01 (3) (am), 218.02 (2) (a) 1. a. and b. and 2., 218.02 (3) (d), 218.02 (6) (b),

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1 218.04 (3) (a) 1. a. and b. and 2., 218.04 (4) (am), 218.04 (5) (am), 218.05 (3) (am),
2 218.05 (4) (c), 218.05 (12) (am), 218.11 (2) (a) 1. and 2., 218.11 (2) (ag), 218.11
3 (6g), 218.12 (2) (ag), 218.12 (3g), 218.21 (2) (ag), 218.21 (2) (am), 218.21 (2m),
4 218.22 (3g), 218.31 (1) (ag), 218.31 (1) (am), 218.31 (1m), 218.32 (3g), 220.01
5 (1e), 224.72 (2) (c), 224.72 (7m), 224.77 (6), 227.03 (7m), 250.05 (8m), 254.115,
6 281.58 (3) (b), 281.58 (6) (b) 5m., 281.58 (13) (be), 281.58 (13) (bs), 281.58 (13)
7 (cm), 281.58 (13) (em), 287.24, 299.07, 301.03 (14), 301.03 (18), 301.328, 302.11
8 (1q), 343.305 (6) (e), 343.61 (2) (a) 1. and 2., 343.61 (2) (b), 343.62 (2) (b), 343.64
9 (2), 343.65 (2), 343.662, 343.672, 350.12 (3j) (e), 440.12, 551.32 (1) (bm), 551.34
10 (1m), 560.145, 560.147, 560.183 (6m) (b), 560.184 (6m) (b), 628.095, 628.097,
11 628.10 (2) (c), 628.10 (2) (d), 632.68 (2) (bc), 632.68 (2) (bm), 632.68 (2) (cm),
12 632.68 (3) (b), 632.68 (4) (bc), 632.68 (4) (bm), 632.68 (5) (b), 632.7495 (4), 633.14
13 (1) (d), 633.14 (2) (d), 633.14 (2c), 633.14 (2m), 633.15 (1m), 633.15 (2) (c),
14 751.15, 779.14 (1) (title), 779.14 (1e) (title), 779.14 (1e) (b), 779.14 (1m) (title),
15 779.14 (1m) (c) and (d), 779.14 (1m) (e) (title), 779.14 (1s), 779.14 (2) (title),
16 779.14 (3) (title), 782.02 (1) (b), 782.02 (1) (c), 782.035, 782.04 (3m) and (4m),
17 782.045, 782.195, 782.205, 801.02 (7) (a), (b) and (d), 802.05 (3), 802.06 (1m),
18 804.015, 806.025, 807.04 (2), 807.15, 809.103, 813.02 (1) (c), 813.40, 814.04
19 (1m), 814.25, 814.29 (1m), 893.735, 893.82 (3m), 895.45, 895.76, 938.235 (8) (b),
20 (c), (d) and (e), 938.27 (3) (a) 1m., 938.355 (2b), 938.355 (2d) and 938.38 (4) (fm)
21 of the statutes; and *to affect* 1997 Wisconsin Act 27, section 9132 (1xyg), 1997
22 Wisconsin Act 27, section 9137 (4eq) (a), 1997 Wisconsin Act 27, section 9143
23 (2e), 1997 Wisconsin Act 27, section 9256 (3x) (d) 2. b. and 1997 Wisconsin Act
24 27, section 9256 (3x) (e) 2. b.; **relating to:** transferring from the department of
25 workforce development to the department of commerce the administration of

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1 the housing design and construction requirements of the fair housing law; a
2 grant for a distance education center; grants for revolving loan funds for
3 economic development; loans for renovation of buildings, purchase of land,
4 buildings, machinery or equipment or construction of buildings; tourism
5 marketing; the rural economic development program; administration of
6 brownfields redevelopment activities; use of penalty revenues under the
7 physician and health care provider loan assistance programs; transferring
8 from the department of health and family services to the department of
9 corrections the responsibility for establishing and collecting fees for juvenile
10 correctional services provided by the department of corrections; parental
11 liability for guardian ad litem fees in juvenile court proceedings; increasing the
12 per diem payments made to temporary reserve judges; litigation by persons
13 incarcerated, imprisoned, confined or detained in a jail or prison; petitions for
14 writs of habeas corpus and limiting access to public records by persons
15 incarcerated, imprisoned, confined or detained in a jail or prison; requirements
16 for promotion from 4th grade to 5th grade and from 8th grade to 9th grade;
17 grants to teachers who are certified by the National Board for Professional
18 Teaching Standards; creating a grant program for peer review and mentoring
19 of teachers; determining the amount appropriated as general school aid; the
20 college tuition prepayment program; leasing technical college facilities to
21 others; the family practice residency program of the Medical College of
22 Wisconsin, Inc.; grants to certain school districts for telecommunications access
23 awarded by the technology for educational achievement in Wisconsin board;
24 revising dispute settlement procedures in local government employment other
25 than law enforcement and fire fighting employment; the dry cleaner

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1 environmental response program; hazardous waste disposal facilities;
2 voluntary party liability for cleaning up property that is contaminated with
3 hazardous substances and that was acquired from a local governmental unit;
4 tire waste cleanup; arbitration of appeals under the petroleum storage
5 remedial action program; clean water fund program federal financial hardship
6 assistance; administrative forfeitures for violations of safe drinking water
7 rules; providing community aids funding for Milwaukee County; child welfare,
8 children in out-of-home care, termination of parental rights and adoption;
9 criminal history and abuse record searches of operators, employes and
10 nonclient residents of certain entities that provide care for children or adults;
11 a child's first book initiative; eligibility criteria for kinship care payments;
12 proposed legislation to establish a new long-term care system for services to
13 elderly and adult disabled individuals; a pilot project for management of
14 long-term care programs; authorizing counties to contract for health and social
15 services on a prepaid or postpaid, per capita basis; care required and provided
16 in adult family homes, community-based residential facilities and nursing
17 homes; critical access hospitals; reimbursement of the Marquette University
18 School of Dentistry for providing dental services in Waushara and Monroe
19 counties; inclusion of stepparents in the badger care program; transferring food
20 service operations of the Southern Wisconsin Center for the Developmentally
21 Disabled from the department of health and family services to the department
22 of corrections; the submittal date for a report on the future of the state centers
23 for the developmentally disabled; rates by which reimbursement is reduced to
24 the state centers for the developmentally disabled; eliminating the monthly
25 reimbursement limit on community options program services for medical

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1 assistance recipients; medical assistance eligibility for working recipients of
2 supplemental security income; eliminating the requirement for an annual
3 report on access to obstetric and pediatric services under the medical assistance
4 program; interim assistance for applicants of supplemental security income;
5 specialized medical vehicles; electronic benefits transfer under the food stamp
6 program; county administration of public assistance records; guaranteed
7 renewability of individual health benefit plans; an exemption from
8 renewability requirements for short-term insurance; the transportation and
9 sale of fish; the Southeastern Wisconsin Fox River commission; fees for
10 snowmobile trail use stickers; benefits payable and contributions permitted
11 under the Wisconsin retirement system; payment and performance assurance
12 requirements for public works projects; state interfund borrowing limitations;
13 transfers from the general fund to the property tax relief fund; grants for
14 recycling of computers and wheelchairs; creating a refundable individual
15 income tax credit for educational expenses paid for dependents who attend
16 public or certain private elementary and secondary schools; creating an
17 individual income tax deduction for amounts paid for elementary and
18 secondary educational costs; creating an individual income tax deduction for
19 amounts paid for certain higher education costs; defining the Internal Revenue
20 Code for state income and franchise tax purposes; a property tax exemption for
21 computers; state aid payments to municipalities; creating a tax amnesty
22 program; increasing the department of revenue's ability to collect delinquent
23 taxes; denying and revoking licenses and similar documents to persons who
24 owe delinquent taxes or fail to reveal their social security numbers or federal
25 employer identification numbers; administration of the adult entertainment

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1 tax; weight limitations for vehicles and combinations of vehicles transporting
 2 bulk potatoes; the transportation infrastructure loan program; administration
 3 of a national guard youth program; the maximum allowable veterans home
 4 loan; granting rule-making authority; providing an exemption from
 5 rule-making procedures; granting and decreasing bonding authority; and
 6 making and decreasing appropriations.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill provides and adjusts levels of funding for various state programs. The bill also creates and revises programs and makes changes in various laws. The descriptions that follow relate to the most significant changes in the law proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the legislative reference bureau's drafting files that contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

GUIDE TO NONSTATUTORY MATERIAL

The SECTIONS of this bill treating statutory material are displayed in the ascending numerical sequence of the statute units affected. Treatments of prior session laws (styled "laws of [year], chapter ..." from 1848 to 1981, or "[year] Wisconsin Act ..." beginning with 1983) are displayed next by year of original enactment and by chapter or act number.

Following this material, the remaining nonstatutory material is displayed in this order:

9101 to 9156: Nonstatutory provisions; entity name.

9201 to 9256: Appropriation changes; entity name.

9301 to 9356: Initial applicability; entity name.

9400 to 9456: Effective dates; entity name.

In each of the 4 categories, there is a separate SECTION number for every entity. In that number, the last 2 digits correspond to the entities as shown below. For example, for miscellaneous nonstatutory provisions affecting the historical society, see SECTION 9124. The entities are listed in alphabetical sequence by key word, but for any entity not yet assigned a 2-digit identification number, see number "56" (other) in each category.

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- 01 ADMINISTRATION
- 02 ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD
- 03 AGING AND LONG-TERM CARE BOARD
- 04 AGRICULTURE, TRADE AND CONSUMER PROTECTION
- 05 ARTS BOARD
- 06 BOUNDARY AREA COMMISSION, MINNESOTA-WISCONSIN
- 07 BUILDING COMMISSION
- 08 CHILD ABUSE AND NEGLECT PREVENTION BOARD
- 09 CIRCUIT COURTS
- 10 COMMERCE
- 11 CORRECTIONS
- 12 COURT OF APPEALS
- 13 EDUCATIONAL COMMUNICATIONS BOARD
- 14 ELECTIONS BOARD
- 15 EMPLOYEE TRUST FUNDS
- 16 EMPLOYMENT RELATIONS COMMISSION
- 17 EMPLOYMENT RELATIONS DEPARTMENT
- 18 ETHICS BOARD
- 19 FINANCIAL INSTITUTIONS
- 20 GOVERNOR
- 21 HEALTH AND EDUCATIONAL FACILITIES AUTHORITY
- 22 HEALTH AND FAMILY SERVICES
- 23 HIGHER EDUCATIONAL AIDS BOARD
- 24 HISTORICAL SOCIETY
- 25 HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY
- 26 INSURANCE
- 27 INVESTMENT BOARD
- 28 JOINT COMMITTEE ON FINANCE
- 29 JUDICIAL COMMISSION
- 30 JUSTICE
- 31 LEGISLATURE
- 32 LIEUTENANT GOVERNOR
- 33 LOWER WISCONSIN STATE RIVERWAY BOARD
- 34 MEDICAL COLLEGE OF WISCONSIN
- 35 MILITARY AFFAIRS
- 36 NATURAL RESOURCES
- 37 PERSONNEL COMMISSION
- 38 PUBLIC DEFENDER BOARD
- 39 PUBLIC INSTRUCTION
- 40 PUBLIC SERVICE COMMISSION
- 41 REGULATION AND LICENSING
- 42 REVENUE
- 43 SECRETARY OF STATE
- 44 STATE FAIR PARK BOARD
- 45 SUPREME COURT

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- 46 TECHNICAL COLLEGE SYSTEM
 - 47 TOURISM
 - 48 TRANSPORTATION
 - 49 TREASURER
 - 50 UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY
 - 51 UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS BOARD
 - 52 UNIVERSITY OF WISCONSIN SYSTEM
 - 53 VETERANS AFFAIRS
 - 54 WORLD DAIRY CENTER AUTHORITY
 - 55 WORKFORCE DEVELOPMENT
 - 56 OTHER
- — — — —

COMMERCE AND ECONOMIC DEVELOPMENT**BUILDINGS AND SAFETY**

Under current law, the department of workforce development (DWD) administers the fair housing law. This bill transfers from DWD to the department of commerce the responsibility for administering that portion of the fair housing law that requires certain multifamily housing to be designed and constructed so as to be accessible to persons with disabilities. Specifically, under the bill, the responsibility for setting accessibility standards, for reviewing plans and specifications for proposed covered multifamily housing and for granting variances from those standards is transferred to the department of commerce. The responsibility for receiving, investigating and hearing complaints charging that there has been a violation of those accessibility standards, however, remains with DWD.

ECONOMIC DEVELOPMENT

This bill authorizes the department of commerce to make a grant to a consortium consisting of a business and a higher educational institution in Eau Claire County for establishing a distance education center for technology and engineering instruction.

The bill also authorizes the department of commerce to award grants for capitalization of revolving loan funds for local and regional economic development and to make loans for specific projects consisting of the renovation or construction of buildings, or the purchase of land, buildings, machinery or equipment, for the purpose of fostering economic development in an area.

In general, a recipient of a grant or loan must submit a plan detailing the proposed use of the grant or loan, enter into a written agreement that specifies the conditions for the use of the funds and agree to submit a report on the use of the funds after they have been spent. A loan recipient must contribute matching funds for at least 25% of the project cost.

Current law authorizes the department of commerce to award grants to businesses in rural municipalities for the start-up, modernization or expansion of

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a dairy farm or other agricultural business. Grants are limited to no more than \$200,000 in the aggregate in a fiscal year. This bill changes the maximum aggregate amount for those grants to \$500,000 in a fiscal year.

Current law directs the business development assistance center in the department of commerce to act as an ombudsman for brownfields redevelopment projects and to assist the department of commerce in administering the brownfields grant program. (Brownfields are abandoned or idle industrial or commercial facilities or sites that are not expanded or redeveloped because of actual or perceived environmental contamination.) Current law contains an appropriation under which moneys from the petroleum inspection fund are to be used for activities of and staff for the business development assistance center in the department of commerce. This bill changes the purpose of that appropriation to administration of brownfields redevelopment activities.

CORRECTIONAL SYSTEM

Current law requires the department of corrections (DOC) to establish fees for juvenile correctional services provided by DOC. Current law also requires the department of health and family services (DHFS) to include DOC's fees in DHFS' uniform system of fees and to collect the fees owed to DOC. This bill requires DOC to establish its own uniform system of fees and to collect the fees owed to DOC for the juvenile correctional services provided by DOC.

COURTS AND PROCEDURE**CIRCUIT COURTS**

Under current law, the county of venue (the county in which a proceeding before the court assigned to exercise jurisdiction under the children's code and the juvenile justice code (juvenile court) takes place) must pay reasonable compensation to a guardian ad litem (GAL) appointed for a child in such a proceeding. This bill permits the juvenile court to order the child's parents to pay all or any part of that compensation and to pay the fee for any expert witness used by the GAL. Under the bill, if one or both of the child's parents are indigent, or if the juvenile court determines that it would be unfair to require a parent to pay, the juvenile court may order the county of venue to pay the GAL's compensation and the fees of any expert witness, in whole or in part. If the juvenile court orders the county of venue to pay because a parent is indigent, the juvenile court may order the parents to reimburse the county, in whole or in part, for the payment.

Under current law, the chief justice of the supreme court may appoint certain persons to serve as temporary reserve judges, including persons who have been supreme court justices, court of appeals judges or circuit judges. Temporary reserve judges perform judicial duties on a day-to-day basis as the chief justice directs. Currently, a temporary reserve judge receives a per diem payment for his or her services of \$243.49, which is based on a per diem payment of \$225 in 1993 increased

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by the same percentage increase as the total percentage increase in circuit judges' salaries authorized during each 12-month period ending on August 1.

Under this bill, the per diem payment for a temporary reserve judge is \$255.66 until August 1, 1998, when the per diem payment is increased by the percentage increase authorized for circuit judges' salaries.

JUSTICE

This bill provides immunity from civil liability for any governmental unit or public official, employe or agent for any act or omission committed in reliance upon a written opinion of the attorney general. The opinion may relate to any subject. The bill does not specify whether the opinion must be published.

OTHER COURTS AND PROCEDURE

This bill makes changes in current law relating to litigation brought by prisoners (persons incarcerated, imprisoned, confined or detained in a jail or prison) and to petitions for writs of habeas corpus. Among the changes are:

Limitations on commencing lawsuits

Currently, a person with a disability who is entitled to bring a lawsuit may, in certain cases, have the period for commencing the lawsuit extended until a certain length of time after the person's disability ceases if the person had the disability at the time the event giving rise to the lawsuit occurred. Current law allows former prisoners to bring a lawsuit within 5 years after they are no longer in prison. This bill removes prisoner status as a disability for purposes of extending the period permitted for bringing a lawsuit. The bill requires a prisoner to bring a lawsuit related to prison or jail conditions for which there are administrative remedies available, including a petition for a writ of certiorari, within 30 days after the event giving rise to the lawsuit occurs or the lawsuit is barred. (A petition for a writ of certiorari involves asking a court to review an action taken by an administrative agency or a lower court based on the information used by the agency or lower court and without presenting any additional information to the reviewing court.)

Limits on remedies

This bill provides that a petition for a writ of certiorari is a prisoner's only method of challenging certain official actions. Currently, a prisoner may use any available legal remedy to challenge official actions, including a summons and complaint, writ of mandamus or writ of certiorari. Under the bill, the decisions that may only be challenged using a petition for a writ of certiorari are those related to the following: 1) prison discipline; 2) revocation of probation; 3) denial or revocation of parole; and 4) the disposition of a complaint regarding prison or jail conditions.

In addition, under the bill, a prisoner may not recover damages for mental or emotional injury unless the prisoner shows that he or she suffered a physical injury as a result of the same incident that caused the mental or emotional injury.

Exhaustion of administrative remedies

Currently, a prisoner is prohibited from commencing a civil lawsuit against department of corrections (DOC) personnel until the prisoner has exhausted all

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administrative remedies established by DOC by rule. This bill expands that prohibition to apply to all civil lawsuits by prisoners related to prison or jail conditions against any person for which there are administrative remedies available.

Limit on filing of lawsuits by certain persons

Except when a prisoner is in danger of serious injury, this bill requires a court that receives a request from a prisoner for permission to commence a civil lawsuit without the payment of court costs to deny that request if the prisoner has had a court proceeding in which he or she was allowed to commence the lawsuit without paying the court costs dismissed on 2 or more occasions because the proceeding was frivolous, was used for an improper purpose (such as harassment), sought monetary damages from a person immune from such damages, or failed to state a claim upon which relief could be granted. The bill requires a court to hold a prisoner in contempt if the court dismisses the lawsuit for one of those reasons and if the prisoner has had a previous lawsuit dismissed for one of those reasons. The contempt sanctions include prohibiting the prisoner from filing any lawsuit for 2 years or until any monetary penalty imposed for the contempt is paid, whichever is earlier. The bill also requires a court to dismiss any pending lawsuit brought by a prisoner in which court costs are unpaid if the prisoner is released from prison and fails to make arrangements for the payment of those costs within 30 days after being released.

Waiver of answer

Currently, if a person, including a prisoner, commences a lawsuit, the defendant in the action has 20 days after service of the complaint to answer the complaint. In certain cases the state has 45 days to answer a complaint. Under this bill, a defendant in a lawsuit commenced by a prisoner is not required to respond to the complaint. Under the bill, the failure to respond to a lawsuit related to prison or jail conditions is an affirmative defense against all of the allegations made in the prisoner's complaint. The bill requires the court, if it determines that the plaintiff may prevail on the merits, to order the defendant to respond to the complaint.

Costs and fees in prisoner actions

This bill provides that no costs may be awarded against an employe of the state or a public agency who is acting in his or her official capacity or against the state or a public agency in a lawsuit brought by a prisoner related to conditions of imprisonment. If the state or public agency prevails in a lawsuit brought by a prisoner related to conditions of imprisonment, the bill provides that the prisoner must pay the costs. If a prisoner requests permission to bring a lawsuit without the payment of costs, the bill requires the prisoner to provide a copy of the statement that summarizes how much money the prisoner's custodian is holding on behalf of the prisoner and to submit an affidavit showing that he or she is unable to pay the costs and that he or she has paid all previously assessed costs.

If the prisoner's account is insufficient to pay the full costs, the bill requires the court to take the full amount in the account as a partial payment of the costs. The bill requires the agency having custody of the prisoner's account to freeze that account and use any deposits made into that account to pay the remainder of the costs. The bill allows the court to waive these requirements if the prisoner is in danger of serious physical harm.

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If a prisoner is entitled to attorney fees, the bill limits those fees to those directly related to proving the violation that results in the granting of attorney fees. The bill provides that 25% of any monetary relief ordered must be applied to satisfy any attorney fees awarded to the prisoner and limits the defendant's liability for attorney fees to 125% of the monetary award. Under current case law, costs may not be assessed against the state unless otherwise expressly provided. Costs may be assessed against a prisoner.

Payment of judgments

Currently, if a court enters a judgment for a monetary award to a prisoner, the payment is made directly to the prisoner.

Under this bill, if a court enters a judgment for a monetary award to a prisoner, the court must, before permitting payment of any proceeds to the prisoner, order that the award be paid for the following purposes and in the following order:

1. To satisfy any unpaid court order of restitution.
2. To pay any civil judgment in favor of a crime victim.
3. To reimburse the department of justice for any awards made to crime victims.
4. To pay any unpaid court costs.
5. To reimburse DOC for any loans made to the prisoner to enable him or her to engage in litigation.
6. To victims of the prisoner's crimes who are notified of the award and petition the court for payments. The bill does not specify any criteria for the award of payments to victims.

Change in mandatory release date; loss of good time

Under current law, with certain exceptions, a person sentenced to prison is entitled to mandatory release on parole after he or she has served two-thirds of his or her prison sentence. In addition, under current law, a person sentenced to jail is eligible to earn "good time" in the amount of one-fourth of his or her term if he or she maintains good behavior. A prison inmate's mandatory release date may be extended and a jail inmate may lose good time if he or she violates any regulation of the prison or jail or refuses or neglects to perform a required duty.

This bill allows a court to order that a prison inmate's mandatory release date be extended by a specific number of days or that a jail inmate lose a specific amount of good time if the court finds that the inmate commenced a lawsuit for a malicious purpose or solely to harass the other party or that the inmate testified falsely or provided false evidence or information to the court.

Discovery

Currently, parties to a lawsuit may obtain evidence (discovery) by various methods, including depositions, interrogatories (submission of written questions), production of documents and physical examinations. The frequency and use of these methods is not limited unless the court orders otherwise. Under this bill, in a lawsuit commenced by a prisoner, the prisoner may not obtain discovery before the court receives a copy of the defendant's responsive pleading, unless the court orders a party to submit to discovery. If the defendant waives his or her answer, or moves to dismiss the lawsuit, the prisoner may not obtain discovery until the court determines whether the lawsuit may continue. Under the bill, any discovery by a prisoner is

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limited to what is essential to his or her case and may intrude only minimally in the activities of the person subject to discovery. The bill limits the number of requests a prisoner may make for discovery materials to 15, unless good cause is shown for additional requests.

Injunctive relief

Currently, as part of an action, a party may seek and receive a temporary court order (injunction) to prevent another person from committing some act after giving the other party a chance to comment regarding the proposed injunction. This bill requires a court, before issuing an injunction in an action regarding prison or jail conditions, to give the attorney representing the prison or jail the opportunity for a hearing. Under the bill, any temporary injunction issued regarding prison or jail conditions expires 90 days after it is issued unless the court orders that the injunction be extended. The bill specifies that the temporary injunction may require only what is necessary to correct the harm, must be the least intrusive means necessary to correct the harm and may not require a governmental official or agent to exceed his or her authority or violate state law or a local ordinance except under limited circumstances.

Appeals

This bill allows an appellate court to dismiss an appeal without requiring a reply by the respondent if the appeal is frivolous, used for an improper purpose, seeks monetary damages from a person immune from such damages or if there is no ground upon which relief may be granted. Currently, the appellate court reviews the case after the receipt of arguments from both parties.

Public records

Under current law, any person has the right to inspect and receive a copy of a public record. Incarcerated persons do not have that right except in very limited circumstances. The custodian of the record may impose a fee for a copy of the record and may require prepayment if the fee imposed is over \$5. This bill allows the custodian of the record to require prepayment of the fee or to deny a request for a record if the copy of the record is requested by a person confined in a local, state or federal prison and that person has failed to pay any fee for a previously requested record.

Litigation loans to prisoners

Under current law, DOC may make loans to a prisoner without sufficient funds to pay for paper, photocopying and postage for correspondence with courts, attorneys, parties in litigation, the inmate complaint review system or the parole board.

This bill provides that if a prisoner fails to repay a loan made by DOC to pay expenses associated with litigation commenced by the prisoner, the warden of the institution where the prisoner is located may certify to the circuit court for the county in which the institution is located the amount of the loans that are unpaid. The certified amount constitutes a judgment against the prisoner unless the prisoner submits a written objection to the certification. The prisoner's written objection

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serves to commence a civil lawsuit by the prisoner, and the prisoner bears the burden of proving that the certified amount is incorrect.

Petitions for a writ of habeas corpus

Currently, a person may petition a court for a writ of habeas corpus if he or she believes that he or she is unlawfully imprisoned or otherwise subject to an unlawful restriction on his or her liberty. However, under current law a person generally may not use a habeas corpus proceeding to challenge a commitment or detention under a final judgment or order of any competent tribunal of civil or criminal jurisdiction. In addition, a writ of habeas corpus is generally not available if there is another legal procedure that the person may use to challenge the restriction on his or her liberty. For example, a person who is in custody under a sentence of imprisonment may not use a habeas corpus proceeding to seek relief from the sentence unless he or she has first filed a motion for postconviction relief with the sentencing court, unless such a motion is inadequate or ineffective to test the legality of the imprisonment.

Current law does not provide a specific time limit for filing a petition for a writ of habeas corpus, although a court may dismiss a petition if there is an unreasonable delay in filing the petition. Upon receiving a petition for a writ of habeas corpus, the court must issue the writ and require the person who has custody of the petitioner to appear in court with the petitioner so that the court can make a determination of the legality of the restriction on the petitioner's liberty. If there is no legal cause shown for the restriction, the court must order the petitioner discharged from the restriction.

This bill makes the following changes relating to petitions for a writ of habeas corpus:

1. The bill provides that a person may not file a petition for a writ of habeas corpus to challenge a revocation of probation or parole or a denial of parole if there is another adequate legal remedy available to challenge the revocation or denial. The bill also provides that no person is entitled to a writ of habeas corpus unless he or she has first sought relief using any adequate remedies that are available through state administrative agencies.

2. The bill provides a time limit for a person to file a petition for a writ of habeas corpus if the person is imprisoned in a prison or jail and is seeking relief from a judgment of conviction for a crime, from a sentence for a crime, from a revocation of parole or probation or from an action by a government officer, employe or agent that affects the person's imprisonment or status as a probationer or parolee. The person must file the petition within one year of whichever of the following happens last: a) the time expires for appealing or seeking postconviction relief or, if the person did appeal or seek postconviction relief, the final adjudication of the appeal or postconviction proceeding; b) the date on which any state law that prevented the person from filing a petition is declared to be unconstitutional; c) if the petition is based on a newly recognized rule of constitutional law, the date on which that rule was recognized by a court; or d) the date on which the facts on which the petition is based could have been discovered by the petitioner through the exercise of due diligence.

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3. The bill restricts successive petitions by a person who is imprisoned in a prison or jail and seeking relief from a judgment of conviction for a crime, from a sentence for a crime, from a revocation of parole or probation or from an action by a government officer, employe or agent that affects the person's imprisonment or status as a probationer or parolee. If the person has previously filed a petition, he or she may not file another petition based on a claim that was raised in the previous habeas corpus proceeding. In addition, the person may not file a petition raising a claim that was not raised in the previous petition unless the later petition is based on a new, retroactive rule of constitutional law or the facts on which the petition is based were not previously discoverable and establish that, absent some constitutional error in the proceeding leading to the imprisonment, no reasonable factfinder would have found against the petitioner.

4. The bill provides that a court hearing a habeas corpus petition is bound as to all issues of law and fact decided by the final adjudication of an appeal, postconviction motion or other proceeding undertaken to challenge the imprisonment unless there is a material fact that did not appear in the record of the appeal, postconviction motion or other proceeding, the fact would probably change the outcome of the appeal, postconviction motion or other proceeding and by exercising due diligence the petitioner could not have caused that fact to appear in the record.

5. Finally, the bill prohibits a court from granting a default judgment discharging the petitioner in a habeas corpus proceeding if the person who has custody of the petitioner fails to appear in court with the petitioner for the hearing on the legality of the restriction on the petitioner's liberty. Instead, the bill requires the court to use existing methods of compelling the person to appear with the petitioner and, if necessary, to hold a hearing on the legality of the restriction before ordering the petitioner discharged.

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Current law requires the state superintendent of public instruction to adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in the 4th and 8th grades. Each school board must administer the 4th and 8th grade examinations each year.

Beginning with examinations administered in the 2002-03 school year, this bill allows a school board to adopt and administer its own 4th and 8th grade examinations in addition to the state-approved examinations. Beginning in the 2002-03 school year, the bill prohibits a school board from promoting a 4th grade pupil to the 5th grade or an 8th grade pupil to the 9th grade unless the pupil passes (scores at the basic level or above, as determined by the state superintendent) the state examination or, if the school district also administers its own examination, passes that examination. A pupil who is excused from taking the examination required for promotion must satisfy alternative criteria developed by the school board in order to be promoted.

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Beginning in the 1999-2000 school year, this bill directs the department of public instruction (DPI) to pay to each licensed teacher who becomes certified by the National Board for Professional Teaching Standards while employed as a teacher in this state \$3,000 plus an amount equal to one-half the costs of obtaining national certification. The bill also prohibits DPI from requiring a licensed teacher who has received national certification in the preceding 5 years to earn continuing professional education credits or their equivalent in order to renew his or her teaching license.

This bill authorizes DPI to award grants to cooperative educational service agencies (CESAs), which provide services to school districts, and to consortia consisting of 2 or more school districts or CESAs to provide technical assistance and training for teachers to implement peer review and mentoring programs. DPI may not award more than \$25,000 to an applicant in a fiscal year. As a condition of receiving the grant, each CESA or consortium must provide matching funds in an amount equal to at least 20% of the amount of the grant awarded. The matching funds may be in the form of money or in-kind services or both.

Under current law, beginning in the 1998-99 fiscal year the joint committee on finance (JCF) determines the amount appropriated as general school aid. This bill specifies the amount appropriated as general aid in the 1998-99 fiscal year and directs JCF to determine the amount in each fiscal year thereafter.

HIGHER EDUCATION

The department of administration (DOA) currently administers the college tuition prepayment program. Under the program, an individual may contract with DOA to purchase tuition units on behalf of a beneficiary named in the contract. DOA may not enter into more than one contract on behalf of the same beneficiary. Either the individual or the beneficiary must be a Wisconsin resident, and the beneficiary must be the child or grandchild of the individual. To the extent possible, the cost of each tuition unit, which is determined by DOA, must be an amount that, in the academic year in which the beneficiary intends to enroll in an accredited institution of higher education, is equal to 1% of the weighted average tuition of bachelor's degree-granting institutions within the University of Wisconsin (UW) System. When the beneficiary enrolls in an accredited institution of higher education in the United States, each tuition unit purchased on his or her behalf entitles the beneficiary to apply toward tuition at the institution an amount equal to 1% of the weighted average tuition of bachelor's degree-granting institutions within the UW System in that academic year, as estimated at the time of purchase.

This bill makes the following changes to the program:

1. The bill allows the beneficiary to be the nephew or niece of the individual purchasing the tuition units.
2. The bill allows an individual to purchase tuition units on his or her own behalf; allows a legal guardian to purchase on behalf of a child who is under the legal

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guardianship of the legal guardian; and allows a trust to purchase on behalf of the beneficiary of the trust.

3. The bill requires that the beneficiary or the individual purchasing the units be a Wisconsin resident; if the purchaser is a legal guardian that is not an individual, the legal guardian must be organized under the laws of this state; and if the purchaser is a trust, the trust must be created under the laws of this state.

4. The bill allows a purchaser to purchase a sufficient number of tuition units to cover the cost of mandatory student fees in addition to the cost of tuition.

5. The bill allows DOA to adjust the value of a tuition unit based on actual earnings, less expenses, if the beneficiary wishes to use the unit in a year other than the year specified in the purchase contract, or if the beneficiary or the purchaser wishes to receive a refund in a year other than the one specified in the purchase contract.

6. The bill allows DOA to impose refund deductions or to increase the specified refund deductions if DOA determines that such action is necessary to maintain the program's status as a qualified state tuition program under federal law. Under a qualified state tuition program, federal income taxes on program earnings are deferred.

7. The bill allows DOA to keep personal and financial information pertaining to a purchaser or to a beneficiary closed to the public. Currently, such information is open to the public unless DOA demonstrates that the public interest in withholding the information outweighs the strong public interest in providing access to it.

8. Finally, the bill eliminates the prohibition against DOA entering into more than one contract on behalf of the same beneficiary.

This bill authorizes a technical college district board to lease facilities to others for school purposes. No lease may be entered into after June 30, 1999.

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the technology for educational achievement in Wisconsin board administers an educational telecommunications access program under which the board pays a specified portion of the cost for a school district to obtain access to a data circuit providing access to the internet or to a 2-way interactive video circuit. If a school district had in effect on October 14, 1997, a contract for obtaining such access, the school district is not eligible for assistance under the program. However, until June 30, 2002, the board may award an annual grant to such a school district that equals the amount of assistance that the school district would receive if it were participating in the program.

This bill specifies that an annual grant awarded to a school district that is not eligible to participate in the program may not be greater than the cost that the school district incurs under the contract that it had in effect on October 14, 1997.

ASSEMBLY BILL 768**EMPLOYMENT**

Under current law, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin employment relations commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final and binding arbitration by an arbitrator or arbitration panel with respect to any dispute relating to wages, hours and conditions of employment. If WERC determines, after investigation, that an impasse exists, arbitration is required. An arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

Under current law, however, this process does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines, subsequent to an investigation, that the employer has submitted a qualified economic offer (QEO). Under current law, a QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to generally provide, with certain exceptions, for an annual average salary increase having a cost to the employer at least equal to 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit.

This bill revises the QEO provisions in current law, providing that a QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit *plus any fringe benefit savings*. Under the bill, fringe benefit savings is that amount, if any, by which 1.7% of the total compensation and fringe benefit costs for all employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and to maintain all fringe benefits provided to the employees.

ENVIRONMENT**HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP**

Under current law, the owners of certain dry cleaning facilities are eligible to be reimbursed by the department of natural resources (DNR) for a portion of the costs of interim remedial equipment to begin the cleanup of dry cleaning solvent discharges before the completion of full cleanup plans. An owner who is eligible for reimbursement for this interim remedial equipment is not required to complete the cleanup until funding is available to reimburse the owner for the costs of the completion of the cleanup.

This bill eliminates the provision that allows the owner of a dry cleaning facility who is eligible for reimbursement for interim remedial equipment to delay the rest

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of the cleanup until reimbursement is available for the costs of the completion of the cleanup.

Current law limits a qualified party's liability for property contaminated with a hazardous substance. This exemption from liability does not apply to any hazardous waste disposal facility that has been issued a license for a period of long-term care following closure of the facility if the license was issued on or before October 14, 1997.

Under this bill, this exemption from liability does not apply to any hazardous waste disposal facility that has been issued a license for a period of long-term care following closure of the facility, regardless of when the license was issued.

Under current law, DNR may agree to limit a party's financial liability for cleaning up property that is contaminated by a hazardous substance if the party acquired the contaminated property from a municipality that acquired the contaminated property: 1) through tax delinquency proceedings; 2) as the result of an order of a bankruptcy court; or 3) from another municipality that acquired the contaminated property in such a manner.

Under this bill, DNR may agree to limit a party's financial liability for cleaning up contaminated property if the party acquired the property from a municipality that acquired the contaminated property: 1) through condemnation proceedings; 2) for the purpose of slum clearance or blight elimination; or 3) from another municipality that acquired the contaminated property in such a manner.

Under current law, a local governmental unit (a municipality or a qualified redevelopment authority, public urban renewal body or housing authority) is exempt from certain environmental liabilities if the local governmental unit acquired the property: 1) through tax delinquency proceedings; 2) as the result of an order of a bankruptcy court; 3) through condemnation proceedings; 4) for purposes of slum clearance or blight elimination; or 5) from another local governmental unit that acquired the contaminated property in one of those 4 ways. However, as discussed above, a party that acquires the contaminated property is entitled to limit its financial liability for cleaning up the property only if the party acquires the contaminated property from a municipality. A party that acquires contaminated property from a qualified redevelopment authority, public urban renewal body or housing authority is not able to limit its financial liability under an agreement with DNR. This bill allows a party to limit its financial liability for cleaning up contaminated property under an agreement with DNR if the party acquired the property from such an authority or body that acquired the contaminated property in one of the 5 ways listed above.

Under current law, the department of commerce administers PECFA, a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. Under current law, a person who contests a decision of the department of commerce under PECFA is entitled to an administrative hearing. The decision after a hearing is made in writing and may be appealed to the courts.

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This bill allows a person who contests a decision of the department of commerce under PECFA to choose arbitration, rather than an administrative hearing, if the amount at issue is \$20,000 or less. The decision is subject to court review only on the ground that the decision was obtained by corruption or fraud.

WATER QUALITY

Under the clean water fund program, this state provides financial assistance for projects to control water pollution, including sewage treatment plants and sewage collection systems. Under this program, the state provides financial hardship assistance using only state funds to communities that meet certain financial criteria to reduce the costs of financing projects below the costs that would be incurred using the usual clean water fund assistance. A federal law enacted in 1996 established a hardship grants program for rural communities under which states may receive federal grants to improve wastewater treatment services in poor, rural communities with populations of 3,000 or fewer.

This bill establishes eligibility criteria, consistent with federal law, for federal hardship assistance under the clean water fund program. Under the bill, the amount of subsidy provided to a community receiving federal hardship assistance equals the amount of subsidy that the community would receive as state hardship assistance under current law.

HEALTH AND SOCIAL SERVICES**ALCOHOL AND OTHER DRUG ABUSE**

Under current law, the department of health and family services (DHFS) is required to distribute to counties, from substance abuse prevention and treatment funds received from the federal government (SAPT funds), not more than \$9,702,400 in fiscal year 1997-98 and not more than \$8,641,100 in fiscal year 1998-99 for the prevention and treatment of substance abuse. This bill requires DHFS to distribute, from SAPT funds, not more than an additional \$791,500 in fiscal year 1997-98 and not more than an additional \$1,583,000 in fiscal year 1998-99 to Milwaukee County.

CHILDREN

This bill makes various changes relating to children in out-of-home care, termination of parental rights (TPR) and adoption to conform Wisconsin law to Title IV-E of the federal Social Security Act, as affected by the federal Adoption and Safe Families Act of 1997.

Specifically, under current law, if an order of the juvenile court places a child outside of his or her home, the order must include a finding as to whether the county department of human services or social services (county department), DHFS, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services under a juvenile court order (agency) has made reasonable efforts to prevent the removal of the child from the home or, if applicable, to make it possible for the child to return to his or her home.

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This bill requires an agency, if a child is placed outside of his or her home, to have made reasonable efforts to prevent the removal of the child from the home, *while assuring that the health and safety of the child are the paramount concerns*, or, if applicable, to make reasonable efforts to make it possible for the child to return *safely* to his or her home. The bill also permits an agency, at the same time as the agency is making those reasonable efforts, to work with an agency authorized to place the child for adoption in making reasonable efforts to place the child for adoption, with a guardian or in some other alternative permanent placement.

The bill also specifies certain circumstances under which an agency is not required to make those reasonable efforts. Specifically, an agency is not required to make those reasonable efforts with respect to a parent if the juvenile court finds that the parent has subjected his or her child to aggravated circumstances, which include abandonment, torture, chronic abuse and sexual abuse; that the parent has committed first-degree intentional or reckless homicide, felony murder or 2nd-degree intentional homicide and that the victim of that homicide or felony murder is a child of the parent; that the parent has committed battery, first-degree or 2nd-degree sexual assault, sexual assault of a child, repeated sexual assault of a child or child abuse and that violation has resulted in great bodily harm or substantial bodily harm to a child of the parent; or that the parental rights of the parent to another child have been involuntarily terminated. If a juvenile court determines that an agency is not required to make those reasonable efforts, the juvenile court must hold a hearing within 30 days after that determination to determine a permanency plan, as described below, for the child.

Under current law, if a child is placed outside of his or her home, DHFS, the county department or the licensed child welfare agency that placed the child or arranged the placement of the child or the agency primarily responsible for providing services for the child must prepare a permanency plan for the child that describes, among other things, the services provided for the child and his or her family and the conditions, if any, upon which the child will be returned to his or her home. The juvenile court or a panel appointed by the juvenile court must review the permanency plan every 6 months to determine, among other things, the continuing necessity and appropriateness of the child's placement, the progress being made under the plan and whether reasonable efforts are being made to make it possible for the child to return to his or her home.

This bill requires a permanency plan and a permanency plan review to address the *safety* of a child's placement and the *safety* of returning the child to his or her home. The bill also requires a permanency plan to describe the efforts made by the agency to place the child for adoption, with a guardian or in some other alternative permanent placement, if the permanency plan calls for such a placement.

Current law provides various grounds for involuntary TPR. Those grounds include different forms of abandonment and the commission of a serious felony against a child of the parent. A serious felony for these purposes is first-degree intentional or reckless homicide, felony murder, 2nd-degree intentional homicide, first-degree or 2nd-degree sexual assault, sexual assault of a child, intentional or

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reckless child abuse causing great bodily harm, sexual exploitation of a child, incest, soliciting a child for prostitution or child neglect, if death is a consequence of the neglect.

This bill provides that abandonment of an infant, that is, leaving a child under 3 years of age without provision for the child's care or support, is a ground for involuntary TPR. The bill also provides that the commission of a battery causing great bodily harm or substantial bodily harm to a child of the parent is a ground for involuntary TPR.

In addition, subject to certain exceptions, the bill requires DHFS, a county department or a licensed child welfare agency, or the district attorney, corporation counsel or other appropriate official designated by the county board to prosecute TPR proceedings (person responsible for filing TPR petitions), to file a TPR petition with respect to a child or, if a TPR petition with respect to a child has already been filed, to join in the petition if the child has been placed in an out-of-home placement for 15 of the last 22 months, if the child was abandoned as an infant or if the parent has committed a serious felony against a child of the parent. A person responsible for filing TPR petitions need not file or join in a TPR petition with respect to such a child, however, if the child is being cared for by a relative, if a TPR is not in the best interests of the child or if the agency primarily responsible for providing services to the child and the family, consistent with the time period in the child's permanency plan, has not provided the services necessary for the safe return of the child to the home. The bill requires the person responsible for filing TPR petitions in each county to file, or join in, a TPR petition for not less than 33% of the children in the county who, as of November 17, 1997, have been placed in out-of-home care for 15 out of the last 22 months by July 1, 1999, for not less than 67% of those children by January 1, 2000, and for all of those children by July 1, 2000.

This bill requires the department of workforce development, which acts as the state's location service for locating parents who have deserted their children and who are liable for support, to provide parent location services upon request to DHFS, a county department or a licensed child welfare agency.

Under current law, known as the criminal history and abuse record search law, DHFS may not license a person to operate certain facilities that provide care for children or adults (entities) 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. Current law, however, permits such a person to demonstrate 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

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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 DHFS regarding any substantiated reports of child abuse or neglect against the person and, if the person must be credentialed by DORL, information maintained by DORL regarding the status of the person's credentials.

This bill makes a number of changes relating to the criminal history and abuse record search law. The bill:

1. Extends the applicability of the law to the licensing of foster homes and treatment foster homes. Under the bill, a person who has committed a crime against children that is a felony, felony spousal abuse or certain felonies involving violence or who has committed, within the past 5 years, a battery or a drug-related offense may not demonstrate that he or she has been rehabilitated for purposes of foster home or treatment foster home licensing.

2. Prohibits DHFS not only from *licensing*, but also from *certifying or registering*, a person to operate an entity that provides care for adults if the person may not be licensed under current law.

3. Limits the applicability 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 (institutions established for the diagnosis and treatment of tuberculosis) from coverage under the law.

4. 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 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.

5. 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.

6. Transfers from the entity to DHFS the responsibility for investigating the background of a nonclient resident or prospective nonclient resident of the entity who is expected to have access to the entity's clients. Under the bill, DHFS *must* investigate the background of an adult nonclient resident or prospective nonclient

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resident and *may*, at its discretion, investigate the background of a minor nonclient resident or prospective nonclient resident.

Current law directs a county department, or DHFS in a county having a population of 500,000 or more, to make kinship care payments to a relative of a child who is providing care and maintenance for the child if certain conditions are met, including the condition that the child meets one or more of the grounds for being found to be in need of protection or services under the children's code or the juvenile justice code or that the child would be at risk of meeting one or more of those grounds if the child were to remain in his or her home. Under current law, a child may be found to be in need of protection or services under the juvenile justice code on the grounds that he or she is uncontrollable, habitually truant from home or school or a dropout, that he or she is under 10 years of age and has committed a delinquent act or that he or she has been determined to be not responsible for a delinquent act by reason of mental disease or defect or to be not competent to proceed.

This bill eliminates from eligibility for kinship care payments a child who meets one or more of the grounds for being found to be in need of protection or services under the *juvenile justice code* or is at risk of meeting one or more of those grounds if the child were to remain in his or her home. The bill also requires, as the alternate condition for eligibility for kinship care payments, that a child be at *substantial* risk of meeting one or more of the grounds for being found to be in need of protection or services under the children's code if the child were to remain in his or her home.

HEALTH

This bill requires that, by July 31, 1998, DHFS submit drafting instructions to the legislative reference bureau for proposed legislation to authorize, on July 1, 2000, a single system to provide long-term care to elderly and adult disabled persons. The bill specifies required characteristics of this long-term care system, including a single consumer entry point for long-term care services for a county or tribal area, simplified and uniform eligibility, a needs-oriented long-term care benefit that covers a full array of services and support items and combined state, local and federal funding, within the limits of federal law. In preparing the drafting instructions, DHFS must consider the recommendations of a steering committee that is appointed by the secretary of health and family services. DHFS also must request, by July 1, 2000, any waivers from the federal government that would be necessary to effectively implement the proposed long-term care system. The bill authorizes DHFS to contract with counties or tribes under a pilot project to demonstrate the ability of counties or tribes to manage all long-term care programs under a local long-term care management organization.

The bill authorizes a county to contract with providers to pay a fixed amount for each person served by the provider in return for a defined set of expected outcomes that are determined by the county. In order to contract on this basis, a county must have a system that is approved by DHFS to monitor and assess the outcomes of the contract.

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Under current law, a licensed adult family home may provide care to only 3 or 4 unrelated adults and may not provide nursing care. A community-based residential facility (C-BRF) may provide the same kind of care as a licensed adult family home, but to 5 or more unrelated adults. A nursing home may provide 24-hour services to 3 or more unrelated residents who, because of their mental or physical conditions, require over 7 hours per week of nursing care or personal care.

Under this bill, licensed adult family homes may provide care, including nursing care, to 3 or 4 adults who are not related to the home operator. Nursing homes may provide care or treatment to 5 or more persons who are not related to the home operator or administrator and who require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services. C-BRFs may provide no more than 3 hours of nursing care per week to 5 or more adults who are not related to the facility operator or administrator. However, the limitations on the type of care that may be provided by a C-BRF do not apply under the following conditions:

1. A C-BRF may provide up to 3 hours of nursing care per week and care above intermediate level nursing care for up to 30 days to not more than 4 residents or 10% of the C-BRF's licensed capacity who have temporary conditions, require the care and are otherwise appropriate for C-BRF care, if the C-BRF has the resources necessary to provide the care.

2. A C-BRF may provide up to 3 hours of nursing care per week and care above intermediate level nursing care for up to 30 days to not more than 4 residents or 10% of the C-BRF's licensed capacity, who have stable or long-term conditions, require the care and are otherwise appropriate for C-BRF care, if the C-BRF has the resources necessary to provide the care and has obtained a waiver of the care limitations from DHFS.

3. A C-BRF may provide up to 3 hours of nursing care per week and care above intermediate level nursing care to residents who have terminal illnesses and who require the care, if the resident's primary care provider is a hospice or home health agency or if the C-BRF has obtained a waiver of the hospice or home health agency requirement from DHFS.

Currently, DHFS may license as a rural medical center an arrangement of facilities that is organized under a single governing and corporate structure and that is capable of providing at least 2 health care services in rural areas. A rural primary care hospital is one of the facilities that may be so organized and licensed. Current federal law authorizes and provides funds for states to establish medicare rural hospital flexibility programs, under which states must develop at least one rural health network and designate at least one facility as a critical access hospital. Federal law deems any rural primary care hospital that was federally designated before August 5, 1997, to be a critical access hospital.

This bill eliminates rural primary care hospitals from those facilities that may be organized and licensed as a rural medical center and authorizes critical access

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hospitals to be so organized and licensed. Lastly, the bill requires DHFS to apply to the federal government to establish a medicare rural hospital flexibility program.

Currently, DHFS must reimburse the Marquette University School of Dentistry for the cost of providing dental services in correctional centers in Milwaukee County and clinics in the city of Milwaukee. This bill directs that such reimbursement also be made for dental services that the school provides at clinics in Waushara and Monroe counties.

Currently, a family with an income at or below 185% of the federal poverty line (or, in certain cases, 200% of the federal poverty line) that meets certain criteria is eligible for health care coverage under the badger care program. Under current law, "family" is defined as a custodial parent and his or her dependent children.

This bill extends health care coverage under the badger care program to a stepparent who lives with his or her spouse and the spouse's children.

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS administers the food service operations of the Southern Wisconsin Center for the Developmentally Disabled. This bill transfers to the department of corrections administration of the food service operations of the Southern Wisconsin Center for the Developmentally Disabled.

Under current law, DHFS must study the future of the state centers for the developmentally disabled and report to the legislature and the governor by September 1, 1998. This bill changes to March 1, 1999, the date by which DHFS must submit this report.

PUBLIC ASSISTANCE

Under current law, a person receiving benefits under the federal supplemental security income (SSI) program or, in certain cases, under the social security disability income (SSDI) program, is eligible for medical assistance. Generally, persons who meet certain income and asset limitations and who are totally and permanently disabled or totally and permanently blind are eligible for SSI or, in some cases, SSDI. A person who is unable to engage in substantial gainful activity, which is defined as \$500 or more of earnings per month, by reason of any medically verifiable physical or mental impairment, is considered disabled for the purpose of determining SSI or SSDI eligibility.

This bill directs DHFS to request that the secretary of the federal department of health and human services waive income and asset requirements for SSI and SSDI recipients to allow DHFS to implement a program under which SSI and SSDI recipients may work and maintain eligibility for SSI or SSDI and medical assistance or the federal medicare program.

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Under current law, a person who receives benefits under the federal SSI program is not eligible for a Wisconsin works (W-2) employment position. W-2 is this state's replacement for the aid to families with dependent children program.

This bill permits the department of workforce development (DWD) to require an individual who is placed in a W-2 employment position, or who receives benefits as a custodial parent of an infant, and who applies for SSI benefits to authorize the federal social security administration to reimburse DWD for benefits paid to the individual during the period that the individual was entitled to SSI benefits to the extent that retroactive SSI benefits are made available to the person.

Under current law, certain specified services under the medical assistance program are not subject to recipient cost sharing or copayments, including specialized medical vehicle (SMV) services. This bill permits the charging of a copayment for SMV services.

Under current law, monthly reimbursement for long-term community support services that are provided to a medical assistance recipient under the community options program may not exceed the average monthly cost of nursing home care, as determined by DHFS. (Under the community options program, persons are assessed to determine if community services are appropriate to meet their needs for long-term support.) The monthly limit does not apply to a medical assistance recipient under the age of 22, a ventilator-dependent individual or an individual for whom DHFS determines that nursing home care or public funding for institutional care is unavailable, or if DHFS determines that the cost of providing an individual with nursing home care would exceed the cost of providing the person with care in the community.

This bill eliminates the monthly limit on reimbursement for long-term community support services that are provided to a medical assistance recipient under the community options program.

OTHER HEALTH AND SOCIAL SERVICES

This bill makes various changes relating to criminal history and abuse record searches of operators, employes and nonclient residents of certain facilities that provide care for adults (See **HEALTH AND SOCIAL SERVICES, CHILDREN.**)

INSURANCE

The provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) that are incorporated into current state law require an insurer that provides individual health benefit plan coverage to continue in force or renew an individual health benefit plan at the option of an individual who is insured under the plan with limited exceptions, such as if the insured individual fails to pay premiums.

This bill provides that an insurer is not required to renew an individual health benefit plan that is marketed and designed to be short-term coverage between coverages.

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Also under current law, if a person who has coverage under a group health benefit plan will lose that coverage because of the occurrence of a specified contingency, such as a divorce from a spouse who has the group health benefit plan coverage through his or her employment, the insurer must allow the person who will lose the coverage to continue the group coverage (continuation coverage) or convert to individual coverage (conversion coverage) at his or her own expense. The insurer, however, is not required to issue or continue in force individual conversion coverage if the person is eligible for similar benefits under another individual or group health benefit plan or by reason of any state or federal law.

This bill reconciles current law with the HIPAA provisions by requiring an insurer to continue in force, but not requiring an insurer to issue, individual conversion coverage, regardless of whether a covered individual is eligible for similar benefits under another individual or group health benefit plan or by reason of any state or federal law.

LOCAL GOVERNMENT

This bill changes the performance and payment assurance requirements for local public works or public improvement projects. (See **STATE GOVERNMENT, STATE BUILDING PROGRAM.**)

NATURAL RESOURCES**RECREATION**

With limited exceptions, beginning on May 1, 1998, snowmobile trail use stickers issued by the department of natural resources (DNR) are required on all snowmobiles that are operated in this state but not registered in this state. This bill raises the base fee and creates an additional issuing fee for the sticker. Under the bill, DNR may appoint agents, including county clerks, to issue these stickers, and the agents may retain the issuing fees to compensate them for providing this service. The bill also establishes a temporary procedure for issuing these stickers during the first year in which the stickers are required. This temporary procedure requires that all county clerks issue these stickers.

OTHER NATURAL RESOURCES

This bill permits DNR to expend moneys received from other state agencies for car, truck, airplane, heavy equipment, information technology or radio pools for the operation, maintenance, replacement and purchase of vehicles, equipment and information technology.

RETIREMENT AND GROUP INSURANCE

Under current law, the benefits payable under the Wisconsin retirement system (WRS) and the contributions permitted under the WRS are subject to the applicable limitations specified in the Internal Revenue Code for 1996. This bill provides that the benefits payable under the WRS and the contributions permitted

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under the WRS are subject to the applicable limitations specified in the Internal Revenue Code, without respect to the year.

STATE GOVERNMENT**STATE BUILDING PROGRAM**

Under current law, state contracts for at least \$2,500, and local contracts for at least \$500, that pertain to public improvements or public works are required to contain a provision requiring the prime contractor to pay all claims for labor performed and materials furnished, used or consumed in making the public improvement or performing the public work. If a contract is for \$10,000 or more, the contract must include a provision requiring the prime contractor to provide a bond for performance of the contract and the payment of these claims. This bonding requirement may be waived if the contract meets certain written standards for a waiver. The written standards are established by the department of administration (DOA) for most state contracts, by the department of natural resources (DNR) for certain types of hazardous substance spill response or environmental repair contracts, and by the appropriate local governmental entity for local governmental public works projects.

This bill establishes new requirements regarding payment and performance assurances for public contracts. Under the bill, there are no payment and performance assurance requirements for state or local contracts under \$10,000. For a state contract between \$10,000 and \$100,000 and for a local contract between \$10,000 and \$50,000, the contract must contain a provision allowing the governmental body to make payments under the contract directly to subcontractors or with checks that are made payable to the prime contractor and to one or more subcontractors. The governmental body must also establish written criteria for contracts in this price range to determine whether a contract requires payment or performance assurances and, if so, what payment or performance assurances are required. For a state contract between \$100,000 and \$250,000 and for a local contract between \$50,000 and \$100,000, the contract must require the prime contractor to obtain a payment and performance bond, unless DOA, in the case of a state contract, or the local government body authorized to enter into the contract, in the case of another public contract, allows the prime contractor to substitute a different payment and performance assurance. DOA or the local body may permit the substitution of different payment and performance assurance only after a contract has been awarded and only if the substituted payment and performance assurance is for an amount at least equal to the contract price and is in the form of a bond, an irrevocable letter of credit, an escrow account or other type of instrument. A contract in this price range must also include a provision allowing the governmental body to make payments under the contract directly to subcontractors or with checks that are made payable to the prime contractor and to one or more subcontractors. Finally, the bill requires payment and performance bonds for state contracts in excess of \$250,000 and for local contracts in excess of \$100,000. No waiver of this bonding requirement is permitted under the bill. All of the dollar thresholds in the bill are

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indexed biennially to reflect changes in construction costs, except that the amounts are not adjusted if the amount of the adjustment would be less than 5%.

STATE FINANCE

Under current law, all appropriations, special accounts and fund balances within the general fund or any segregated fund may be made temporarily available for the purpose of allowing encumbrances or financing expenditures of other general or segregated fund activities which do not have sufficient moneys in the accounts from which they are financed but have accounts receivable balances or moneys anticipated to be received. Current law limits the total amount of any of these temporary reallocations, referred to as interfund borrowing, to \$400,000,000. This bill amends the limitations on interfund borrowing so that the existing \$400,000,000 limit applies only to reallocations to a fund other than the general fund. Under the bill, temporary reallocations to the general fund at any time in a fiscal year may not exceed 5% of total general purpose revenue appropriations, as calculated by the secretary of administration as of that time and for that fiscal year. As under current law, the bill's interfund borrowing limitations do not apply to reallocations from the budget stabilization fund to the general fund.

Under current law, the first \$20,000,000 in general fund balances in the 1997-99 fiscal biennium that were not included in the official general fund summary published with the 1997-99 biennial budget act is allocated to funding unfunded employe compensation increases. The next \$175,000,000 in additional general fund balances in the 1997-99 fiscal biennium is allocated to decreasing the amount of the school aid payments that are delayed until July of the following school year.

This bill reduces the amount that is allocated to reducing the delayed school aid payments to \$111,000,000.

OTHER STATE GOVERNMENT

Under current law, DNR awards to eligible municipalities, private companies and nonprofit organizations waste reduction and recycling demonstration grants from the segregated recycling fund. This bill requires DNR annually to award a \$100,000 grant to the Wheelchair Recycling Project, a nonprofit organization, for refurbishing used wheelchairs and returning them to use by persons who otherwise would not have access to them. The bill also requires DNR annually to award from the recycling fund a \$500,000 grant to DOC to refurbish and recycle used computers. The grants are paid from the moneys available for waste reduction and recycling demonstration grants.

This bill permits the governor to expend not more than \$45,000 in fiscal year 1998-99 for a child's first book initiative under which a state agency contracted with by the governor must send children's books to the parents of newborn children.

ASSEMBLY BILL 768**TAXATION****INCOME TAXATION**

This bill creates a refundable individual income tax credit for amounts spent by a claimant for the claimant's dependent child on eligible educational expenses at public schools, certain private schools and home-based educational programs, grades kindergarten through 12. Under the bill, "educational expenses" include amounts that are spent for tutoring, summer courses, transportation costs paid to others, nonreligious instructional materials and up to \$500 per year for computers and related educational materials to be used in the claimant's home and not used in a trade or business.

The maximum credit that may be claimed under the bill by a state resident is \$1,000 per child per year, up to a maximum credit of \$2,000 per family per year. A nonresident or part-year resident of this state is eligible to claim a lesser credit. The credit may not be claimed by a claimant if, for a married couple filing jointly, his or her federal adjusted gross income (AGI) exceeds \$30,000 to \$60,000, depending on the number of children the claimant has. For a married couple filing separately, the maximum federal AGI is \$15,000 to \$30,000, depending on the number of children the claimant has, and, for a single person or married person filing as head of household, the maximum federal AGI is \$25,000 to \$55,000, depending on the number of children the claimant has.

This individual income tax credit is refundable. If the amount of the credit exceeds the taxpayer's income tax liability, the difference will be refunded to the taxpayer by check.

The bill also allows individuals to subtract from their income for tax purposes amounts paid for "educational expenses", as defined in the credit, for dependent children who attend kindergarten through grade 12 at the same types of schools and programs as authorized under the tax credit.

The maximum amount of the deduction is \$1,500 per child per year, and may not be claimed for any amount for which a claim is made under the education tax credit that is created in the bill. Also under the bill, the amount of the deduction which a claimant may claim phases down to zero as a claimant's income rises. For a married claimant who files a joint return, the credit phases out as federal AGI increases from more than \$80,000 to not more than \$100,000; for a married claimant who files a separate return, the credit phases out as federal AGI increases from more than \$40,000 to not more than \$50,000; and for a single filer or married person filing as head of household, the credit phases out as federal AGI increases from more than \$50,000 to not more than \$60,000.

The bill also creates a higher education individual income tax deduction for amounts paid for tuition to attend any university, college, technical college or proprietary school, all of which must be located in Wisconsin, or for tuition to attend a public vocational school or public institution of higher education in Minnesota under the state tuition reciprocity program. The maximum amount of the deduction is \$3,000 per student per year, and may be claimed for tuition expenses of the claimant or of the claimant's child. The maximum amount of the deduction phases

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down to zero as the claimant's income rises in the same manner as the "K-12" deduction.

Under current law, federal income tax laws that were enacted during 1997 and that took effect before January 1, 1998, apply for Wisconsin income tax purposes at the same time that they apply for federal purposes. This bill adopts for Wisconsin purposes the parts of those acts that take effect on or after January 1, 1998. The bill makes one exception; the deduction for interest on qualified education loans is limited to interest paid while the taxpayer is a Wisconsin resident.

The bill also allows taxpayers, for taxable years that begin on or after January 1, 1998, to compute their deductions for depreciation under either the Internal Revenue Code in effect for the year that the return is filed or the Internal Revenue Code as amended to December 31, 1997. Under current law, for property placed in service in 1997, taxpayers do not have an option to use federal changes made late in 1997.

PROPERTY TAXATION

This bill exempts computers and related property from the property tax, beginning with the assessment as of January 1, 1999. The bill also creates a payment to municipalities, counties, school districts and technical college districts that is based in part of the value of the exempt computers and related property in each jurisdiction and that is first paid in the year 2000. On or before June 30, 1999, \$64,000,000 is transferred to the computer escrow fund, which is created by the bill, to be used for the payments in the year 2000.

OTHER TAXATION

This bill creates a tax amnesty program that runs from June 15, 1998, to August 14, 1998. Under the program, persons who fulfill certain requirements are relieved of some of their financial obligations to this state. The bill also increases the department of revenue's (DOR's) capacity to collect delinquent taxes. Among the means to do so are establishing a collection fee for persons who fail to take advantage of the amnesty programs, expanding the state's authority to subtract delinquent taxes owed from its payments to vendors, allowing DOR to require instalment payments to be made by electronic funds transfer and imposing penalties on late payments of withheld taxes.

Currently, a recipient of public assistance has a right to confidentiality of records and files on the recipient, although the existence of that right does not prohibit the use of those records and files for auditing or accounting purposes. This bill allows the department of workforce development (DWD) to use information obtained from public assistance recipients for purposes related to the collection of delinquent state taxes.

The bill also allows DWD and county child support agencies to release to DOR information obtained under child and spousal support and establishment of paternity and medical liability support programs for purposes related to the

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collection of delinquent state taxes. Under current law, information obtained under DWD's program may only be disclosed in the administration of that program, as well as other specified support-related programs.

Under current law, certain records relating to worker's compensation maintained by DWD are confidential and may not be disclosed under the open records law. Those records include records that reveal the identity of an employe who claims worker's compensation benefits and records that contain any financial information provided to DWD by a self-insured employer. Those records may, however, be disclosed to the employe or self-insured employer that is the subject of the record or to an insurance carrier or employer that is a party to the employe's worker's compensation claim and may be disclosed on the order of a court of competent jurisdiction in this state. This bill permits worker's compensation records that are otherwise confidential and not subject to disclosure under the open records law to be disclosed to DOR for purposes related to the collection of delinquent taxes.

Finally, the department of corrections (DOC) currently maintains information concerning persons who are in the custody of DOC because they have been either sentenced to imprisonment in the state prisons or placed on probation. DOC also maintains a registry of persons required to register as sex offenders. The sex offender registry contains identifying information about the offender as well as such information as where the offender lives, works or attends school. The records containing information concerning persons in DOC custody are generally open to public inspection unless there is a clear statutory exception to public inspection, a common law limitation on inspection or an overriding public interest in keeping the record confidential. Current law provides a limit to public inspection of the information in the sex offender registry by specifying that the information is generally confidential, although DOC or other state agencies that have custody or control of a sex offender may release certain information from the registry to certain persons, including local law enforcement agencies, certain community organizations and the general public.

This bill allows DOC to release to DOR any information that DOC has concerning a person who is in the custody of DOC and any information in the sex offender registry concerning a person who is required to register as a sex offender.

Under current law, when a person applies to the department of regulation and licensing (DORL) to renew a credential to practice a profession or occupation that was initially issued by DORL or an attached examining board or affiliated credentialing board, the person must provide his or her social security number or, if the person is an entity such as a corporation, its federal employer identification number. DORL must deny an application if a person fails to do so. In addition, before renewing the credential, DORL must request DOR to certify whether the person is liable for delinquent taxes. If DOR certifies that the person is liable for delinquent taxes, DORL must deny the application for credential renewal and notify the person that the person has 30 days to request a hearing before DOR to review the certification. A hearing is limited to questions of mistaken identity and payment of the delinquent taxes. If DOR affirms its certification after a hearing, DOR must

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notify DORL, which must affirm its denial of the application. A person may seek judicial review of DORL's affirmation of its denial in the circuit court for Dane County.

This bill expands these provisions to cover certain licenses, credentials, permits, approvals, registrations and certifications (licenses) that are issued by the following licensing boards and agencies: DORL; a board in DORL; the department of agriculture, trade and consumer protection; the department of commerce; the ethics board; the department of financial institutions; the department of health and family services; the department of natural resources; the department of public instruction; the office of the commissioner of insurance; and the department of transportation. The bill also expands these provisions to cover property assessor certifications and recertifications made by DOR. For a license granted by a board in DORL, DORL, rather than the board, carries out the duties of a licensing agency that are described below.

Under the bill, a person who applies for a license, for renewal or continuation of a license or for certification or recertification as a property assessor must provide his or her social security number or, if applicable, its federal employer identification number to the applicable licensing agency or, for a property assessor, to DOR. If a person does not do so, the licensing agency or DOR must deny the application. A licensing agency's denial or revocation is subject to administrative review by the licensing agency and to judicial review in the same way as are other decisions by the agency. The bill also requires a licensing agency to request DOR to certify whether an applicant for a license is liable for delinquent taxes. In addition, each licensing agency (except a board that is attached to DORL) must enter into a memorandum of understanding with DOR that requires the licensing agency to request that DOR certify whether a person who holds a license is liable for delinquent taxes. (DORL is required to make such a request on behalf of a board that is attached to DORL.) If DOR certifies a liability for delinquent taxes, the licensing agency must either deny the application for issuance, renewal or continuation of the license or revoke the license. In addition, under the bill, DOR may deny an application for property assessor certification or recertification or revoke such a certification if DOR determines that the applicant or holder of the certification is liable for delinquent taxes.

The bill also provides that a person whose application is denied or whose license or property assessor certification is revoked for tax delinquency has 30 days to request a hearing before DOR to review the certification or, for a property assessor, determination of liability for delinquent taxes. A hearing is limited to questions of mistaken identity and payment of the delinquent taxes. After a hearing, if DOR determines that a person is not liable for delinquent taxes, the licensing agency or, for a property assessor, DOR must grant the application or reinstate the license or property assessor certification, unless there are other grounds for denying the application or revoking the license or property assessor certification. If DOR affirms its certification of liability after a hearing, DOR must provide notice of its affirmation to the licensing agency, which, upon receiving the notice, must affirm its denial or revocation. For a property assessor, DOR must notify the applicant or certification

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holder that it has affirmed its determination of liability. A person may seek judicial review of a licensing agency's affirmation of its denial or revocation or, for a property assessor, DOR's affirmation of its determination in Dane County Circuit Court.

In addition, the bill prohibits a licensing agency from issuing a license to a person whose application was previously denied or whose license was previously revoked for tax delinquency unless the person submits a certificate issued by DOR that states that the person is not liable for delinquent taxes.

Finally, if the supreme court agrees, the bill's requirements and procedures also apply to licenses to practice law.

TRANSPORTATION

Under current law, the department of transportation (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 authorizes the operation of a vehicle or vehicle combination at a maximum gross weight of not 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 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 administers a transportation infrastructure loan program, under which DOT makes loans to local governments and other specified entities for highway projects or transit capital improvement projects. The loans are made from the segregated transportation infrastructure loan fund. That segregated fund is capitalized with federal moneys and state moneys in matching amounts required by the federal government as a condition of receiving these federal moneys. Current law generally prohibits DOT from encumbering or expending any moneys on a project for which a loan is made under the transportation infrastructure loan program. This bill eliminates this prohibition.

VETERANS AND MILITARY AFFAIRS

This bill authorizes the department of military affairs (DMA) to provide services to disadvantaged youth under a program established by the federal government. Under the federal program, DMA is required to provide persons aged 16 to 18 who have not completed high school with a 22-week residential program that includes training to enhance the participants' life skills, employment potential and ability to obtain a declaration of equivalency of high school education.

Under current law, an eligible veteran may not receive a veteran's home loan to purchase a home if the price of the home exceeds 2.5 times the median price of a home in the state. This bill prohibits an eligible veteran from receiving a veteran's

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home loan for any eligible purpose, which includes the purchase of a home, improvements to a home or refinancing of a home loan, if the amount of the loan exceeds 2.5 times the median price of a home in the state.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

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.** 6.875 (1) (a) of the statutes is amended to read:

2 6.875 (1) (a) "Community-based residential facility" has the meaning given in
3 s. 50.01 (1g), except that the term does not include a place where fewer than 10
4 ~~unrelated~~ adults who are not related to the operator or administrator reside.

5 **SECTION 2.** 13.63 (1) of the statutes is amended to read:

6 13.63 (1) LICENSES. An application for a license to act as a lobbyist may be
7 obtained from and filed with the board. An applicant shall include his or her social
8 security number on the application. The application shall be signed, under the
9 penalty for making false statements under s. 13.69 (6m), by the lobbyist. Upon
10 approval of the application and payment of the applicable license fee under s. 13.75
11 (1) or (1m) to the board, the board shall issue a license which entitles the licensee to
12 practice lobbying on behalf of each registered principal who or which has filed an
13 authorization under s. 13.65 for that lobbyist and paid the authorization fee under
14 s. 13.75 (4). The license shall expire on December 31 of each even-numbered year.
15 The board shall not issue a license to an applicant who does not provide his or her
16 social security number. The board shall not issue a license to an applicant or shall
17 revoke any license issued to a lobbyist if the department of revenue certifies to the

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1 board that the applicant or lobbyist is liable for delinquent taxes under s. 73.0301.
2 No application may be disapproved by the board except an application for a license
3 by a person who is ineligible for licensure under this subsection or s. 13.69 (4) or an
4 application by a lobbyist whose license has been revoked under this subsection or s.
5 13.69 (7) and only for the period of such ineligibility or revocation. Denial of a license
6 on the basis of a certification by the department of revenue may be reviewed under
7 s. 73.0301. Denial of any other license may be reviewed under ch. 227.

8 **SECTION 3.** 13.64 (1) (a) of the statutes is amended to read:

9 13.64 (1) (a) If the principal is an individual, the name and address of the
10 individual's employer, if any, or the individual's principal place of business if
11 self-employed, and a description of the business activity in which the individual or
12 the individual's employer is engaged and the individual's social security number.

13 **SECTION 4.** 13.64 (2) of the statutes is amended to read:

14 13.64 (2) The registration shall expire on December 31 of each even-numbered
15 year. The board shall not accept a registration statement filed by an individual who
16 does not provide his or her social security number. The board shall not accept a
17 registration statement filed by any person or shall terminate the registration of any
18 principal if the department of revenue certifies to the board that the person or
19 principal is liable for delinquent taxes under s. 73.0301. If all lobbying by or on behalf
20 of the principal which is not exempt under s. 13.621 ceases, the board shall terminate
21 the principal's registration and any authorizations under s. 13.65 as of the day after
22 the principal files a statement of cessation and expense statements under s. 13.68
23 for the period covering all dates on which the principal was registered.

24 **SECTION 5.** 16.24 (3) (a) (intro.), 1. and 2. of the statutes are amended to read:

ASSEMBLY BILL 768**SECTION 5**

1 16.24 (3) (a) (intro.) ~~Except as provided under par. (e), the~~ The department shall
2 contract with an individual, a trust or a legal guardian for the sale of tuition units
3 to that individual, trust or legal guardian if all of the following apply:

4 1. The individual purchaser pays a \$50 nonrefundable enrollment fee.

5 2. The individual purchaser is purchasing the tuition units on behalf of a
6 beneficiary named in the contract.

7 **SECTION 6.** 16.24 (3) (a) 3. and 4. of the statutes are repealed and recreated to
8 read:

9 16.24 (3) (a) 3. When the contract is executed, at least one of the following
10 applies:

11 a. The beneficiary is a resident of this state.

12 b. If the purchaser is an individual, he or she is a resident of this state.

13 c. If the purchaser is a legal guardian that is not an individual, the legal
14 guardian is organized under the laws of this state.

15 d. If the purchaser is a trust, the trust is created under the laws of this state.

16 4. At least one of the following applies:

17 a. The beneficiary is the purchaser.

18 b. If the purchaser is an individual, the beneficiary is the child, grandchild,
19 nephew or niece of the individual or is a child who is under the legal guardianship
20 of the individual.

21 c. If the purchaser is a legal guardian that is not an individual, the beneficiary
22 is a child who is under the legal guardianship of the legal guardian.

23 d. If the purchaser is a trust, the beneficiary is the beneficiary of the trust.

24 **SECTION 7.** 16.24 (3) (c) of the statutes is repealed.

25 **SECTION 8.** 16.24 (3) (d) of the statutes is amended to read:

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1 16.24 (3) (d) The department shall promulgate rules authorizing ~~an individual~~
2 a person who has entered into a contract under this subsection to change the
3 beneficiary named in the contract.

4 **SECTION 9.** 16.24 (4) of the statutes is amended to read:

5 16.24 (4) NUMBER OF TUITION UNITS PURCHASED. ~~An individual~~ A person who
6 enters into a contract under sub. (3) may purchase tuition units at any time and in
7 any number, except that the total number of tuition units purchased on behalf of a
8 single beneficiary may not exceed the number necessary to pay for 4 years of
9 full-time attendance, including mandatory student fees, as a resident
10 undergraduate at the institution within the University of Wisconsin System that has
11 the highest resident undergraduate tuition, as determined by the department, in the
12 anticipated academic years of their use.

13 **SECTION 10.** 16.24 (5) (a) of the statutes is amended to read:

14 16.24 (5) (a) ~~If Except as provided in sub. (7m), if~~ an individual named as
15 beneficiary in a contract under sub. (3) attends an institution of higher education in
16 the United States, each tuition unit purchased on his or her behalf entitles that
17 beneficiary to apply toward the payment of tuition at the institution an amount equal
18 to 1% of the anticipated weighted average tuition of bachelor's degree-granting
19 institutions within the University of Wisconsin System for the year of attendance,
20 as estimated under sub. (2) in the year in which the tuition unit was purchased.

21 **SECTION 11.** 16.24 (6) (a) (intro.) of the statutes is amended to read:

22 16.24 (6) (a) (intro.) A contract under sub. (3) may be terminated by the
23 ~~individual~~ person entering into the contract if any of the following occurs:

24 **SECTION 12.** 16.24 (7) (a) to (e) of the statutes are renumbered 16.24 (7) (a) 1.
25 to 5. and amended to read:

ASSEMBLY BILL 768**SECTION 12**

1 16.24 (7) (a) 1. When a beneficiary completes the program in which he or she
2 is enrolled, if the beneficiary has not used all of the tuition units purchased on his
3 or her behalf, ~~the department shall~~ refund to the individual person who entered into
4 the contract an amount equal to 1% of the anticipated weighted average tuition in
5 the academic year in which the beneficiary completed the program, as estimated
6 under sub. (2) in the year in which the tuition units were purchased, multiplied by
7 the number of tuition units purchased by the individual person and not used by the
8 beneficiary.

9 2. If a contract is terminated under sub. (6) (a) 1., 2. or 3., ~~the department shall~~
10 refund to the individual person who entered into the contract an amount equal to 1%
11 of the anticipated weighted average tuition in the academic year in which the
12 contract is terminated, as estimated under sub. (2) in the year in which the tuition
13 units were purchased, multiplied by the number of tuition units purchased by the
14 individual person and not used by the beneficiary.

15 3. If a contract is terminated under sub. (6) (a) 4. or (b), ~~the department shall~~
16 refund to the individual person who entered into the contract an amount equal to
17 99% of the amount determined under ~~par. (b) subd. 2.~~ If a contract is terminated
18 under sub. (6) (a) 4., the department may not issue a refund for one year following
19 receipt of the notice of termination and may not issue a refund of more than 100
20 tuition units in any year.

21 4. If a contract is terminated under sub. (6) (a) 5., ~~the department shall~~ refund
22 to the individual person who entered into the contract the amount under ~~par. (b)~~
23 subd. 2. or under ~~par. (e) subd. 3.,~~ as determined by the department.

24 5. If the beneficiary is awarded a scholarship, tuition waiver or similar subsidy
25 that cannot be converted into cash by the beneficiary, ~~the department shall~~ refund

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1 to the ~~individual~~ person who entered into the contract, upon ~~his or her~~ the person's
2 request, an amount equal to the value of the tuition units that are not needed because
3 of the scholarship, waiver or similar subsidy and that would otherwise have been
4 paid by the department on behalf of the beneficiary during the semester in which the
5 beneficiary is enrolled.

6 **SECTION 13.** 16.24 (7) (a) (intro.) of the statutes is created to read:

7 16.24 (7) (a) (intro.) Except as provided in sub. (7m), the department shall do
8 all of the following:

9 **SECTION 14.** 16.24 (7) (f) of the statutes is renumbered 16.24 (7) (b) and
10 amended to read:

11 16.24 (7) (b) Except as provided under par. (e) (a) 3., the department shall
12 determine the method and schedule for the payment of refunds under this
13 subsection.

14 **SECTION 15.** 16.24 (7m) of the statutes is created to read:

15 16.24 (7m) TUITION UNIT VALUE ADJUSTMENT; REFUND ADJUSTMENT. (a) The
16 department may adjust the value of a tuition unit based on the actual earnings
17 attributable to the tuition unit less the costs of administering the program under this
18 section that are attributable to the tuition unit if any of the following applies:

19 1. The individual named as the beneficiary in a contract under sub. (3) wishes
20 to use the tuition unit for the payment of tuition in a year other than the anticipated
21 academic year of attendance, as specified in the contract.

22 2. The individual named as the beneficiary in a contract under sub. (3), or the
23 person who entered into the contract, wishes to receive a refund under sub. (7) in a
24 year other than the anticipated academic year of the beneficiary's attendance, as
25 specified in the contract.

ASSEMBLY BILL 768**SECTION 15**

1 (b) The department may not increase the value of a tuition unit under par. (a)
2 to an amount that exceeds the value of a tuition unit that was purchased at a similar
3 time, held for a similar period and used or refunded in the anticipated academic year
4 of the beneficiary's attendance, as specified in the contract.

5 (c) The department may promulgate rules imposing or increasing penalties for
6 refunds under sub. (7) (a) if the department determines that such rules are necessary
7 to maintain the status of the program under this section as a qualified state tuition
8 program under section 529 of the Internal Revenue Code, as defined in s. 71.01 (6).

9 **SECTION 16.** 16.24 (12) (b) of the statutes is renumbered 16.24 (12) (b) (intro.)
10 and amended to read:

11 16.24 (12) (b) (intro.) The department may ~~contract~~ do any of the following:

12 1. Contract with any person for the management and operation of the program
13 or any part of the program under this section.

14 **SECTION 17.** 16.24 (12) (b) 2. of the statutes is created to read:

15 16.24 (12) (b) 2. Keep personal and financial information pertaining to a
16 purchaser of tuition units or a beneficiary of tuition units closed to the public.

17 **SECTION 18.** 19.35 (3) (f) of the statutes is amended to read:

18 19.35 (3) (f) An authority may require prepayment by a requester of any fee or
19 fees imposed under this subsection if the total amount exceeds \$5 or if the requester
20 is an incarcerated person, or is a person confined in a federal correctional institution
21 located in this state, and he or she has failed to pay any fee that was imposed by the
22 authority for a request made previously by that requester.

23 **SECTION 19.** 19.35 (3) (g) of the statutes is created to read:

24 19.35 (3) (g) If an incarcerated person or a person confined in a federal
25 correctional institution located in this state has failed to pay any fee imposed by the

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1 authority for a previous request, the authority may deny a request by the prisoner
2 or person.

3 **SECTION 20.** 19.55 (2) (d) of the statutes is created to read:

4 19.55 (2) (d) Records of the social security number of any individual who files
5 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal
6 under s. 13.64, except to the department of revenue for purposes of administration
7 of s. 73.0301.

8 **SECTION 21.** 20.002 (11) (b) of the statutes is amended to read:

9 20.002 (11) (b) The secretary of administration shall limit the total amount of
10 any temporary reallocations to a fund other than the general fund to \$400,000,000.
11 The secretary of administration shall limit the total amount of any temporary
12 reallocations to the general fund at any one time during a fiscal year to an amount
13 equal to 5% of the total amounts shown in the schedule under s. 20.005 (3) of
14 appropriations of general purpose revenues, calculated by the secretary as of that
15 time and for that fiscal year. This paragraph does not apply to reallocations from the
16 budget stabilization fund to the general fund.

17 **SECTION 22.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
18 insert the following amounts for the purposes indicated:

				1997-98	1998-99
19					
20	20.255	Public instruction, department of			
21	(2)	AIDS FOR LOCAL EDUCATIONAL PROGRAMMING			
22	(fk)	Grant program for peer review			
23		and mentoring	GPR	A	-0- 500,000

ASSEMBLY BILL 768**SECTION 22**

1 (3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS

2 (c) National teacher certification GPR A -0- -0-

3 **20.370 Natural resources, department of**

4 (6) ENVIRONMENTAL AIDS

5 (cq) Environmental aids — vapor re-

6 covery grants SEG C 727,000 -0-

7 **20.465 Military affairs, department of**

8 (4) NATIONAL GUARD YOUTH PROGRAMS

9 (a) General program operations GPR A -0- 1,030,000

10 **20.566 Revenue, department of**

11 (1) COLLECTION OF TAXES

12 (gp) Adult entertainment tax PR A -0- 59,200

13 (3) ADMINISTRATIVE SERVICES AND SPACE RENTAL

14 (j) Integrated tax system technology PR A -0- -0-

15 **SECTION 23.** 20.143 (1) (c) of the statutes, as affected by 1997 Wisconsin Act 27,
16 is amended to read:

17 20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements and*
18 *assistance.* ~~Biennially~~ As a continuing appropriation, the amounts in the schedule
19 for grants under s. 560.615; for grants and loans under ss. 560.62, 560.63 and 560.66;
20 for grants under s. 560.145; for loans under s. 560.147; for grants under s. 560.16;
21 for reimbursements under s. 560.167; for providing assistance under s. 560.06; for
22 the loan under 1997 Wisconsin Act 27, section 9110 (7f); and for the grants under
23 1995 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), and

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1 1997 Wisconsin Act 27, section 9110 (6g), and 1997 Wisconsin Act ... (this act),
2 section 9110 (1). Of the amounts in the schedule, \$50,000 shall be allocated in each
3 of fiscal years 1997-98, 1998-99 and 1999-2000 for providing the assistance under
4 s. 560.06. Notwithstanding s. 560.62 (4), of the amounts in the schedule, \$125,000
5 shall be allocated in each of 4 consecutive fiscal years, beginning with fiscal year
6 1998-99, for grants and loans under s. 560.62 (1) (a).

7 **SECTION 24.** 20.143 (1) (c) of the statutes, as affected by 1997 Wisconsin Act ...
8 (this act), is repealed and recreated to read:

9 20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements and*
10 *assistance.* Biennially, the amounts in the schedule for grants under s. 560.615; for
11 grants and loans under ss. 560.62, 560.63 and 560.66; for grants under s. 560.145;
12 for loans under s. 560.147; for grants under s. 560.16; for reimbursements under s.
13 560.167; for providing assistance under s. 560.06; for the loan under 1997 Wisconsin
14 Act 27, section 9110 (7f); and for the grants under 1995 Wisconsin Act 27, section 9116
15 (7gg), 1995 Wisconsin Act 119, section 2 (1), and 1997 Wisconsin Act 27, section 9110
16 (6g). Of the amounts in the schedule, \$50,000 shall be allocated in each of fiscal years
17 1997-98, 1998-99 and 1999-2000 for providing the assistance under s. 560.06.
18 Notwithstanding s. 560.62 (4), of the amounts in the schedule, \$125,000 shall be
19 allocated in each of 4 consecutive fiscal years, beginning with fiscal year 1998-99,
20 for grants and loans under s. 560.62 (1) (a).

21 **SECTION 25.** 20.143 (1) (ie) of the statutes, as affected by 1997 Wisconsin Act
22 27, is amended to read:

23 20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received
24 in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.147, s.
25 560.16, 1995 stats., s. 560.165, 1993 stats., subch. V of ch. 560 except s. 560.65, 1989

ASSEMBLY BILL 768**SECTION 25**

1 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m),
2 1989 Wisconsin Act 336, section 3015 (3gx), and 1997 Wisconsin Act 27, section 9110
3 (7f), to be used for grants and loans under subch. V of ch. 560 except s. 560.65, for
4 loans under s. 560.147, for grants under s. 560.16, for the loan under 1997 Wisconsin
5 Act 27, section 9110 (7f), and for reimbursements under s. 560.167.

6 **SECTION 26.** 20.143 (1) (jc) of the statutes is created to read:

7 20.143 (1) (jc) *Physician and health care provider loan assistance programs*
8 *repayments; penalties.* All moneys received in penalties under ss. 560.183 (6m) and
9 560.184 (6m), to be used for loan repayments under ss. 560.183 and 560.184.

10 **SECTION 27.** 20.143 (1) (qa) of the statutes, as created by 1997 Wisconsin Act
11 27, is amended to read:

12 20.143 (1) (qa) (title) *~~Business development assistance center; activities and~~*
13 *~~staff~~ Brownfields redevelopment activities; administration.* From the petroleum
14 inspection fund, the amounts in the schedule for ~~activities of and staff for the~~
15 ~~business development assistance center under subch. III of ch. 560~~ administration
16 of brownfields redevelopment activities.

17 **SECTION 28.** 20.255 (2) (ac) of the statutes, as affected by 1997 Wisconsin Act
18 27, is amended to read:

19 20.255 (2) (ac) *General equalization aids.* A sum sufficient for the payment of
20 educational aids under ss. 121.08, 121.09 and 121.105 and subch. VI of ch. 121 equal
21 to \$3,318,488,800 in the 1997-98 fiscal year, equal to \$3,471,033,800 in the 1998-99
22 fiscal year and equal to the amount determined by the joint committee on finance
23 under s. 121.15 (3m) (c) in each fiscal year thereafter, less the amount appropriated
24 under par. (bi).

25 **SECTION 29.** 20.255 (2) (fk) of the statutes is created to read:

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1 20.255 (2) (fk) *Grant program for peer review and mentoring.* The amounts in
2 the schedule for the grant program for peer review and mentoring under s. 115.405.

3 **SECTION 30.** 20.255 (3) (c) of the statutes is created to read:

4 20.255 (3) (c) *National teacher certification.* The amounts in the schedule for
5 payments to teachers who are certified by the National Board for Professional
6 Teaching Standards under s. 115.42.

7 **SECTION 31.** 20.320 (1) (x) of the statutes, as created by 1997 Wisconsin Act 27,
8 is amended to read:

9 20.320 (1) (x) *Clean water fund program financial assistance; federal.* From
10 the clean water fund program federal revolving loan fund account in the
11 environmental improvement fund, all moneys received from the federal government
12 to provide financial assistance under the clean water fund program under s. 281.58,
13 as authorized by the governor under s. 16.54, except moneys appropriated under par.
14 (y), for financial assistance under the clean water fund program under s. 281.58.

15 **SECTION 32.** 20.320 (1) (y) of the statutes is created to read:

16 20.320 (1) (y) *Clean water fund program federal financial hardship assistance.*
17 From the clean water fund program federal hardship assistance account in the
18 environmental improvement fund, all moneys received from the federal government
19 under P.L. 104-134, Title III, to provide clean water fund program federal financial
20 hardship assistance under s. 281.58 (13) (be), as authorized by the governor under
21 s. 16.54, for clean water fund program federal financial hardship assistance under
22 s. 281.58 (13) (be).

23 **SECTION 33.** 20.370 (2) (da) of the statutes, as created by 1997 Wisconsin Act
24 27, is amended to read:

ASSEMBLY BILL 768**SECTION 33**

1 20.370 (2) (da) *Waste tire removal and recovery programs; program activities.*

2 A sum sufficient, not to exceed the amount lapsed from the appropriation account
3 under s. 20.370 (2) (dj), 1995 stats., on June 30, 1997, plus \$798,800 for waste tire
4 grant payments under 1997 Wisconsin Act 27, section 9137 (4eq), and tire dump
5 nuisance abatement under s. 289.55.

6 **SECTION 34.** 20.370 (5) (cq) of the statutes, as affected by 1997 Wisconsin Act
7 27, section 378m, is amended to read:

8 20.370 (5) (cq) *Recreation aids — recreational boating and other projects.* As
9 a continuing appropriation, the amounts in the schedule for recreational boating
10 aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for financial
11 assistance to the Wisconsin Lake Schooner Education Association under 1997
12 Wisconsin Act 27, section 9137 (12f), for the Southeastern Wisconsin Fox River
13 commission under 1997 Wisconsin Act (this act), section 9136 (2), for the Portage
14 levee system under s. 31.309 and for the engineering and environmental study under
15 s. 31.307.

16 **SECTION 35.** 20.370 (5) (cq) of the statutes, as affected by 1997 Wisconsin Act
17 27, section 378no, and 1997 Wisconsin Act (this act), is repealed and recreated to
18 read:

19 20.370 (5) (cq) *Recreation aids — recreational boating and other projects.* As
20 a continuing appropriation, the amounts in the schedule for recreational boating
21 aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for the
22 Portage levee system under s. 31.309 and for the engineering and environmental
23 study under s. 31.307.

24 **SECTION 36.** 20.370 (6) (br) of the statutes is amended to read:

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1 20.370 (6) (br) *Environmental aids — waste reduction and recycling*
2 *demonstration grants.* From the recycling fund, as a continuing appropriation, the
3 amounts in the schedule for waste reduction and recycling demonstration grants
4 under s. 287.25 and for miscellaneous recycling grants under s. 287.24.

5 **SECTION 37.** 20.370 (6) (cq) of the statutes is created to read:

6 20.370 (6) (cq) *Environmental aids — vapor recovery grants.* From the
7 petroleum inspection fund, as a continuing appropriation, the amounts in the
8 schedule for grants under s. 285.31 (5).

9 **SECTION 38.** 20.370 (8) (mt) of the statutes, as affected by 1997 Wisconsin Act
10 27, is amended to read:

11 20.370 (8) (mt) *Equipment pool operations.* All moneys received by the
12 department from the department or from other state agencies from car, truck,
13 airplane, heavy equipment, information technology or radio pools for operation,
14 maintenance, replacement and purchase of vehicles, equipment and information
15 technology.

16 **SECTION 39.** 20.410 (3) (g) of the statutes is created to read:

17 20.410 (3) (g) *Legal services collections.* All moneys received as reimbursement
18 for costs of legal actions authorized under ss. 301.03 (18) and 301.12 to be used to pay
19 costs associated with such legal actions.

20 **SECTION 40.** 20.410 (3) (gg) of the statutes is created to read:

21 20.410 (3) (gg) *Collection remittances to local units of government.* All moneys
22 received under ss. 301.03 (18) and 301.12 to be used to remit departmental
23 collections under ss. 301.03 (18) (g) and 301.12 (8) (i).

24 **SECTION 41.** 20.410 (3) (hm) of the statutes, as affected by 1997 Wisconsin Act
25 27, is amended to read:

ASSEMBLY BILL 768**SECTION 41**

1 20.410 (3) (hm) *Juvenile correctional services*. Except as provided in pars. (ho)
2 and (hr), the amounts in the schedule for juvenile correctional services specified in
3 s. 301.26 (4) (c) and (d) and to operate the correctional institution authorized under
4 1997 Wisconsin Act 4, section 4 (1) (a). All moneys received from the sale of surplus
5 property, including vehicles, from juvenile correctional institutions operated by the
6 department, all moneys received as payments in restitution of property damaged at
7 juvenile correctional institutions operated by the department, all moneys received
8 from miscellaneous services provided at a juvenile correctional institution operated
9 by the department, all moneys transferred under s. 301.26 (4) (cm), all moneys
10 received under 1997 Wisconsin Act 27, section 9111 (2u) and, except as provided in
11 par. (hr), all moneys received in payment for juvenile correctional services specified
12 in s. 301.26 (4) (d) and (dt) shall be credited to this appropriation account. If moneys
13 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year
14 institutional costs, other than the cost of operating the correctional institution
15 authorized under 1997 Wisconsin Act 4, section 4 (1) (a), by 2% or more, all moneys
16 in excess of that 2% shall be remitted to the counties during the subsequent calendar
17 year or transferred to the appropriation account under par. (kx) during the
18 subsequent fiscal year. Each county and the department shall receive a
19 proportionate share of the remittance and transfer depending on the total number
20 of days of placement at juvenile correctional institutions including the Mendota
21 Juvenile Treatment Center. Counties shall use the funds for purposes specified in
22 s. 301.26. The department shall deposit in the general fund the amounts transferred
23 under this paragraph to the appropriation account under par. (kx).

24 **SECTION 42.** 20.410 (3) (ho) of the statutes, as affected by 1997 Wisconsin Acts
25 27 and 35, is amended to read:

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1 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
2 providing foster care, treatment foster care, group home care and institutional child
3 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and 938.52.
4 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
5 for providing foster care, treatment foster care, group home care and institutional
6 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14) and
7 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation
8 account. If moneys generated by the daily rate exceed actual fiscal year foster care,
9 treatment foster care, group home care and institutional child care costs by 2% or
10 more, all moneys in excess of 2% shall be remitted to the counties during the
11 subsequent calendar year or transferred to the appropriation account under par. (kx)
12 during the subsequent fiscal year. Each county and the department shall receive a
13 proportionate share of the remittance and transfer depending on the total number
14 of days of placement in foster care, treatment foster care, group home care or
15 institutional child care. Counties shall use the funds for purposes specified in s.
16 301.26. The department shall deposit in the general fund the amounts transferred
17 under this paragraph to the appropriation account under par. (kx).

18 **SECTION 43.** 20.435 (3) (pm) of the statutes is created to read:

19 20.435 (3) (pm) *Federal aid; adoption incentive payments*. All federal moneys
20 received as adoption incentive payments under 42 USC 473A, as authorized by the
21 governor under s. 16.54, to be expended for the purposes for which received.

22 **SECTION 44.** 20.435 (6) (a) of the statutes is amended to read:

23 20.435 (6) (a) *General program operations*. The amounts in the schedule for
24 general program operations, including field services and administrative services,
25 and for the pilot project under 1997 Wisconsin Act (this act), section 9122 (4).

ASSEMBLY BILL 768**SECTION 45**

1 **SECTION 45.** 20.435 (7) (o) of the statutes is amended to read:

2 20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in
3 amounts pursuant to allocation plans developed by the department for the provision
4 or purchase of services authorized under par. (b) and s. 46.70; all federal moneys
5 received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985;
6 all moneys transferred under 1997 Wisconsin Act ... (this act), section 9222 (3), from
7 the appropriation account under par. (md); and all unanticipated federal social
8 services block grant funds received under 42 USC 1397 to 1397e, in accordance with
9 s. 46.49 (2), for distribution under s. 46.40. Disbursements from this appropriation
10 may be made directly to counties for social and mental hygiene services under s.
11 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal
12 requirements for the disbursement of federal funds.

13 **SECTION 46.** 20.445 (3) (pv) of the statutes is created to read:

14 20.445 (3) (pv) *Food stamps; electronic benefits transfer.* All moneys received
15 from the federal government for electronic food stamp benefits transfers, to be
16 expended for the purposes specified. Estimated disbursements under this
17 paragraph shall not be included in the schedule under s. 20.005.

18 **SECTION 47.** 20.465 (4) of the statutes is created to read:

19 20.465 (4) NATIONAL GUARD YOUTH PROGRAMS. (a) *General program operations.*
20 The amounts in the schedule for general program operations under s. 21.25.

21 (h) *Gifts and grants.* All moneys received from gifts or grants to carry out the
22 purposes for which the gift or grant was made.

23 (m) *Federal aid.* All moneys received from the federal government for services
24 to disadvantaged youth, to be expended for the purposes specified.

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1 **SECTION 48.** 20.485 (2) (vm) of the statutes, as affected by 1997 Wisconsin Act
2 27, is amended to read:

3 20.485 (2) (vm) *Subsistence grants.* The Biennially, the amounts in the
4 schedule for payment of subsistence grants to veterans and their dependents under
5 s. 45.351 (1).

6 **SECTION 49.** 20.566 (1) (gp) of the statutes is created to read:

7 20.566 (1) (gp) *Adult entertainment tax.* The amounts in the schedule for
8 administering the tax under subch. XIII of ch. 77. All moneys received from the fee
9 under s. 77.9972 (3) shall be credited to this appropriation account.

10 **SECTION 50.** 20.566 (1) (hq) of the statutes is amended to read:

11 20.566 (1) (hq) *Delinquent tax collection fees.* All moneys received from the fees
12 collected under s. 73.03 (33m) and under 1997 Wisconsin Act ... (this act), section
13 9142 (1) (h), to pay costs incurred by the department of revenue in collecting
14 delinquent taxes.

15 **SECTION 51.** 20.566 (3) (j) of the statutes is created to read:

16 20.566 (3) (j) *Integrated tax system technology.* The amounts in the schedule
17 for technology expenses necessary to create an integrated tax system. Five percent
18 of the moneys received under 1997 Wisconsin Act ... (this act), section 9142 (1) (b),
19 shall be credited to this appropriation account.

20 **SECTION 52.** 20.835 (1) (e) of the statutes is created to read:

21 20.835 (1) (e) *State aid; computers.* Beginning in 2001, a sum sufficient to make
22 the state aid payments under s. 79.095.

23 **SECTION 53.** 20.835 (1) (qz) of the statutes is created to read:

24 20.835 (1) (qz) *Computer aid; escrow fund.* From the computer escrow fund,
25 a sum sufficient to make the payments under s. 79.095 (3) in the year 2000.

ASSEMBLY BILL 768**SECTION 54**

1 **SECTION 54.** 20.835 (2) (e) of the statutes is created to read:

2 20.835 (2) (e) *Educational expenses credit.* A sum sufficient to pay the claims
3 approved under s. 71.07 (8m).

4 **SECTION 55.** 20.866 (2) (ze) of the statutes is amended to read:

5 20.866 (2) (ze) *Historical society; self-amortizing facilities.* From the capital
6 improvement fund, a sum sufficient for the historical society to acquire, construct,
7 develop, enlarge or improve facilities at historic sites. The state may contract public
8 debt in an amount not to exceed ~~\$3,073,600~~ \$3,173,600 for this purpose.

9 **SECTION 56.** 20.866 (2) (zf) of the statutes, as affected by 1997 Wisconsin Act
10 27, is amended to read:

11 20.866 (2) (zf) *Historical society; historic sites.* From the capital improvement
12 fund, a sum sufficient for the historical society to acquire, construct, develop, enlarge
13 or improve historic sites and facilities. The state may contract public debt in an
14 amount not to exceed ~~\$1,939,000~~ \$1,839,000 for this purpose.

15 **SECTION 57.** 20.921 (2) (a) of the statutes is amended to read:

16 20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or
17 state law or court-ordered assignment of income under s. 46.10 (14) (e), 301.12 (14)
18 (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 or 767.51 (3m) (c) to make deductions from
19 the salaries of state officers or employes or employes of the University of Wisconsin
20 Hospitals and Clinics Authority, the state agency or authority by which the officers
21 or employes are employed is responsible for making such deductions and paying over
22 the total thereof for the purposes provided by the laws or orders under which they
23 were made.

24 **SECTION 58.** 21.25 of the statutes is created to read:

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1 **21.25 National guard youth programs.** The department of military affairs
2 shall administer the challenge program for disadvantaged youth under 32 USC 509
3 and any other similar program which may be authorized by the legislature.

4 **SECTION 59.** 25.32 of the statutes is created to read:

5 **25.32 Computer escrow fund.** There is established a separate nonlapsible
6 fund, denominated the computer escrow fund, consisting of moneys transferred
7 under 1997 Wisconsin Act (this act), section 9242 (12).

8 **SECTION 60.** 25.43 (1) (ae) of the statutes is created to read:

9 25.43 (1) (ae) All grants for clean water fund program federal financial
10 hardship assistance provided by the federal government under P.L. 104-134, Title
11 III.

12 **SECTION 61.** 25.43 (2) (ae) of the statutes is created to read:

13 25.43 (2) (ae) There is established in the environmental improvement fund a
14 clean water fund program federal financial hardship assistance account consisting
15 of the grants under sub. (1) (ae).

16 **SECTION 62.** 25.43 (2) (c) of the statutes, as affected by 1997 Wisconsin Acts 27
17 and 35, is amended to read:

18 25.43 (2) (c) The department of administration may establish and change
19 accounts in the environmental improvement fund other than those under pars. (a),
20 (ae), (am) and (b). The department of administration shall consult the department
21 of natural resources before establishing or changing an account that is needed to
22 administer the programs under ss. 281.58, 281.59 or 281.61.

23 **SECTION 63.** 25.43 (3) of the statutes, as affected by 1997 Wisconsin Act 27, is
24 amended to read:

ASSEMBLY BILL 768**SECTION 63**

1 25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d),
2 the environmental improvement fund may be used only for the purposes authorized
3 under ss. 20.320 (1) (r), (s), (sm), (t) ~~and~~, (x) and (y) and (2) (s) and (x), 20.370 (4) (mt),
4 (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y), 281.58,
5 281.59, 281.60, 281.61 and 281.62.

6 **SECTION 64.** 29.09 (11m) of the statutes is created to read:

7 **29.09 (11m) DENIAL AND REVOCATION OF APPROVALS BASED ON TAX DELINQUENCY.**

8 (a) *Social security and identification numbers required.* The department shall
9 require an applicant who is an individual to provide his or her social security number
10 and an applicant who is not an individual to provide the applicant's federal employer
11 identification number as a condition of applying for, or applying to renew, any of the
12 following approvals:

- 13 1. A license issued under s. 29.134.
- 14 2. A wholesale fish dealer license issued under s. 29.135.
- 15 3. A taxidermist permit issued under s. 29.136 (2).
- 16 4. A bait dealer license issued under s. 29.137.
- 17 5. A guide license issued under s. 29.165.
- 18 6. A sport trolling license issued under s. 29.166.
- 19 7. A commercial fishing license issued under s. 29.33.
- 20 8. A net license issued under s. 29.34.
- 21 9. A slat net license issued under s. 29.343.
- 22 10. A trammel net license issued under s. 29.344.
- 23 11. A set or bank pole license issued under s. 29.36.
- 24 12. A setline license issued under s. 29.37.
- 25 13. A clamming license or permit issued under s. 29.38.

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1 14. A fish farm permit issued under s. 29.521.

2 14m. A fish importation permit under s. 29.525.

3 14r. A fish stocking permit under s. 29.53.

4 15. A wild rice dealer license issued under s. 29.544 (4) (b).

5 16. A wild ginseng harvest or dealer license issued under s. 29.547.

6 17. A license issued under s. 29.573.

7 18. A game bird or animal farm license issued under s. 29.574.

8 19. A fur animal farm license issued under s. 29.575.

9 20. A deer farm license or a permit issued under s. 29.578.

10 21. A wildlife exhibit license issued under s. 29.585.

11 (b) *Duplicates.* For purposes of this subsection, an application for a duplicate
12 of an approval specified in par. (a) shall be considered an application for the issuance.

13 (c) *Disclosure of numbers.* The department may not disclose any information
14 received under par. (a) to any person except to the department of revenue for the sole
15 purpose of making certifications required under s. 73.0301.

16 (d) *Denial and revocation.* The department shall deny an application to issue
17 or renew, or revoke if already issued, an approval specified in par. (a) if the applicant
18 for or the holder of the approval fails to provide the information required under par.
19 (a) or if the department of revenue certifies that the applicant or approval holder is
20 liable for delinquent taxes under s. 73.0301.

21 **SECTION 65.** 29.134 (3) of the statutes is amended to read:

22 29.134 (3) Licenses shall be issued, subject to s. 29.09 (11m), by the department
23 upon application. The form of application and license shall be prescribed by the
24 department.

25 **SECTION 66.** 29.135 (3) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 66**

1 29.135 (3) ISSUANCE. The department shall issue a wholesale fish dealer license
2 to any person 18 years of age or older who applies for this license, if that person is
3 not otherwise prohibited from being issued a license under s. 29.09 (11m), 29.99 or
4 29.995.

5 **SECTION 67.** 29.33 (2) (d) of the statutes is amended to read:

6 29.33 (2) (d) *Transfer of license.* The department may, upon application, permit
7 the transfer of a license to any similar boat during the time a licensed boat is disabled
8 or undergoing repairs or upon the sale of a licensed boat. The department shall
9 promulgate rules governing the transfer of commercial fishing licenses between
10 individuals equally qualified to hold the licenses and to members of a licensee's
11 immediate family provided the rules assure the wise use and conservation of the fish
12 resources being harvested under the license. The rules shall relate only to those
13 waters in which the number of licenses is limited. The commercial fishing boards,
14 under sub. (7), shall approve or deny transfers of commercial fishing licenses in
15 accordance with the rules promulgated under this section. For purposes of s. 29.09
16 (11m), a transfer of a license under this section shall be considered an issuance of a
17 license to the transferee.

18 **SECTION 68.** 29.50 (1) (e) of the statutes, as affected by 1997 Wisconsin Act 27,
19 is amended to read:

20 29.50 (1) (e) The transportation and sale of farm-raised fish.

21 **SECTION 69.** 29.521 (2) (a) of the statutes, as created by 1997 Wisconsin Act 27,
22 is amended to read:

23 29.521 (2) (a) The department, subject to s. 29.09 (11m), shall issue a permit
24 under this subsection for a natural body of water specified under sub. (1) (c) 1. if the

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1 department determines that no substantial public interest exists in the body of water
2 and that no public or private rights in the body of water will be damaged.

3 **SECTION 70.** 29.521 (2) (c) 1. of the statutes, as created by 1997 Wisconsin Act
4 27, is amended to read:

5 29.521 (2) (c) 1. The department, subject to s. 29.09 (11m), shall renew a permit
6 issued under this subsection unless the department determines that there has been
7 a substantial change in circumstances that is related to a determination made under
8 par. (a) for the natural body of water or that is related to the application of the criteria
9 promulgated under par. (f) to the body of water.

10 **SECTION 71.** 29.544 (3) of the statutes is amended to read:

11 29.544 (3) LICENSE REQUIRED EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every
12 person over the age of 16 and under the age of 65 shall obtain the appropriate wild
13 rice license to harvest or deal in wild rice but no license to harvest is required of the
14 members of the immediate family of a licensee or of a recipient of old-age assistance
15 or members of their immediate families. The department, subject to s. 29.09 (11m),
16 shall issue a wild rice identification card to each member of a licensee's immediate
17 family, to a recipient of old-age assistance and to each member of the recipient's
18 family. The term "immediate family" includes husband and wife and minor children
19 having their abode and domicile with the parent or legal guardian.

20 **SECTION 72.** 29.573 (2) of the statutes is amended to read:

21 29.573 (2) No license ~~shall be granted~~ may be issued unless the applicant owns
22 or has under lease the area for which the license is ~~granted~~ issued. Boundaries of
23 the area licensed shall be defined and posted as prescribed by the department.

24 **SECTION 73.** 29.574 (3) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 73**

1 29.574 (3) Upon the filing of such declaration the department shall forthwith
2 investigate the same and may require the applicant to produce satisfactory evidence
3 of the facts therein stated. It will be necessary for the licensee to purchase all wild
4 game within the boundaries of the proposed farm of the species designated in the
5 license, and to effect this purpose the department thereupon shall appoint one
6 member, the applicant one member, and these 2 shall select a 3rd member, the 3 to
7 act as a board to go upon the lands embraced within the proposed license and
8 determine as near as possible the number of wild birds and animals of the desired
9 species thereon at the time of the ~~granting~~ issuing of the license. The necessary
10 expenses of all of the members of such board shall be paid by the licensee. Within
11 30 days after the date of such determination as accepted by the department the
12 licensee shall pay to the department a specified sum as may be determined by the
13 department for those species of wild birds or wild animals on the lands that are
14 desired for propagation purposes, the title of which rests in the state. If upon such
15 examination it appears that the applicant is the owner or lessee of said lands, and
16 the applicant intends in good faith to establish, operate and maintain a game bird
17 and animal farm, subject to s. 29.09 (11m), the department shall issue a license to
18 the applicant describing such lands, and certifying that the licensee is lawfully
19 entitled to use the same for the breeding, propagating, killing and selling of such
20 game birds and animals thereon according to this section. When such license has
21 been ~~granted~~ issued, the licensee shall become the owner of all such game birds or
22 animals thereon of the species licensed and of all of their offspring actually produced
23 thereon and remaining thereon, subject however to the jurisdiction of the
24 department over all game.

25 **SECTION 74.** 29.575 (3) of the statutes is amended to read:

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1 29.575 (3) Upon the filing of such declaration the department shall investigate
2 and may require the applicant to produce satisfactory evidence of the facts stated in
3 the declaration. If it appears that the applicant is the owner or lessee of the lands,
4 and that the applicant intends in good faith to establish, operate and maintain a fur
5 animal farm, subject to s. 29.09 (11m), the department shall issue a license to the
6 applicant. The license shall describe the lands and shall certify that the licensee is
7 entitled to use the same for dealing, breeding, propagating and trapping fur animals
8 on the land described in the license.

9 **SECTION 75.** 29.575 (4) of the statutes is amended to read:

10 29.575 (4) Upon issuance of the license, the department shall appoint one
11 person, the applicant shall appoint one person, and these 2 shall select a 3rd person
12 to enter the lands and determine the number of fur animals thereon at the time of
13 the ~~granting~~ issuing of the license. The necessary expenses of these persons shall
14 be paid by the licensee. Within 10 days after the date of such determination, the
15 licensee shall pay to the department \$2.50 for each beaver, 50 cents for each muskrat,
16 \$2.50 for each mink, \$2.50 for each otter, \$1 for each raccoon, and 50 cents for each
17 skunk so found on such lands. Only those animals to be licensed under the fur animal
18 farm are to be paid for. When such payment has been made the licensee shall become
19 owner of such fur animals on said lands and of all of their offspring remaining
20 thereon. The licensee shall have the right to manage and control said lands and the
21 licensed fur animals thereon, to take the same at any time or in any manner, subject
22 to s. 29.245, which the licensee sees fit and deems to the best advantage of the
23 licensee's business, and to sell and transport at any time said fur animals or the pelts
24 taken from them.

25 **SECTION 76.** 29.578 (4) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 76**

1 29.578 (4) The licensee shall pay to the department \$25 for each deer so found
2 on such lands. When such payment has been made and the license issued, the
3 licensee shall become the owner of all deer on said lands and of all their offspring.
4 The licensee shall have the right to manage and control said lands and the deer
5 thereon, to kill the deer, subject to s. 29.245, and to sell the deer as provided by this
6 section. If upon examination it shall appear that the applicant is the owner or lessee
7 of said lands, and that the applicant intends in good faith to establish, operate and
8 maintain a deer farm, the department may inform the applicant that as soon as the
9 applicant has built a suitable deer fence around the area to be included within the
10 license, it will issue the same. Said deer-tight fence shall be built in accordance with
11 specifications prescribed by the department; provided, the department may issue a
12 license for such deer farms heretofore established if the fence actually inclosing said
13 farm is in fact sufficient to hold deer therein. After the complete installation of such
14 fence and after the department has satisfied itself that it is satisfactory and complies
15 with the law, it may issue a license to the applicant describing such lands, and
16 certifying that the licensee is lawfully entitled to use the same for the breeding,
17 propagating, killing and selling of deer thereon according to this section. Section
18 29.09 (11m) applies to the issuance of licenses under this subsection.

19 **SECTION 77.** 29.578 (5) of the statutes is amended to read:

20 29.578 (5) The deer farm license shall be renewed each year, subject to s. 29.09
21 (11m), if the licensee has not violated any of the provisions under which it was
22 granted issued.

23 **SECTION 78.** 29.578 (11) of the statutes is amended to read:

24 29.578 (11) Each license shall be accepted by the licensee upon the condition
25 that the licensee will comply with this section and with all provisions of law and that

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1 the licensee will honestly operate said deer farm for the purpose of propagating deer;
2 that the title to the deer in the inclosure for which a license has been ~~granted~~ issued
3 and for which the applicant has paid the state at the rate of \$25 per deer, shall be
4 conditional upon the applicant and licensee honestly and fairly complying with this
5 section and provisions of law relating to the operation of deer farms; and in the action
6 to revoke the license of said licensee, or to establish the licensee's unfitness to further
7 operate said deer farm, the court, in the judgment, in the event it is determined that
8 the applicant and licensee has violated this section and the provisions of law relating
9 to the operation of deer farms, shall provide that the title to all of the deer within said
10 inclosure together with all of the increase therefrom be forfeited to the state; that the
11 said tract of land shall not be used for a deer farm for a period of 5 years and until
12 a new license therefor, after said 5 years, has been issued by the department as
13 provided in this section; that the department shall within 30 days of the notice of
14 entry of judgment enter upon said tract and open the said fences in such a manner
15 as to give the inclosed animals free egress and may drive the said animals out of the
16 inclosure if in the opinion of the department it is for the best interests of the state;
17 said lands for which said license has been forfeited may be used by the owner thereof
18 for all lawful purposes except the propagating of deer during said time, and during
19 said 5 year period said lands shall be a sanctuary and no hunting or trapping of any
20 kind or character shall be practiced therein or thereon. The department shall in such
21 event duly post notices thereof at intervals of 10 rods around the entire tract.

22 **SECTION 79.** 29.578 (14) (am) of the statutes, as affected by 1997 Wisconsin Act
23 35, is amended to read:

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1 29.578 (14) (am) The Subject to s. 29.09 (11m), the department may issue
2 special retail deer sale permits authorizing a person to retail venison in the carcass
3 from a deer lawfully killed under this section to any retailer of meats.

4 **SECTION 80.** 29.578 (14) (b) (intro.) of the statutes is amended to read:

5 29.578 (14) (b) (intro.) Any person may serve venison obtained from a deer farm
6 licensed under this section if the person has a venison serving permit from the
7 department. The application for this permit shall be in the form and include the
8 information the department requires. If the department after investigation is
9 satisfied that the application is satisfactory ~~it, the department,~~ subject to s. 29.09
10 (11m), shall issue a venison serving permit conditioned as follows:

11 **SECTION 81.** 29.585 (1) of the statutes is amended to read:

12 29.585 (1) The department may ~~grant~~ issue licenses for wildlife exhibits which
13 are defined as any place where one or more live wild animals are kept in captivity
14 for the purpose of exhibition or for advertising purposes. The form of application and
15 license shall be prescribed by the department.

16 **SECTION 82.** 29.585 (3) of the statutes is amended to read:

17 29.585 (3) No wildlife exhibition license ~~shall be granted~~ may be issued by the
18 department until it is satisfied that the provisions for housing and caring for such
19 wild animals and for protecting the public are proper and adequate and in
20 accordance with the standards therefor established by the department.

21 **SECTION 83.** 38.14 (2) (d) 1. of the statutes is amended to read:

22 38.14 (2) (d) 1. Lease facilities to others for school purposes. The district board
23 may not enter into a lease under this subdivision after June 30, ~~1991~~ 1999.

24 **SECTION 84.** 40.08 (1) of the statutes is amended to read:

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1 40.08 (1) EXEMPTIONS. The benefits payable to, or other rights and interests of,
2 any member, beneficiary or distributee of any estate under any of the benefit plans
3 administered by the department, including insurance payments, shall be exempt
4 from any tax levied by the state or any subdivision of the state and shall not be
5 assignable, either in law or equity, or be subject to execution, levy, attachment,
6 garnishment or other legal process except as specifically provided in this section;
7 except that, notwithstanding s. 40.01 (2), the department of revenue may attach
8 benefit payments to satisfy delinquent tax obligations. The board and any member
9 or agent thereof and the department and any employe or agent thereof are immune
10 from civil liability for any act or omission while performing official duties relating to
11 withholding any annuity payment under this subsection. The exemption from
12 taxation under this section shall not apply with respect to any tax on income.

13 **SECTION 85.** 40.25 (6) (a) 5. of the statutes is repealed.

14 **SECTION 86.** 40.25 (7) (g) of the statutes is repealed and recreated to read:

15 40.25 (7) (g) The crediting of any service under this subsection is subject to any
16 applicable requirements under section 415 of the Internal Revenue Code.

17 **SECTION 87.** 40.31 (1) of the statutes is repealed and recreated to read:

18 40.31 (1) GENERAL LIMITATION. The maximum retirement benefits payable to
19 a participant in a calendar year, excluding benefits attributable to contributions
20 subject to any limitations under s. 40.23 (2) (a), (2m) (c) and (3), may not exceed the
21 maximum benefit limitation established under section 415 (b) of the Internal
22 Revenue Code.

23 **SECTION 88.** 40.31 (2) of the statutes is repealed.

24 **SECTION 89.** 40.32 (1) of the statutes is repealed and recreated to read:

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1 40.32 (1) The sum of all contributions allocated to a participant's account under
2 each defined contribution plan sponsored by the employer, including all employer
3 contributions and picked-up contributions credited with interest at the effective rate
4 under ss. 40.04 (4) (a) and (5) (b) and 40.05 (2) (g) and all employe contributions made
5 under ss. 40.02 (17) and 40.05 (1) and (2m), may not in any calendar year exceed the
6 maximum contribution limitation established under section 415 (c) of the Internal
7 Revenue Code.

8 **SECTION 90.** 40.32 (3) of the statutes is amended to read:

9 40.32 (3) Any contribution that the department receives, which is allocated to
10 the account of a participant and which exceeds the contributions limitation under
11 this section, may be refunded or credited as provided in s. 40.08 (6). If the
12 department refunds any contributions that exceed the limitation under this section,
13 the department shall first refund amounts voluntarily contributed by a participating
14 employe, either as an additional contribution under s. 40.05 (1) (a) 5. or a purchase
15 of forfeited or creditable service under s. 40.02 (17) or 40.25 (6) (a) or (7) (a).

16 **SECTION 91.** 45.74 (7) of the statutes, as created by 1997 Wisconsin Act 27, is
17 amended to read:

18 45.74 (7) (title) ~~PRICE-OF-HOME~~ AMOUNT OF LOAN LIMITATION. The price amount
19 of the home loan exceeds 2.5 times the median price of a home in this state if the
20 person is applying for a loan for the purchase of a home. The department shall
21 promulgate a rule establishing establish the median price of a home in this state for
22 each fiscal year that is determined by using the most recent housing price index
23 generated by the Wisconsin Realtors Association before July 1.

24 **SECTION 92.** 46.036 (3) (g) of the statutes is created to read:

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1 46.036 **(3)** (g) Notwithstanding pars. (b) and (d), if a county has an existing
2 system, approved by the department, to monitor and assess the outcomes of a
3 contract and if the county is so authorized by the department, the county may
4 contract with providers to pay in advance or after provision of services a fixed amount
5 for each person served by the provider in return for a defined set of expected outcomes
6 that are determined by the county.

7 **SECTION 93.** 46.10 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is
8 amended to read:

9 46.10 **(1)** Liability and the collection and enforcement of such liability for the
10 care, maintenance, services and supplies specified in this section is governed
11 exclusively by this section, except in cases of child support ordered by a court under
12 s. 48.355 (2) (b) 4., 48.357 (5m), or 48.363 (2), ~~938.183 (4), 938.355 (2) (b) 4., 938.357~~
13 ~~(5m) or 938.363 (2)~~ or ch. 767.

14 **SECTION 94.** 46.10 (2) of the statutes, as affected by 1997 Wisconsin Act 27, is
15 amended to read:

16 46.10 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person,
17 including but not limited to a person admitted, committed or placed under s. 975.01,
18 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 48.366, 51.10,
19 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06,
20 ~~938.183, 938.34 (4h) or (4m), 938.357 (4) and (5) (e), 971.14 (2) and (5), 971.17 (1),~~
21 975.06 and 980.06, receiving care, maintenance, services and supplies provided by
22 any institution in this state including University of Wisconsin Hospitals and Clinics,
23 in which the state is chargeable with all or part of the person's care, maintenance,
24 services and supplies, any person receiving care and services from a county
25 department established under s. 51.42 or 51.437 or from a facility established under

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1 s. 49.73, and any person receiving treatment and services from a public or private
2 agency under s. 971.17 (3) (d) or (4) (e), 980.06 (2) (c) or 980.08 (5) and the person's
3 property and estate, including the homestead, and the spouse of the person, and the
4 spouse's property and estate, including the homestead, and, in the case of a minor
5 child, the parents of the person, and their property and estates, including their
6 homestead, and, in the case of a foreign child described in s. 48.839 (1) who became
7 dependent on public funds for his or her primary support before an order granting
8 his or her adoption, the resident of this state appointed guardian of the child by a
9 foreign court who brought the child into this state for the purpose of adoption, and
10 his or her property and estate, including his or her homestead, shall be liable for the
11 cost of the care, maintenance, services and supplies in accordance with the fee
12 schedule established by the department under s. 46.03 (18). If a spouse, widow or
13 minor, or an incapacitated person may be lawfully dependent upon the property for
14 their support, the court shall release all or such part of the property and estate from
15 the charges that may be necessary to provide for those persons. The department
16 shall make every reasonable effort to notify the liable persons as soon as possible
17 after the beginning of the maintenance, but the notice or the receipt thereof is not
18 a condition of liability.

19 **SECTION 95.** 46.10 (14) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
20 is amended to read:

21 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
22 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
23 parent's minor child who has been placed by a court order under s. 48.355, or 48.357,
24 ~~938.183, 938.355 or 938.357~~ in a residential, nonmedical facility such as a group
25 home, foster home, treatment foster home, or child caring institution ~~or juvenile~~

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1 ~~correctional institution~~ shall be determined by the court by using the percentage
2 standard established by the department of workforce development under s. 49.22 (9)
3 and by applying the percentage standard in the manner established by the
4 department under s. 46.247.

5 **SECTION 96.** 46.10 (14) (e) 1m. of the statutes, as created by 1997 Wisconsin Act
6 27, is repealed.

7 **SECTION 97.** 46.21 (5) (b) of the statutes is amended to read:

8 46.21 (5) (b) Sections 46.10, 49.08, 49.90, 301.12 and 767.42 govern the support
9 and maintenance of persons in any of the institutions specified in sub. (2) (a).

10 **SECTION 98.** 46.247 of the statutes, as affected by 1997 Wisconsin Act 27, is
11 amended to read:

12 **46.247 Application of child support standard for certain children.** For
13 purposes of determining child support under s. 46.10 (14) (b), the department shall
14 promulgate rules related to the application of the standard established by the
15 department of workforce development under s. 49.22 (9) to a child support obligation
16 for the care and maintenance of a child who is placed by a court order under s. 48.355,
17 or 48.357, 938.183, 938.355 or 938.357 in a residential, nonmedical facility. The rules
18 shall take into account the needs of any person, including dependent children other
19 than the child, whom either parent is legally obligated to support.

20 **SECTION 99.** 46.27 (11) (c) 3m. of the statutes is repealed.

21 **SECTION 100.** 46.40 (2m) (a) of the statutes, as affected by 1997 Wisconsin Act
22 27, is amended to read:

23 46.40 (2m) (a) *Prevention and treatment of substance abuse.* For prevention
24 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the

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1 department shall distribute not more than ~~\$9,702,400~~ \$10,493,900 in fiscal year
2 1997-98 and not more than ~~\$8,641,100~~ \$10,224,100 in fiscal year 1998-99.

3 **SECTION 101.** 48.01 (1) (a) of the statutes is amended to read:

4 48.01 (1) (a) While recognizing that the paramount goal of this chapter is to
5 protect children, to preserve the unity of the family, whenever appropriate, by
6 strengthening family life through assisting parents, whenever appropriate, in
7 fulfilling their parental responsibilities. The courts and agencies responsible for
8 child welfare, while assuring that a child's health and safety are the paramount
9 concerns, should assist parents in changing any circumstances in the home which
10 might harm the child or which may require the child to be placed outside the home.
11 The courts should recognize that they have the authority, in appropriate cases, not
12 to reunite a child with his or her family. The courts and agencies responsible for child
13 welfare should also recognize that instability and impermanence in family
14 relationships are contrary to the welfare of children and should therefore recognize
15 the importance of eliminating the need for children to wait unreasonable periods of
16 time for their parents to correct the conditions that prevent their safe return to the
17 family.

18 **SECTION 102.** 48.01 (1) (gg) of the statutes is amended to read:

19 48.01 (1) (gg) To promote the adoption of children into safe and stable families
20 rather than allowing children to remain in the impermanence of foster or treatment
21 foster care.

22 **SECTION 103.** 48.21 (5) (b) of the statutes is amended to read:

23 48.21 (5) (b) An order relating to a child held in custody outside of his or her
24 home shall also describe any efforts that were made to permit the child to remain
25 safely at home and the services that are needed to ensure the child's well-being, to

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1 enable the child to return safely to his or her home and to involve the parents in
2 planning for the child.

3 **SECTION 104.** 48.235 (8) of the statutes is repealed and recreated to read:

4 48.235 (8) COMPENSATION. (a) A guardian ad litem appointed under this
5 chapter shall be compensated at a rate that the court determines is reasonable,
6 except that, if the court orders a county to pay the compensation of the guardian ad
7 litem under par. (b) or (c) 2., the amount ordered may not exceed the compensation
8 payable to a private attorney under s. 977.08 (4m) (b).

9 (b) Subject to par. (c), the court may order either or both of the parents of a child
10 for whom a guardian ad litem is appointed under this chapter to pay all or any part
11 of the compensation of the guardian ad litem. In addition, upon motion by the
12 guardian ad litem, the court may order either or both of the parents of the child to
13 pay the fee for an expert witness used by the guardian ad litem, if the guardian ad
14 litem shows that the use of the expert is necessary to assist the guardian ad litem
15 in performing his or her functions or duties under this chapter. If one or both parents
16 are indigent or if the court determines that it would be unfair to a parent to require
17 him or her to pay, the court may order the county of venue to pay the compensation
18 and fees, in whole or in part. If the court orders the county of venue to pay because
19 a parent is indigent, the court may also order either or both of the parents to
20 reimburse the county, in whole or in part, for the payment.

21 (c) 1. In an uncontested termination of parental rights and adoption proceeding
22 under s. 48.833, the court shall order the agency that placed the child for adoption
23 to pay the compensation of the child's guardian ad litem.

24 2. In an uncontested termination of parental rights and adoption proceeding
25 under s. 48.835 or 48.837, the court shall order the proposed adoptive parents to pay

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1 the compensation of the child's guardian ad litem. If the proposed adoptive parents
2 are indigent, the court may order the county of venue to pay the compensation, in
3 whole or in part, and may order the proposed adoptive parents to reimburse the
4 county, in whole or in part, for the payment.

5 (d) At any time before the final order in a proceeding in which a guardian ad
6 litem is appointed for a child under this chapter, the court may order a parent, agency
7 or proposed adoptive parent to place payments in an escrow account in an amount
8 estimated to be sufficient to pay any compensation and fees payable under par. (b)
9 or (c).

10 (e) If the court orders a parent or proposed adoptive parent to reimburse a
11 county under par. (b) or (c) 2., the court may order a separate judgment for the
12 amount of the reimbursement in favor of the county and against the parent or
13 proposed adoptive parent who is responsible for the reimbursement.

14 (f) The court may enforce its orders under this subsection by means of its
15 contempt powers.

16 **SECTION 105.** 48.27 (3) (a) 1m. of the statutes is created to read:

17 48.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent
18 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
19 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
20 treatment foster parent or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issues to be determined at the hearing. A foster parent, treatment
23 foster parent or other physical custodian described in s. 48.62 (2) who receives a
24 notice of a hearing under subd. 1. and an opportunity to be heard under this

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1 subdivision does not become a party to the proceeding on which the hearing is held
2 solely on the basis of receiving that notice and opportunity to be heard.

3 **SECTION 106.** 48.27 (3) (a) 2. of the statutes is amended to read:

4 48.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent, treatment
5 foster parent or other physical custodian described in s. 48.62 (2) does not deprive the
6 court of jurisdiction in the action or proceeding. If a foster parent, treatment foster
7 parent or other physical custodian described in s. 48.62 (2) is not given notice of a
8 hearing under subd. 1. ~~and if the court is required under this chapter to permit that~~
9 ~~person to make a written or oral statement during the hearing or to submit a written~~
10 ~~statement prior to the hearing and that person does not make or submit such~~
11 ~~statement, that person may request a rehearing on the matter during the pendency~~
12 ~~of an order resulting from the hearing. If the request is made, the court shall order~~
13 ~~a rehearing.~~

14 **SECTION 107.** 48.27 (6) of the statutes is amended to read:

15 48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties
16 shall receive notice and appropriate summons shall be issued in a manner specified
17 by the court, consistent with applicable governing statutes. In addition, if the child
18 who is the subject of the proceeding is in the care of a foster parent, treatment foster
19 parent or other physical custodian described in s. 48.62 (2), the court shall give the
20 foster parent, treatment foster parent or other physical custodian notice and an
21 opportunity to be heard as provided in sub. (3) (a).

22 **SECTION 108.** 48.355 (2) (b) 6. of the statutes, as affected by 1997 Wisconsin Act
23 27, is amended to read:

24 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
25 placement of the child in his or her home would be contrary to the health, safety and

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1 welfare of the child and, if sub. (2d) does not apply, a finding as to whether the county
2 department, the department, in a county having a population of 500,000 or more, or
3 the agency primarily responsible for ~~the provision of~~ providing services under a court
4 order has made reasonable efforts to prevent the removal of the child from the home,
5 while assuring that the child's health and safety are the paramount concerns, or, if
6 applicable, ~~that~~ a finding as to whether the agency primarily responsible for the
7 ~~provision of~~ providing services under a court order has made reasonable efforts to
8 make it possible for the child to return safely to his or her home.

9 **SECTION 109.** 48.355 (2b) of the statutes is created to read:

10 48.355 **(2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county
11 department, the department, in a county having a population of 500,000 or more, or
12 the agency primarily responsible for providing services to a child under a court order
13 may, at the same time as the county department, department or agency is making
14 the reasonable efforts required under sub. (2) (b) 6., work with the department, a
15 county department under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed
16 under s. 48.61 (5) in making reasonable efforts to place the child for adoption, with
17 a guardian or in some other alternative permanent placement.

18 **SECTION 110.** 48.355 (2c) (a) (intro.) of the statutes, as affected by 1997
19 Wisconsin Act 27, is amended to read:

20 48.355 **(2c)** (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as to
21 whether the county department, the department, in a county having a population of
22 500,000 or more, or the agency primarily responsible for providing services to the
23 child under a court order has made reasonable efforts to prevent the removal of the
24 child from his or her home, while assuring that the child's health and safety are the

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1 paramount concerns, the court's consideration of reasonable efforts shall include, but
2 not be limited to, whether:

3 **SECTION 111.** 48.355 (2c) (a) 1. of the statutes is amended to read:

4 48.355 (2c) (a) 1. A comprehensive assessment of the family's situation was
5 completed, including a determination of the likelihood of protecting the child's
6 health, safety and welfare effectively in the home.

7 **SECTION 112.** 48.355 (2c) (b) of the statutes is amended to read:

8 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
9 the agency primarily responsible for providing services to the child under a court
10 order has made reasonable efforts to make it possible for the child to return safely
11 to his or her home, the court's consideration of reasonable efforts shall include, but
12 not be limited to, the considerations listed under par. (a) 1. to 5. and whether
13 visitation schedules between the child and his or her parents were implemented,
14 unless visitation was denied or limited by the court.

15 **SECTION 113.** 48.355 (2d) of the statutes is created to read:

16 48.355 (2d) REASONABLE EFFORTS NOT REQUIRED. (a) In this subsection:

17 1. "Aggravated circumstances" include abandonment in violation of s. 948.20
18 or in violation of the law of any other state or federal law if that violation would be
19 a violation of s. 948.20 if committed in this state, torture, chronic abuse and sexual
20 abuse.

21 2. "Sexual abuse" means a violation of s. 940.225, 944.30, 948.02, 948.025,
22 948.05, 948.055, 948.06, 948.09 or 948.10 or a violation of the law of any other state
23 or federal law if that violation would be a violation of s. 940.225, 944.30, 948.02,
24 948.025, 948.05, 948.055, 948.06, 948.09 or 948.10 if committed in this state.

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1 (b) Notwithstanding sub. (2) (b) 6., the court need not include in a dispositional
2 order a finding as to whether the county department, the department, in a county
3 having a population of 500,000 or more, or the agency primarily responsible for
4 providing services under a court order has made reasonable efforts with respect to
5 a parent of a child to prevent the removal of the child from the home, while assuring
6 that the child's health and safety are the paramount concerns, or, if applicable, a
7 finding as to whether the agency primarily responsible for providing services under
8 a court order has made reasonable efforts with respect to a parent of a child to make
9 it possible for the child to return safely to his or her home, if the court finds, as
10 evidenced by a final judgment of conviction, any of the following:

11 1. That the parent has subjected the child to aggravated circumstances.

12 2. That the parent has committed, has aided or abetted the commission of, or
13 has solicited, conspired or attempted to commit, a violation of s. 940.01, 940.02,
14 940.03 or 940.05 or a violation of the law of any other state or federal law, if that
15 violation would be a violation of s. 940.01, 940.02, 940.03 or 940.05 if committed in
16 this state, and that the victim of that violation is a child of the parent.

17 3. That the parent has committed a violation of s. 940.19 (2), (3), (4) or (5),
18 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation
19 of the law of any other state or federal law, if that violation would be a violation of
20 s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2)
21 (a) or (3) (a) if committed in this state, and that the violation resulted in great bodily
22 harm, as defined in s. 939.22 (14), or in substantial bodily harm, as defined in s.
23 939.22 (38), to the child or another child of the parent.

24 4. That the parental rights of the parent to another child have been
25 involuntarily terminated.

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1 (c) If the court makes a finding specified in par. (b) 1., 2., 3. or 4., the court shall
2 hold a hearing within 30 days after the date of that finding to determine the
3 permanency plan for the child. If a hearing is held under this paragraph, the agency
4 responsible for preparing the permanency plan shall file the permanency plan with
5 the court not less than 5 days before the date of the hearing.

6 **SECTION 114.** 48.357 (2r) of the statutes, as created by 1997 Wisconsin Act ...
7 (Assembly Bill 266), is amended to read:

8 48.357 (2r) If a hearing is held under sub. (1) or (2m) and the change in
9 placement would remove a child from a foster home, treatment foster home or other
10 placement with a physical custodian described in s. 48.62 (2), the court shall permit
11 give the foster parent, treatment foster parent or other physical custodian described
12 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
13 parent, treatment foster parent or other physical custodian to make a written or oral
14 statement during the hearing or to submit a written statement prior to the hearing,
15 relating to the child and the requested change in placement. Any written or oral
16 statement made under this subsection shall be made under oath or affirmation. A
17 foster parent, treatment foster parent or other physical custodian described in s.
18 48.62 (2) who receives notice of a hearing under sub. (1) or (2m) and an opportunity
19 to be heard under this subsection does not become a party to the proceeding on which
20 the hearing is held solely on the basis of receiving that notice and opportunity to be
21 heard.

22 **SECTION 115.** 48.363 (1m) of the statutes, as affected by 1997 Wisconsin Act ...
23 (Assembly Bill 266), is amended to read:

24 48.363 (1m) If a hearing is held under sub. (1), any party may present evidence
25 relevant to the issue of revision of the dispositional order. In addition, the court shall

ASSEMBLY BILL 768**SECTION 115**

1 permit give a foster parent, treatment foster parent or other physical custodian
2 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
3 permitting the foster parent, treatment foster parent or other physical custodian to
4 make a written or oral statement during the hearing, or to submit a written
5 statement prior to the hearing, relevant to the issue of revision. Any written or oral
6 statement made under this subsection shall be made under oath or affirmation. A
7 foster parent, treatment foster parent or other physical custodian described in s.
8 48.62 (2) who receives notice of a hearing under sub. (1) and an opportunity to be
9 heard under this subsection does not become a party to the proceeding on which the
10 hearing is held solely on the basis of receiving that notice and opportunity to be
11 heard.

12 **SECTION 116.** 48.365 (1) of the statutes is amended to read:

13 48.365 (1) In this section, ~~“2 or more years” means a period of time that begins~~
14 ~~with the first placement of the child~~ a child is considered to have been placed outside
15 of his or her home pursuant to an order under this section or s. 48.345, 48.357 or
16 48.363 and includes any period of time in which the child returned home, unless the
17 periods of time at home account for the majority of the time since the first placement
18 on the date on which the court first found that the child has been subjected to abuse
19 or neglect or on the date that is 60 days after the date on which the child was removed
20 from his or her home, whichever is earlier.

21 **SECTION 117.** 48.365 (2g) (b) 2. of the statutes is amended to read:

22 48.365 (2g) (b) 2. An evaluation of the child’s adjustment to the placement and
23 of any progress the child has made, suggestions for amendment of the permanency
24 plan, a description of efforts to return the child safely to his or her home, including
25 efforts of the parents to remedy factors which contributed to the child’s placement

ASSEMBLY BILL 768**SECTION 117**

1 and, if continued placement outside of the child's home is recommended, an
2 explanation of why returning the child to his or her home is not safe or feasible.

3 **SECTION 118.** 48.365 (2g) (b) 3. of the statutes is amended to read:

4 48.365 **(2g)** (b) 3. If the child has been placed outside of his or her home for 2
5 ~~or more years~~ 15 of the most recent 22 months, a statement of whether or not a
6 recommendation has been made to terminate the parental rights of the parents of
7 the child. If a recommendation for a termination of parental rights has been made,
8 the statement shall indicate the date on which the recommendation was made, any
9 previous progress made to accomplish the termination of parental rights, any
10 barriers to the termination of parental rights, specific steps to overcome the barriers
11 and when the steps will be completed, reasons why adoption would be in the best
12 interest of the child and whether or not the child should be registered with the
13 adoption information exchange. If a recommendation for termination of parental
14 rights has not been made, the statement shall include an explanation of the reasons
15 why a recommendation for termination of parental rights has not been made. If the
16 lack of appropriate adoptive resources is the primary reason for not recommending
17 a termination of parental rights, the agency shall recommend that the child be
18 registered with the adoption information exchange or report the reason why
19 registering the child is contrary to the best interest of the child.

20 **SECTION 119.** 48.365 (2m) (a) of the statutes is amended to read:

21 48.365 **(2m)** (a) Any party may present evidence relevant to the issue of
22 extension. The judge shall make findings of fact and conclusions of law based on the
23 evidence, ~~including~~. Subject to s. 48.355 (2d), the findings of fact shall include a
24 finding as to whether reasonable efforts were made by the agency primarily

ASSEMBLY BILL 768**SECTION 119**

1 responsible for providing services to the child to make it possible for the child to
2 return safely to his or her home. An order shall be issued under s. 48.355.

3 **SECTION 120.** 48.365 (2m) (ag) of the statutes, as affected by 1997 Wisconsin
4 Act (Assembly Bill 266), is amended to read:

5 48.365 (2m) (ag) In addition to any evidence presented under par. (a), the court
6 shall ~~permit~~ give a foster parent, treatment foster parent or other physical custodian
7 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
8 permitting the foster parent, treatment foster parent or other physical custodian to
9 make a written or oral statement during the hearing, or to submit a written
10 statement prior to the hearing, relevant to the issue of extension. Any written or oral
11 statement made under this paragraph shall be made under oath or affirmation. A
12 foster parent, treatment foster parent or other physical custodian described in s.
13 48.62 (2) who receives notice of a hearing under sub. (2) and an opportunity to be
14 heard under this paragraph does not become a party to the proceeding on which the
15 hearing is held solely on the basis of receiving that notice and opportunity to be
16 heard.

17 **SECTION 121.** 48.38 (3) of the statutes is amended to read:

18 48.38 (3) TIME. The Subject to s. 48.355 (2d) (c), the agency shall file the
19 permanency plan with the court within 60 days after the date on which the child was
20 first held in physical custody or placed outside of his or her home under a court order,
21 except that if the child is held for less than 60 days in a secure detention facility,
22 juvenile portion of a county jail or a shelter care facility, no permanency plan is
23 required if the child is returned to his or her home within that period.

24 **SECTION 122.** 48.38 (4) (a) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 122**

1 48.38 (4) (a) The services offered and any service provided in an effort to
2 prevent holding or placing the child outside of his or her home, while assuring that
3 the health and safety of the child are the paramount concerns, and to make it possible
4 for the child to return safely home, except that the permanency plan need not include
5 a description of those services offered or provided with respect to a parent of the child
6 if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3. or 4. apply to that
7 parent.

8 **SECTION 123.** 48.38 (4) (bm) of the statutes is amended to read:

9 48.38 (4) (bm) The availability of a safe and appropriate placement with a
10 relative of the child and, if a decision is made not to place the child with an available
11 relative, why placement with the relative is not safe or appropriate.

12 **SECTION 124.** 48.38 (4) (e) of the statutes is amended to read:

13 48.38 (4) (e) The safety and appropriateness of the placement and of the
14 services provided to meet the needs of the child and family, including a discussion of
15 services that have been investigated and considered and are not available or likely
16 to become available within a reasonable time to meet the needs of the child or, if
17 available, why such services are not safe or appropriate.

18 **SECTION 125.** 48.38 (4) (f) 1. of the statutes is amended to read:

19 48.38 (4) (f) 1. Ensure proper care and treatment of the child and promote
20 safety and stability in the placement.

21 **SECTION 126.** 48.38 (4) (f) 3. of the statutes is amended to read:

22 48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
23 return of the child to his or her home, or, if appropriate, obtain an alternative
24 permanent placement for the child.

25 **SECTION 127.** 48.38 (4) (fm) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 127**

1 48.38 (4) (fm) If the permanency plan calls for placing the child for adoption,
2 with a guardian or in some other alternative permanent placement, the efforts made
3 to place the child for adoption, with a guardian or in some other alternative
4 permanent placement.

5 **SECTION 128.** 48.38 (4) (g) of the statutes is amended to read:

6 48.38 (4) (g) The conditions, if any, upon which the child will be returned safely
7 to his or her home, including any changes required in the parents' conduct, the child's
8 conduct or the nature of the home.

9 **SECTION 129.** 48.38 (5) (b) of the statutes is amended to read:

10 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
11 child if he or she is 12 years of age or older and the child's foster parent, the child's
12 treatment foster parent or the operator of the facility in which the child is living of
13 the date, time and place of the review, of the issues to be determined as part of the
14 review, of the fact that they may ~~submit~~ have an opportunity to be heard at the review
15 by submitting written comments not less than 10 working days before the review and
16 ~~of the fact that they may participate in or by participating at~~ the review. The court
17 or agency shall notify the person representing the interests of the public, the child's
18 counsel and the child's guardian ad litem of the date of the review, of the issues to
19 be determined as part of the review and of the fact that they may submit written
20 comments not less than 10 working days before the review. The notices under this
21 paragraph shall be provided in writing not less than 30 days before the review and
22 copies of the notices shall be filed in the child's case record.

23 **SECTION 130.** 48.38 (5) (c) 1. of the statutes is amended to read:

24 48.38 (5) (c) 1. The continuing necessity for and the safety and appropriateness
25 of the placement.

ASSEMBLY BILL 768**SECTION 131**

1 **SECTION 131.** 48.38 (5) (c) 4. of the statutes is amended to read:

2 48.38 (5) (c) 4. The progress toward eliminating the causes for the child's
3 placement outside of his or her home and toward returning the child safely to his or
4 her home or obtaining a permanent placement for the child.

5 **SECTION 132.** 48.38 (5) (c) 5. of the statutes is amended to read:

6 48.38 (5) (c) 5. The date by which it is likely that the child will be returned to
7 his or her home, or placed for adoption, ~~placed under legal guardianship or otherwise~~
8 ~~permanently placed~~ with a guardian or in some other alternative permanent
9 placement.

10 **SECTION 133.** 48.38 (5) (c) 6. (intro.), a., b. and c. of the statutes are amended
11 to read:

12 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home
13 ~~for 2 years or more, as described in s. 48.365 (1), for 15 of the most recent 22 months,~~
14 the appropriateness of the permanency plan and the circumstances which prevent
15 the child from any of the following:

16 a. Being returned safely to his or her home;.

17 b. Having a petition for the involuntary termination of parental rights filed on
18 behalf of the child;.

19 c. Being placed for adoption; ~~or.~~

20 **SECTION 134.** 48.38 (5) (c) 7. of the statutes is amended to read:

21 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make
22 it possible for the child to return safely to his or her home, except that the court or
23 panel need not determine whether those reasonable efforts were made with respect
24 to a parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1.,
25 2., 3. or 4. apply to that parent.

ASSEMBLY BILL 768**SECTION 135**

1 **SECTION 135.** 48.38 (6) (c) of the statutes is amended to read:

2 48.38 **(6)** (c) Standards for reasonable efforts to prevent placement of children
3 outside of their homes, while assuring that their health and safety are the
4 paramount concerns, and to make it possible for children to return safely to their
5 homes if they have been placed outside of their homes.

6 **SECTION 136.** 48.415 (1) (a) (intro.) of the statutes is amended to read:

7 48.415 **(1)** (a) (intro.) Abandonment, which, subject to par. (c), shall be
8 established by proving that any of the following:

9 **SECTION 137.** 48.415 (1) (a) 1. of the statutes is amended to read:

10 48.415 **(1)** (a) 1. ~~The~~ That the child has been left without provision for ~~its~~ the
11 child's care or support, the petitioner has investigated the circumstances
12 surrounding the matter and for 60 days the petitioner has been unable to find either
13 parent;

14 **SECTION 138.** 48.415 (1) (a) 1m. of the statutes is amended to read:

15 48.415 **(1)** (a) 1m. ~~The~~ That the child has been left by the parent without
16 provision for the child's care or support in a place or manner that exposes the child
17 to substantial risk of great bodily harm, as defined in s. 939.22 (14), or death;

18 **SECTION 139.** 48.415 (1) (a) 1r. of the statutes is created to read:

19 48.415 **(1)** (a) 1r. That the child was left by the child's parent without provision
20 for the child's care or support when the child was under 3 years of age.

21 **SECTION 140.** 48.415 (1) (a) 2. of the statutes is amended to read:

22 48.415 **(1)** (a) 2. ~~The~~ That the child has been placed, or continued in a
23 placement, outside the parent's home by a court order containing the notice required
24 by s. 48.356 (2) or 938.356 (2) and the parent has failed to visit or communicate with
25 the child for a period of 3 months or longer;

ASSEMBLY BILL 768**SECTION 141**

1 **SECTION 141.** 48.415 (2) (b) 1. of the statutes is amended to read:

2 48.415 **(2)** (b) 1. In this paragraph, “diligent reasonable effort” means an
3 earnest and conscientious effort to take good faith steps to provide the services
4 ordered by the court which takes into consideration the characteristics of the parent
5 or child, the level of cooperation of the parent and other relevant circumstances of
6 the case.

7 **SECTION 142.** 48.415 (2) (b) 2. of the statutes is amended to read:

8 48.415 **(2)** (b) 2. That the agency responsible for the care of the child and the
9 family has made a diligent reasonable effort to provide the services ordered by the
10 court.

11 **SECTION 143.** 48.415 (2) (c) of the statutes, as affected by 1997 Wisconsin Act
12 (Assembly Bill 266), is amended to read:

13 48.415 **(2)** (c) That the child has been outside the home for a cumulative total
14 period of 6 months or longer pursuant to such orders; and that the parent has failed
15 to meet the conditions established for the safe return of the child to the home and
16 there is a substantial likelihood that the parent will not meet these conditions within
17 the 12-month period following the fact-finding hearing under s. 48.424.

18 **SECTION 144.** 48.415 (9m) (b) of the statutes is repealed and recreated to read:

19 48.415 **(9m)** (b) In this subsection, “serious felony” means any of the following:

20 1. The commission of, the aiding or abetting of, or the solicitation, conspiracy
21 or attempt to commit, a violation of s. 940.01, 940.02, 940.03 or 940.05 or a violation
22 of the law of any other state or federal law, if that violation would be a violation of
23 s. 940.01, 940.02, 940.03 or 940.05 if committed in this state.

24 2. The commission of a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2),
25 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 or a

ASSEMBLY BILL 768**SECTION 144**

1 violation of the law of any other state or federal law, if that violation would be a
2 violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,
3 948.03 (2) (a) or (3) (a), 948.05, 948.06 or 948.08 if committed in this state.

4 3. The commission of a violation of s. 948.21 or a violation of the law of any other
5 state or federal law, if that violation would be a violation of s. 948.21 if committed in
6 this state, that resulted in the death of the victim.

7 **SECTION 145.** 48.417 of the statutes is created to read:

8 **48.417 Petition for termination of parental rights; when required. (1)**

9 FILING OR JOINING IN PETITION; WHEN REQUIRED. Subject to sub. (2), an agency or the
10 district attorney, corporation counsel or other appropriate official designated under
11 s. 48.09 shall file a petition under s. 48.42 (1) to terminate the parental rights of a
12 parent or the parents of a child, or, if a petition under s. 48.42 (1) to terminate those
13 parental rights has already been filed, the agency, district attorney, corporation
14 counsel or other appropriate official shall join in the petition, if any of the following
15 circumstances apply:

16 (a) The child has been placed outside of his or her home, as described in s.
17 48.365 (1), for 15 of the most recent 22 months.

18 (b) A court of competent jurisdiction has found under s. 48.13 (2) or under a law
19 of any other state or a federal law that is comparable to s. 48.13 (2) that the child was
20 abandoned when he or she was under 3 years of age or has found that the parent
21 abandoned the child when the child was under 3 years of age in violation of s. 948.20
22 or in violation of the law of any other state or federal law, if that violation would be
23 a violation of s. 948.20 if committed in this state.

24 (c) A court of competent jurisdiction has found that the parent has committed,
25 has aided or abetted the commission of, or has solicited, conspired or attempted to

ASSEMBLY BILL 768**SECTION 145**

1 commit, a violation of s. 940.01, 940.02, 940.03 or 940.05 or a violation of the law of
2 any other state or federal law, if that violation would be a violation of s. 940.01,
3 940.02, 940.03 or 940.05 if committed in this state, and that the victim of that
4 violation is a child of the parent.

5 (d) A court of competent jurisdiction has found that the parent has committed
6 a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025
7 or 948.03 (2) (a) or (3) (a) or a violation of the law of any other state or federal law,
8 if that violation would be a violation of s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2),
9 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) if committed in this state, and that
10 the violation resulted in great bodily harm, as defined in s. 939.22 (14), or in
11 substantial bodily harm, as defined in s. 939.22 (38), to the child or another child of
12 the parent.

13 **(2) FILING OR JOINING IN PETITION; WHEN NOT REQUIRED.** Notwithstanding that
14 any of the circumstances specified in sub. (1) (a), (b), (c) or (d) may apply, an agency
15 or the district attorney, corporation counsel or other appropriate official designated
16 under s. 48.09 need not file a petition under s. 48.42 (1) to terminate the parental
17 rights of a parent or the parents of a child, or, if a petition under s. 48.42 (1) to
18 terminate those parental rights has already been filed, the agency, district attorney,
19 corporation counsel or other appropriate official need not join in the petition, if any
20 of the following circumstances apply:

21 (a) The child is being cared for by a relative of the child.

22 (b) The child's permanency plan indicates that termination of parental rights
23 to the child is not in the best interests of the child.

24 (c) The agency primarily responsible for providing services to the child and the
25 family under a court order, if required under s. 48.355 (2) (b) 6. to make reasonable

ASSEMBLY BILL 768**SECTION 145**

1 efforts to make it possible for the child to return safely to his or her home, has not
2 provided to the family of the child, consistent with the time period in the child's
3 permanency plan, the services necessary for the safe return of the child to his or her
4 home.

5 (3) CONCURRENT ADOPTION EFFORTS REQUIRED. If a petition is filed or joined in
6 as required under sub. (1), the agency primarily responsible for providing services
7 to the child under a court order shall, during the pendency of the proceeding on the
8 petition, work with the agency identified in the report under s. 48.425 (1) (f) that
9 would be responsible for accomplishing the adoption of the child in processing and
10 approving a qualified family for the adoption of the child.

11 (4) NOTICE TO DEPARTMENT. If a petition is filed or joined in as required under
12 sub. (1), the person who filed or joined in the petition shall notify the department of
13 that filing or joinder.

14 **SECTION 146.** 48.42 (2g) (am) of the statutes is created to read:

15 48.42 (2g) (am) The court shall give a foster parent, treatment foster parent
16 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
17 par. (a) an opportunity to be heard at the hearing by permitting the foster parent,
18 treatment foster parent or other physical custodian to make a written or oral
19 statement during the hearing, or to submit a written statement prior to the hearing,
20 relevant to the issues to be determined at the hearing. A foster parent, treatment
21 foster parent or other physical custodian described in s. 48.62 (2) who receives a
22 notice of a hearing under par. (a) and an opportunity to be heard under this
23 paragraph does not become a party to the proceeding on which the hearing is held
24 solely on the basis of receiving that notice and opportunity to be heard.

ASSEMBLY BILL 768**SECTION 147**

1 **SECTION 147.** 48.42 (2g) (b) of the statutes, as created by 1997 Wisconsin Act
2 (Assembly Bill 266), is amended to read:

3 48.42 **(2g)** (b) Failure to give notice under par. (a) to a foster parent, treatment
4 foster parent or other physical custodian described in s. 48.62 (2) does not deprive the
5 court of jurisdiction in the proceeding. If a foster parent, treatment foster parent or
6 other physical custodian described in s. 48.62 (2) is not given notice of a hearing
7 under par. (a) and if the court is required under s. 48.427 (1m) to permit that person
8 to make a written or oral statement during the hearing or to submit a written
9 statement prior to the hearing and that person does not make or submit such
10 statement, that person may request a rehearing on the matter at any time prior to
11 the entry of an order under s. 48.427 (2) or (3). If the request is made, the court shall
12 order a rehearing.

13 **SECTION 148.** 48.425 (1) (c) of the statutes is amended to read:

14 48.425 **(1)** (c) If the child has been previously adjudicated to be in need of
15 protection and services, a statement of the steps the agency or person responsible for
16 provision of services has taken to remedy the conditions responsible for court
17 intervention and the parent's response to and cooperation with these services. If the
18 child has been removed from the home, the report should also include a statement
19 of the reasons why the child cannot be returned safely to the family, and the steps
20 the person or agency has taken to effect this return.

21 **SECTION 149.** 48.425 (1) (d) of the statutes is amended to read:

22 48.425 **(1)** (d) A statement of other appropriate services, if any, which might
23 allow the child to return safely to the home of the parent.

24 **SECTION 150.** 48.427 (1m) of the statutes, as affected by 1997 Wisconsin Act
25 (Assembly Bill 266), is amended to read:

ASSEMBLY BILL 768**SECTION 150**

1 48.427 (1m) In addition to any evidence presented under sub. (1), the court
2 shall ~~permit~~ give the foster parent, treatment foster parent or other physical
3 custodian described in s. 48.62 (2) of the child an opportunity to be heard at the
4 dispositional hearing by permitting the foster parent, treatment foster parent or
5 other physical custodian to make a written or oral statement during the dispositional
6 hearing, or to submit a written statement prior to disposition, relevant to the issue
7 of disposition. A foster parent, treatment foster parent or other physical custodian
8 described in s. 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and
9 an opportunity to be heard under this subsection does not become a party to the
10 proceeding on which the hearing is held solely on the basis of receiving that notice
11 and opportunity to be heard.

12 **SECTION 151.** 48.43 (1) (d) of the statutes is created to read:

13 48.43 (1) (d) A finding that the termination of parental rights is in the best
14 interests of the child.

15 **SECTION 152.** 48.57 (3m) (am) 2. of the statutes, as affected by 1997 Wisconsin
16 Act 27, is amended to read:

17 48.57 (3m) (am) 2. The county department or department determines that the
18 child meets one or more of the criteria specified in s. 48.13 ~~or 938.13~~ or that the child
19 would be at substantial risk of meeting one or more of those criteria if the child were
20 to remain in his or her home.

21 **SECTION 153.** 48.66 (1) of the statutes, as affected by 1997 Wisconsin Act 27,
22 is amended to read:

23 48.66 (1) The Except as provided in s. 48.715 (7), the department shall license
24 and supervise child welfare agencies, as required by s. 48.60, group homes, as
25 required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care

ASSEMBLY BILL 768**SECTION 153**

1 centers, as required by s. 48.65. The department may license foster homes or
2 treatment foster homes, as provided by s. 48.62, and may license and supervise
3 county departments in accordance with the procedures specified in this section and
4 in ss. 48.67 to 48.74. The department of corrections may license a child welfare
5 agency to operate a secured child caring institution, as defined in s. 938.02 (15g), for
6 holding in secure custody children who have been convicted under s. 938.183 or
7 adjudicated delinquent under s. 938.34 (4d), (4h) or (4m) and referred to the child
8 welfare agency by the court or the department of corrections and to provide
9 supervision, care and maintenance for those children. A license issued under this
10 subsection, other than a license to operate a foster home, treatment foster home or
11 secured child caring institution, is valid until revoked or suspended. A license issued
12 under this subsection to operate a foster home, treatment foster home or secured
13 child caring institution may be for any term not to exceed 2 years from the date of
14 issuance. No license issued under this subsection is transferable.

15 **SECTION 154.** 48.66 (2) of the statutes is amended to read:

16 48.66 (2) The department shall prescribe application forms to be used by all
17 applicants for licenses from it. The application forms prescribed by the department
18 shall require that the social security numbers of all applicants for a license to operate
19 a day care center who are individuals be provided and that the federal employer
20 identification numbers of all applicants for a license to operate a day care center who
21 are not individuals be provided.

22 **SECTION 155.** 48.66 (2m) of the statutes is created to read:

23 48.66 (2m) (a) The department shall require each applicant for a license under
24 sub. (1) to operate a day care center who is an individual to provide the department
25 with his or her social security number, and shall require each applicant for a license

ASSEMBLY BILL 768**SECTION 155**

1 under sub. (1) to operate a day care center who is not an individual to provide the
2 department with the person's federal employer identification number, when initially
3 applying for or applying to continue the license.

4 (b) The department may not issue or continue a license under sub. (1) to operate
5 a day care center to or for an applicant who is an individual unless the applicant has
6 provided his or her social security number to the department, and the department
7 may not issue or continue a license under sub. (1) to operate a day care center to or
8 for an applicant who is not an individual unless the applicant has provided the
9 applicant's federal employer identification number to the department.

10 (c) The department may not disclose any information obtained under par. (a)
11 to any person except to the department of revenue for the sole purpose of requesting
12 certifications under s. 73.0301.

13 **SECTION 156.** 48.685 (1) (a) of the statutes, as created by 1997 Wisconsin Act
14 27, is amended to read:

15 48.685 (1) (a) "Client" means a child who receives direct care or treatment
16 services from an entity.

17 **SECTION 157.** 48.685 (1) (b) of the statutes, as created by 1997 Wisconsin Act
18 27, is amended to read:

19 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
20 48.60 to provide care and maintenance for children, to place children for adoption or
21 to license foster homes or treatment foster homes; a foster home or treatment foster
22 home that is licensed under s. 48.62; a group home that is licensed under s. 48.625;
23 a shelter care facility that is licensed under s. 938.22; a day care center that is
24 licensed under s. 48.65 or established or contracted for under s. 120.13 (14); or a day
25 care provider that is certified under s. 48.651.

ASSEMBLY BILL 768**SECTION 158**

1 **SECTION 158.** 48.685 (2) (a) (intro.) of the statutes, as created by 1997 Wisconsin
2 Act 27, is amended to read:

3 48.685 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
4 par. (ad) and sub. (5), the department may not license, or continue or renew the
5 license of, a person to operate an entity or continue the license of a person to operate
6 an entity, and, except as provided in par. (ad) and sub. (5), a county department may
7 not certify a day care provider under s. 48.651, a county department or a child welfare
8 agency may not license, or renew the license of, a foster home or treatment foster
9 home under s. 48.62 and a school board may not contract with a person under s.
10 120.13 (14), if the department, county department, child welfare agency or school
11 board knows or should have known any of the following:

12 **SECTION 159.** 48.685 (2) (ad) of the statutes, as created by 1997 Wisconsin Act
13 27, is amended to read:

14 48.685 (2) (ad) ~~A~~ The department, a county department or a child welfare
15 agency may license a foster home or treatment foster home under s. 48.62, a county
16 department may certify a day care provider under s. 48.651 and a school board may
17 contract with a person under s. 120.13 (14), conditioned on the receipt of the
18 information specified in par. (am) indicating that the person is not ineligible to be
19 certified or contracted with for a reason specified in par. (a) 1. to 5.

20 **SECTION 160.** 48.685 (2) (am) (intro.) of the statutes, as created by 1997
21 Wisconsin Act 27, is amended to read:

22 48.685 (2) (am) (intro.) Subject to subd. 5. and par. (bd), the department, a
23 county department, a child welfare agency or a school board shall obtain all of the
24 following with respect to a person specified under par. (a) (intro.) and a person

ASSEMBLY BILL 768**SECTION 160**

1 specified under par. (ag) (intro.) who is a nonclient resident or prospective nonclient
2 resident of an entity:

3 **SECTION 161.** 48.685 (2) (am) 5. of the statutes, as created by 1997 Wisconsin
4 Act 27, is amended to read:

5 48.685 (2) (am) 5. Information maintained by the department under this
6 section, and under section ss. 48.651 (2m) and under s., 48.75 (1m) and 120.13 (14)
7 regarding any denial to the person of a license, continuation or renewal of a license,
8 certification or a contract to operate an entity for a reason specified in par. (a) 1. to
9 5. and regarding any denial to the person of employment at, a contract with or
10 permission to reside at an entity for a reason specified in par. (ag) 1. to 5. If the
11 information obtained under this subdivision indicates that the person has been
12 denied a license, continuation or renewal of a license, certification, a contract,
13 employment or permission to reside as described in this subdivision, the department,
14 a county department, a child welfare agency or a school board need not obtain the
15 information specified in subds. 1. to 4.

16 **SECTION 162.** 48.685 (2) (b) 1. (intro.) of the statutes, as created by 1997
17 Wisconsin Act 27, is amended to read:

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

22 **SECTION 163.** 48.685 (2) (b) 1. e. of the statutes, as created by 1997 Wisconsin
23 Act 27, is amended to read:

24 48.685 (2) (b) 1. e. Information maintained by the department under this
25 section, and under section ss. 48.651 (2m) and under s., 48.75 (1m) and 120.13 (14)

ASSEMBLY BILL 768**SECTION 163**

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

9 **SECTION 164.** 48.685 (2) (b) 3. of the statutes, as created by 1997 Wisconsin Act
10 27, is renumbered 48.685 (2) (bd) and amended to read:

11 48.685 (2) (bd) ~~Subdivision 1. does not apply~~ Notwithstanding pars. (am) and
12 (b) 1., the department, a county department, a child welfare agency or a school board
13 is not required to obtain the information specified in par. (am) 1. to 5., and an entity
14 is not required to obtain the information specified in par. (b) 1. a. to e., with respect
15 to a person under 18 years of age whose background information form under sub. (6)
16 (am) indicates that the person is not ineligible to be employed, contracted with or
17 permitted to reside at the an entity for a reason specified in par. (ag) 1. to 5. and with
18 respect to whom the department, county department, child welfare agency, school
19 board or entity otherwise has no reason to believe that the person is ineligible to be
20 employed, contracted with or permitted to reside at the an entity for any of those
21 reasons. This paragraph does not preclude the department, a county department,
22 a child welfare agency or a school board from obtaining, at its discretion, the
23 information specified in par. (am) 1. to 5. with respect to a person described in this
24 paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

ASSEMBLY BILL 768**SECTION 165**

1 **SECTION 165.** 48.685 (2) (bg) of the statutes, as created by 1997 Wisconsin Act
2 27, is amended to read:

3 48.685 (2) (bg) If an entity takes an action specified in par. (ag) (intro.) with
4 respect to ~~a person~~ an employe, prospective employe, contractor or prospective
5 contractor for whom, within the last 4 years, the information required under par. (b)
6 1. a. to c. and e. has already been obtained, either by another entity or by a temporary
7 employment agency, the entity may obtain the information required under par. (b)
8 1. a. to c. and e. from that other entity or temporary employment agency, which shall
9 provide the information, if possible, to the entity. If an entity cannot obtain the
10 information required under par. (b) 1. a. to c. and e. from another entity or from a
11 temporary employment agency or if an entity has reasonable grounds to believe that
12 any information obtained from another entity or from a temporary employment
13 agency is no longer accurate, the entity shall obtain that information from the
14 sources specified in par. (b) 1. a. to c. and e.

15 **SECTION 166.** 48.685 (2) (c) of the statutes, as created by 1997 Wisconsin Act
16 27, is amended to read:

17 48.685 (2) (c) If the background information form completed by a person under
18 sub. (6) (am) indicates that the person is not ineligible to be employed, or contracted
19 with ~~or permitted to reside at an entity~~ for a reason specified in par. (ag) 1. to 5., an
20 entity may employ or contract with the person ~~or permit the person to reside at the~~
21 ~~entity~~ for not more than 60 days pending the receipt of the information sought under
22 par. (b) 1. If the background information form completed by a person under sub. (6)
23 (am) indicates that the person is not ineligible to be permitted to reside at an entity
24 for a reason specified in par. (ag) 1. to 5. and if an entity otherwise has no reason to
25 believe that the person is ineligible to be permitted to reside at an entity for any of

ASSEMBLY BILL 768**SECTION 166**

1 those reasons, the entity may permit the person to reside at the entity for not more
2 than 60 days pending receipt of the information sought under par. (am). An entity
3 shall provide supervision for a person who is employed, contracted with or permitted
4 to reside as permitted under this paragraph.

5 **SECTION 167.** 48.685 (3) (a) of the statutes, as created by 1997 Wisconsin Act
6 27, is amended to read:

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

13 **SECTION 168.** 48.685 (3) (b) of the statutes, as created by 1997 Wisconsin Act
14 27, is amended to read:

15 48.685 (3) (b) Every 4 years or at any time within that period that an entity
16 considers appropriate, the entity shall request the information specified in sub. (2)
17 (b) 1. a. to e. for all persons specified in sub. (2) (ag) (intro.) who are employes or
18 contractors of the entity.

19 **SECTION 169.** 48.685 (3m) of the statutes, as created by 1997 Wisconsin Act 27,
20 is amended to read:

21 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a
22 county department, a child welfare agency or a school board has obtained the
23 information required under sub. (2) (am) or (3) (a) with respect to a person specified
24 in sub. (2) (a) (intro.) and that person is also an employe, contractor or nonclient

ASSEMBLY BILL 768**SECTION 169**

1 resident of an entity, the entity is not required to obtain the information specified in
2 sub. (2) (b) 1. or (3) (b) with respect to that person.

3 **SECTION 170.** 48.685 (5) (intro.) of the statutes, as created by 1997 Wisconsin
4 Act 27, is renumbered 48.685 (5) (a) and amended to read:

5 48.685 (5) (a) The department may license to operate an entity, a county
6 department may certify under s. 48.651, a county department or a child welfare
7 agency may license under s. 48.62 and a school board may contract with under s.
8 120.13 (14) a person who otherwise may not be licensed, certified or contracted with
9 for a reason specified in sub. (2) (a) 1. to 5., and an entity may employ, contract with
10 or 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, the county department,
13 the child welfare agency or the school board by clear and convincing evidence and in
14 accordance with procedures established by the department by rule that he or she has
15 been rehabilitated. No

16 (b) For purposes other than licensing a foster home or treatment foster home,
17 no person who has been convicted of any of the following offenses may be permitted
18 to demonstrate that he or she has been rehabilitated:

19 **SECTION 171.** 48.685 (5) (a) of the statutes, as created by 1997 Wisconsin Act
20 27, is renumbered 48.685 (5) (b) 1.

21 **SECTION 172.** 48.685 (5) (b) of the statutes, as created by 1997 Wisconsin Act
22 27, is renumbered 48.685 (5) (b) 2.

23 **SECTION 173.** 48.685 (5) (b) 6. of the statutes is created to read:

24 48.685 (5) (b) 6. An offense that is included in the list established by the
25 department by rule promulgated under sub. (7) (am).

ASSEMBLY BILL 768**SECTION 174**

1 **SECTION 174.** 48.685 (5) (bm) of the statutes is created to read:

2 48.685 (5) (bm) For purposes of licensing a foster home or treatment foster
3 home, no person who has been convicted of any of the following offenses may be
4 permitted to demonstrate that he or she has been rehabilitated:

5 1. An offense under ch. 948 that is a felony.

6 2. A violation of s. 940.19 (2), (3), (4), (5) or (6) or 940.20 (1) or (1m), if the victim
7 is the spouse of the person.

8 3. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225 (1),
9 (2) or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21, 943.10 (2), 943.23 (1g),
10 (1m) or (1r) or 943.32 (2).

11 4. A violation of s. 940.19 (2), (3), (4), (5) or (6), 940.20, 940.203, 940.205 or
12 940.207 or an offense under ch. 961 that is a felony, if committed not more than 5
13 years before the date of the investigation under sub. (2) (am).

14 5. An offense that is included in the list established by the department under
15 sub. (7) (am).

16 **SECTION 175.** 48.685 (5) (c) of the statutes, as created by 1997 Wisconsin Act
17 27, is renumbered 48.685 (5) (b) 3..

18 **SECTION 176.** 48.685 (5) (d) of the statutes, as created by 1997 Wisconsin Act
19 27, is renumbered 48.685 (5) (b) 4..

20 **SECTION 177.** 48.685 (5) (e) of the statutes, as created by 1997 Wisconsin Act
21 27, is renumbered 48.685 (5) (b) 5.

22 **SECTION 178.** 48.685 (5c) (a) of the statutes, as created by 1997 Wisconsin Act
23 27, is amended to read:

24 48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to
25 demonstrate to the department or a child welfare agency that he or she has been

ASSEMBLY BILL 768**SECTION 178**

1 rehabilitated may appeal to the secretary of health and family services or his or her
2 designee. Any person who is adversely affected by a decision of the secretary or his
3 or her designee under this paragraph has a right to a contested case hearing under
4 ch. 227.

5 **SECTION 179.** 48.685 (5c) (b) of the statutes, as created by 1997 Wisconsin Act
6 27, is amended to read:

7 48.685 (5c) (b) Any person who is permitted but fails under sub. (5) (a) to
8 demonstrate to the county department that he or she has been rehabilitated may
9 appeal to the director of the county department or his or her designee. Any person
10 who is adversely affected by a decision of the director or his or her designee under
11 this paragraph has a right to appeal the decision under ch. 68.

12 **SECTION 180.** 48.685 (5c) (c) of the statutes, as created by 1997 Wisconsin Act
13 27, is amended to read:

14 48.685 (5c) (c) Any person who is permitted but fails under sub. (5) (a) to
15 demonstrate to the school board that he or she has been rehabilitated may appeal to
16 the secretary of public instruction or his or her designee. Any person who is
17 adversely affected by a decision of the secretary or his or her designee under this
18 paragraph has a right to a contested case hearing under ch. 227.

19 **SECTION 181.** 48.685 (5g) of the statutes, as created by 1997 Wisconsin Act 27,
20 is amended to read:

21 48.685 (5g) Beginning on the first January 1 after the effective date of this
22 subsection [revisor inserts date] 1999, and annually thereafter, the department
23 shall submit a report to the legislature under s. 13.172 (2) that specifies the number
24 of persons in the previous year who have requested to demonstrate to the department
25 that they have been rehabilitated under sub. (5) (a), the number of persons who

ASSEMBLY BILL 768**SECTION 181**

1 successfully demonstrated that they have been rehabilitated under sub. (5) (a) and
2 the reasons for the success or failure of a person who has attempted to demonstrate
3 that he or she has been rehabilitated.

4 **SECTION 182.** 48.685 (5m) of the statutes, as created by 1997 Wisconsin Act 27,
5 is amended to read:

6 48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license
7 a person to operate an entity, a county department may refuse to certify a day care
8 provider under s. 48.651, a county department or a child welfare agency may refuse
9 to license a foster home or treatment foster home under s. 48.62, a school board may
10 refuse to contract with a person under s. 120.13 (14), and an entity may refuse to
11 employ, contract with or permit to reside at the entity a person specified in sub. (2)
12 (ag) (intro.) if the person has been convicted of an offense that the department has
13 not defined as a "serious crime" by rule promulgated under sub. (7) (a), or specified
14 in the list established by rule under sub. (7) (b), but that is, in the estimation of the
15 department, county department, child welfare agency, school board or entity,
16 substantially related to the care of a client.

17 **SECTION 183.** 48.685 (6) (a) of the statutes, as created by 1997 Wisconsin Act
18 27, is amended to read:

19 48.685 **(6)** (a) The department shall require any person who applies for
20 issuance ~~or~~, continuation or renewal of a license to operate an entity, a county
21 department shall require any day care provider who applies for initial certification
22 under s. 48.651 or for renewal of that certification, a county department or a child
23 welfare agency shall require any person who applies for issuance or renewal of a
24 license to operate a foster home or treatment foster home under s. 48.62 and a school
25 board shall require any person who proposes to contract with the school board under

ASSEMBLY BILL 768**SECTION 183**

1 s. 120.13 (14) or to renew a contract under that subsection, to complete a background
2 information form that is provided by the department.

3 **SECTION 184.** 48.685 (6) (b) of the statutes, as created by 1997 Wisconsin Act
4 27, is amended to read:

5 48.685 (6) (b) For persons specified under par. (a) who are ~~regulated~~, licensed
6 ~~or certified by, or registered with,~~ by the department, for persons specified in par.

7 (am) 2. who are nonclient residents or prospective nonclient residents of an entity
8 that is licensed by the department, and for other persons specified by the department
9 by rule, the entity shall send the background information form to the department.

10 ~~For all other persons specified in par. (a) and for~~ For persons specified under par. (a)
11 who are licensed or certified by a county department, for persons specified in par.

12 (am) 2. who are nonclient residents or prospective nonclient residents of an entity
13 that is licensed or certified by a county department and for other persons specified

14 by the department by rule, the entity shall send the background information form
15 to the county department. For persons specified under par. (a) who are licensed by

16 a child welfare agency, for persons specified in par. (am) 2. who are nonclient
17 residents or prospective nonclient residents of an entity that is licensed by a child

18 welfare agency and for other persons specified by the department by rule, the entity
19 shall send the background information form to the child welfare agency. For persons

20 specified under par. (a) who are contracted with by a school board, for persons
21 specified in par. (am) 2. who are nonclient residents or prospective nonclient

22 residents of an entity that is contracted with by a school board and for other persons
23 specified by the department by rule, the entity shall send the background

24 information form to the school board. For persons specified under par. (am) 1., the
25 entity shall maintain the background information form on file for inspection by the

ASSEMBLY BILL 768**SECTION 184**

1 department, county department, child welfare agency or school board, whichever is
2 applicable.

3 **SECTION 185.** 48.685 (7) (a) of the statutes, as created by 1997 Wisconsin Act
4 27, is amended to read:

5 48.685 (7) (a) Establish by rule a definition of "serious crime" for the purpose
6 of this section. The definition shall include only crimes or acts that are substantially
7 related to the care of a client, shall include those crimes or acts that are included in
8 the list established under par. (am), shall include the offenses specified in sub. (5) (b)
9 1. to 5. and (bm) 1. to 4. and shall include classes of crimes or acts involving
10 misappropriation of the property of a client or abuse or neglect of a client for which
11 no a person who has committed any of those crimes or acts may be permitted to
12 demonstrate under sub. (5) (a) that he or she has been rehabilitated. The definition
13 may also include other crimes or acts that do not involve abuse or neglect of a client
14 but that are substantially related to the care of a client for which no person who
15 committed any of those crimes or acts may be permitted to demonstrate under sub.
16 (5) that he or she has been rehabilitated.

17 **SECTION 186.** 48.685 (7) (am) of the statutes is created to read:

18 48.685 (7) (am) Establish by rule a list of crimes or acts, in addition to those
19 offenses specified in sub. (5) (b) 1. to 5. and (bm) 1. to 4., involving the abuse or neglect
20 of a client for which no person who has committed any of those crimes or acts may
21 be permitted to demonstrate under sub. (5) (a) that he or she has been rehabilitated.
22 The list may also include other crimes or acts, in addition to those offenses specified
23 in sub. (5) (b) 1. to 5. and (bm) 1. to 4., that do not involve the abuse or neglect of a
24 client, but that are substantially related to the care of a client, for which no person

ASSEMBLY BILL 768**SECTION 186**

1 who has committed any of those crimes or acts may be permitted to demonstrate
2 under sub. (5) (a) that he or she has been rehabilitated.

3 **SECTION 187.** 48.685 (8) of the statutes, as created by 1997 Wisconsin Act 27,
4 is amended to read:

5 48.685 (8) The department, a county department, a child welfare agency or a
6 school board may charge a fee for obtaining the information required under sub. (2)
7 (am) or (3) (a). The fee may not exceed the reasonable cost of obtaining the
8 information. No fee may be charged to a nurse's assistant, as defined in s. 146.40 (1)
9 (d), for obtaining or maintaining information if to do so would be inconsistent with
10 federal law.

11 **SECTION 188.** 48.69 of the statutes is amended to read:

12 **48.69 Probationary licenses.** If Except as provided under s. 48.715 (7), if any
13 child welfare agency, shelter care facility, group home or day care center that has not
14 been previously issued a license under s. 48.66 (1) applies for a license, meets the
15 minimum requirements for a license established under s. 48.67 and pays the
16 applicable fee referred to in s. 48.68 (1), the department shall issue a probationary
17 license to that child welfare agency, shelter care facility, group home or day care
18 center. A probationary license is valid for up to 6 months after the date of issuance
19 unless renewed under this section or suspended or revoked under s. 48.715. Before
20 a probationary license expires, the department shall inspect the child welfare
21 agency, shelter care facility, group home or day care center holding the probationary
22 license and, except as provided under s. 48.715 (7), if the child welfare agency, shelter
23 care facility, group home or day care center meets the minimum requirements for a
24 license established under s. 48.67, the department shall issue a license under s. 48.66

ASSEMBLY BILL 768**SECTION 188**

1 (1). A probationary license issued under this section may be renewed for one
2 6-month period.

3 **SECTION 189.** 48.715 (7) of the statutes is created to read:

4 48.715 (7) The department shall deny an application for the issuance or
5 continuation of a license under s. 48.66 (1) or a probationary license under s. 48.69
6 to operate a day care center, or revoke such a license already issued, if the
7 department of revenue certifies under s. 73.0301 that the applicant or licensee is
8 liable for delinquent taxes. An action taken under this subsection is subject to review
9 only as provided under s. 73.0301 (5) and not as provided in s. 48.72.

10 **SECTION 190.** 48.72 of the statutes, as affected by 1997 Wisconsin Act 27, is
11 amended to read:

12 **48.72 Appeal procedure.** ~~Any~~ Except as provided in s. 48.715 (7), any person
13 aggrieved by the department's refusal or failure to issue, renew or continue a license
14 or by any action taken by the department under s. 48.715 has the right to an
15 administrative hearing provided for contested cases in ch. 227. To receive an
16 administrative hearing under ch. 227, the aggrieved person shall send to the
17 department a written request for a hearing under s. 227.44 within 10 days after the
18 date of the department's refusal or failure to issue, renew or continue a license or the
19 department's action taken under s. 48.715. The department shall hold an
20 administrative hearing under s. 227.44 within 30 days after receipt of the request
21 for the administrative hearing unless the aggrieved person consents to an extension
22 of that time period. Judicial review of the department's decision may be had as
23 provided in ch. 227.

24 **SECTION 191.** 48.75 (1m) of the statutes is created to read:

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1 48.75 (1m) Each child welfare agency and public licensing agency shall provide
2 the subunit of the department that administers s. 48.685 with information about
3 each person who is denied a license for a reason specified in s. 48.685 (2) (a) 1. to 5.

4 **SECTION 192.** 48.977 (2) (f) of the statutes is amended to read:

5 48.977 (2) (f) That the agency primarily responsible for providing services to
6 the child under a court order has made reasonable efforts to make it possible for the
7 child to return to his or her home, while assuring that the child's health and safety
8 are the paramount concerns, but that reunification of the child with the child's
9 parent or parents is unlikely or contrary to the best interests of the child and that
10 further reunification efforts are unlikely to be made or are contrary to the best
11 interests of the child, except that the court need not find that the agency has made
12 those reasonable efforts with respect to a parent of the child if any of the
13 circumstances specified in s. 48.355 (2d) (b) 1., 2., 3. or 4. apply to that parent.

14 **SECTION 193.** 49.145 (2) (i) of the statutes, as affected by 1997 Wisconsin Act
15 27, is amended to read:

16 49.145 (2) (i) The individual is not receiving supplemental security income
17 under 42 USC 1381 to 1383c or state supplemental payments under s. 49.77 and, if
18 the individual is a dependent child, the custodial parent of the individual does not
19 receive a payment on behalf of the individual under s. 49.775. The department may
20 require an individual who receives benefits under s. 49.148 and who has applied for
21 supplemental security income under 42 USC 1381 to 1383c to authorize the federal
22 social security administration to reimburse the department for the benefits paid to
23 the individual under s. 49.148 during the period that the individual was entitled to
24 supplemental security income benefits to the extent that retroactive supplemental
25 security income benefits are made available to the individual.

ASSEMBLY BILL 768**SECTION 194**

1 **SECTION 194.** 49.22 (2m) of the statutes, as affected by 1997 Wisconsin Act 27,
2 is amended to read:

3 49.22 **(2m)** The department may request from any person any information it
4 determines appropriate and necessary for the administration of this section, ss.
5 49.19, 49.46, 49.468 and 49.47 and programs carrying out the purposes of 7 USC 2011
6 to 2029. Any person in this state shall provide this information within 7 days after
7 receiving a request under this subsection. Except as provided in ~~sub.~~ subs. (2p) and
8 (2r) and subject to sub. (12), the department or the county child support agency under
9 s. 59.53 (5) may disclose information obtained under this subsection only in the
10 administration of this section, ss. 49.19, 49.46 and 49.47 and programs carrying out
11 the purposes of 7 USC 2011 to 2029.

12 **SECTION 195.** 49.22 (2r) of the statutes is created to read:

13 49.22 **(2r)** The department or a county child support agency under s. 59.53 (5)
14 may, to the extent permitted under federal law, disclose information obtained under
15 sub. (2m) to the department of revenue for the purposes of locating persons, or the
16 assets of persons, who have failed to file tax returns, who have underreported their
17 taxable income or who are delinquent taxpayers, identifying fraudulent tax returns
18 or providing information for tax-related prosecutions.

19 **SECTION 196.** 49.22 (3m) of the statutes is created to read:

20 49.22 **(3m)** The department, acting as a state location service, shall furnish
21 services under sub. (2) upon request to the department of health and family services,
22 a county department under s. 46.215, 46.22 or 46.23 or a child welfare agency that
23 is administering a program operated under 42 USC 620 to 628b or 42 USC 670 to
24 679a.

25 **SECTION 197.** 49.45 (2) (a) 11. of the statutes is amended to read:

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1 49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of
2 services under Title XIX of the social security act and, except as provided in par. (am),
3 certify such eligible providers.

4 **SECTION 198.** 49.45 (2) (a) 12. of the statutes is amended to read:

5 49.45 (2) (a) 12. Decertify or suspend a provider from the medical assistance
6 program, if after giving reasonable notice and, subject to par. (am) 5., opportunity for
7 hearing, the department finds that the provider has violated federal or state law or
8 administrative rule and such violations are by law, regulation or rule grounds for
9 decertification or suspension. No payment may be made under the medical
10 assistance program with respect to any service or item furnished by the provider
11 subsequent to decertification or during the period of suspension.

12 **SECTION 199.** 49.45 (2) (a) 21. of the statutes is repealed.

13 **SECTION 200.** 49.45 (2) (am) of the statutes is created to read:

14 49.45 (2) (am) 1. The department shall require each applicant for a certification
15 under par. (a) 11. to provide the department with his or her social security number,
16 if the applicant is an individual, or the applicant's federal employer identification
17 number, if the applicant is not an individual, as a condition of issuing or renewing
18 any certification under par. (a) 11.

19 2. The department may not disclose any information received under subd. 1.
20 to any person except to the department of revenue for the sole purpose of requesting
21 certifications under s. 73.0301.

22 3. The department shall deny an application for the issuance or renewal of a
23 certification under par. (a) 11. if the applicant does not provide the information
24 specified in subd. 1.

ASSEMBLY BILL 768**SECTION 200**

1 4. The department shall deny an application for the issuance or renewal of a
2 certification under par. (a) 11., or shall revoke a certification issued under par. (a) 11.,
3 if the department of revenue certifies under s. 73.0301 that the applicant for or
4 holder of the certification is liable for delinquent taxes.

5 5. The only hearing rights available for a denial, revocation or nonrenewal of
6 any certification issued under par. (a) 11. based on tax delinquency are those set forth
7 in s. 73.0301 (5).

8 **SECTION 201.** 49.45 (6b) (a) of the statutes is amended to read:

9 49.45 **(6b)** (a) Beginning in fiscal year 1995-96, for relocations from the central
10 Wisconsin center for the developmentally disabled, by ~~\$205~~ \$134 per day.

11 **SECTION 202.** 49.45 (6b) (b) of the statutes, as affected by 1997 Wisconsin Act
12 27, is amended to read:

13 49.45 **(6b)** (b) Beginning in fiscal year 1997-98, for relocations from the
14 northern Wisconsin center for the developmentally disabled, by ~~\$174~~ \$134 per day.

15 **SECTION 203.** 49.45 (6b) (c) of the statutes, as affected by 1997 Wisconsin Act
16 27, is amended to read:

17 49.45 **(6b)** (c) Beginning in fiscal year 1997-98, for relocations from the
18 southern Wisconsin center for the developmentally disabled, by ~~\$174~~ \$134 per day.

19 **SECTION 204.** 49.45 (18) (b) 6. of the statutes is amended to read:

20 49.45 **(18)** (b) 6. Transportation by common carrier or private motor vehicle, if
21 authorized in advance by a county department under s. 46.215 or 46.22, ~~or by~~
22 ~~specialized medical vehicle.~~

23 **SECTION 205.** 49.46 (1m) of the statutes is created to read:

24 49.46 **(1m)** PILOT PROJECT FOR WORKING RECIPIENTS OF SUPPLEMENTAL SECURITY
25 INCOME OR SOCIAL SECURITY DISABILITY INCOME. The department shall request that the

ASSEMBLY BILL 768**SECTION 205**

1 secretary of the federal department of health and human services and the
2 commissioner of the federal social security administration waive the income and
3 asset requirements for recipients of benefits under federal Title II or XVI to allow the
4 department to conduct a pilot project to allow those recipients to work without losing
5 eligibility for benefits under federal Title II or XVI or for medical assistance or
6 medicare, as defined in s. 49.45 (3) (L) 1. b. If the request is approved, the department
7 may implement the program and may require participants in the program to pay, on
8 a sliding scale, a copayment for the cost of the program.

9 **SECTION 206.** 49.665 (1) (d) of the statutes, as created by 1997 Wisconsin Act
10 27, is amended to read:

11 49.665 (1) (d) "Family" means a an individual; the individual's spouse, if any,
12 if the spouse resides in the same household as the individual; and all dependent
13 children with respect to whom the individual is a custodial parent and his or her
14 dependent children.

15 **SECTION 207.** 49.81 (2) of the statutes is amended to read:

16 49.81 (2) The right to confidentiality of agency records and files on the
17 recipient. Nothing in this subsection shall prohibit the use of such records for
18 auditing or accounting purposes or, to the extent permitted under federal law, for the
19 purposes of locating persons, or the assets of persons, who have failed to file tax
20 returns, who have underreported their taxable income or who are delinquent
21 taxpayers, identifying fraudulent tax returns or providing information for
22 tax-related prosecutions.

23 **SECTION 208.** 49.855 (2p) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 208**

1 49.855 (2p) At least annually, the department of corrections shall certify to the
2 department of revenue any obligation owed to the department of corrections under
3 s. 301.12 if the obligation is rendered to a judgment.

4 **SECTION 209.** 49.855 (3) of the statutes, as affected by 1997 Wisconsin Act 27,
5 section 1991m, and 1997 Wisconsin Act 35, is amended to read:

6 49.855 (3) Receipt of a certification by the department of revenue shall
7 constitute a lien, equal to the amount certified, on any state tax refunds or credits
8 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
9 setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines
10 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
11 obligor that the state intends to reduce any state tax refund or credit due the obligor
12 by the amount the obligor is delinquent under the support or maintenance order, by
13 the outstanding amount for past support, medical expenses or birth expenses under
14 the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
15 provide that within 20 days the obligor may request a hearing before the circuit court
16 rendering the order. Within 10 days after receiving a request for hearing under this
17 subsection, the court shall set the matter for hearing. Pending further order by the
18 court or family court commissioner, the clerk of circuit court or county support
19 collection designee under s. 59.53 (5m) is prohibited from disbursing the obligor's
20 state tax refund or credit. The family court commissioner may conduct the hearing.
21 The sole issues at that hearing shall be whether the obligor owes the amount certified
22 and, if not and it is a support or maintenance order, whether the money withheld
23 from a tax refund or credit shall be paid to the obligor or held for future support or
24 maintenance. An obligor may, within 20 days of receiving notice that the amount

ASSEMBLY BILL 768**SECTION 209**

1 certified shall be withheld from his or her federal tax refund or credit, request a
2 hearing under this subsection.

3 **SECTION 210.** 49.855 (3) of the statutes, as affected by 1997 Wisconsin Act 27,
4 section 1992m, and 1997 Wisconsin Act (this act), is repealed and recreated to
5 read:

6 49.855 (3) Receipt of a certification by the department of revenue shall
7 constitute a lien, equal to the amount certified, on any state tax refunds or credits
8 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
9 setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines
10 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
11 obligor that the state intends to reduce any state tax refund or credit due the obligor
12 by the amount the obligor is delinquent under the support or maintenance order, by
13 the outstanding amount for past support, medical expenses or birth expenses under
14 the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
15 provide that within 20 days the obligor may request a hearing before the circuit court
16 rendering the order. Within 10 days after receiving a request for hearing under this
17 subsection, the court shall set the matter for hearing. Pending further order by the
18 court or family court commissioner, the department of workforce development or its
19 designee, whichever is appropriate, is prohibited from disbursing the obligor's state
20 tax refund or credit. The family court commissioner may conduct the hearing. The
21 sole issues at that hearing shall be whether the obligor owes the amount certified
22 and, if not and it is a support or maintenance order, whether the money withheld
23 from a tax refund or credit shall be paid to the obligor or held for future support or
24 maintenance. An obligor may, within 20 days of receiving notice that the amount

ASSEMBLY BILL 768**SECTION 210**

1 certified shall be withheld from his or her federal tax refund or credit, request a
2 hearing under this subsection.

3 **SECTION 211.** 49.855 (4m) (b) of the statutes, as affected by 1997 Wisconsin Act
4 27, section 1994m, and 1997 Wisconsin Act 35, is amended to read:

5 49.855 (4m) (b) The department of revenue may provide a certification that it
6 receives under sub. (2) ~~or~~, (2m) or (2p) to the department of administration. Upon
7 receipt of the certification, the department of administration shall determine
8 whether the obligor is a vendor or is receiving any other payments from this state,
9 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
10 45.351 (1), this chapter or ch. 46 ~~or~~, 108 or 301. If the department of administration
11 determines that the obligor is a vendor or is receiving payments from this state,
12 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
13 45.351 (1), this chapter or ch. 46 ~~or~~, 108 or 301, it shall begin to withhold the amount
14 certified from those payments and shall notify the obligor that the state intends to
15 reduce any payments due the obligor by the amount the obligor is delinquent under
16 the support or maintenance order, by the outstanding amount for past support,
17 medical expenses or birth expenses under the court order or by the amount due under
18 s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt
19 of the notice the obligor may request a hearing before the circuit court rendering the
20 order. An obligor may, within 20 days after receiving notice, request a hearing under
21 this paragraph. Within 10 days after receiving a request for hearing under this
22 paragraph, the court shall set the matter for hearing. The family court commissioner
23 may conduct the hearing. Pending further order by the court or family court
24 commissioner, the clerk of circuit court or county support collection designee under
25 s. 59.53 (5m) may not disburse the payments withheld from the obligor. The sole

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1 issues at the hearing are whether the obligor owes the amount certified and, if not
2 and it is a support or maintenance order, whether the money withheld shall be paid
3 to the obligor or held for future support or maintenance.

4 **SECTION 212.** 49.855 (4m) (b) of the statutes, as affected by 1997 Wisconsin Act
5 27, section 1995m, and 1997 Wisconsin Act (this act), is repealed and recreated
6 to read:

7 49.855 (4m) (b) The department of revenue may provide a certification that it
8 receives under sub. (1), (2m) or (2p) to the department of administration. Upon
9 receipt of the certification, the department of administration shall determine
10 whether the obligor is a vendor or is receiving any other payments from this state,
11 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
12 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration
13 determines that the obligor is a vendor or is receiving payments from this state,
14 except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s.
15 45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount
16 certified from those payments and shall notify the obligor that the state intends to
17 reduce any payments due the obligor by the amount the obligor is delinquent under
18 the support or maintenance order, by the outstanding amount for past support,
19 medical expenses or birth expenses under the court order or by the amount due under
20 s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt
21 of the notice the obligor may request a hearing before the circuit court rendering the
22 order. An obligor may, within 20 days after receiving notice, request a hearing under
23 this paragraph. Within 10 days after receiving a request for hearing under this
24 paragraph, the court shall set the matter for hearing. The family court commissioner
25 may conduct the hearing. Pending further order by the court or family court

ASSEMBLY BILL 768**SECTION 212**

1 commissioner, the department of workforce development or its designee, whichever
2 is appropriate, may not disburse the payments withheld from the obligor. The sole
3 issues at the hearing are whether the obligor owes the amount certified and, if not
4 and it is a support or maintenance order, whether the money withheld shall be paid
5 to the obligor or held for future support or maintenance.

6 **SECTION 213.** 49.855 (4m) (c) of the statutes, as affected by 1997 Wisconsin Act
7 3, is amended to read:

8 49.855 (4m) (c) Except as provided by order of the court after hearing under
9 par. (b), the department of administration shall continue withholding until the
10 amount certified is recovered in full. The department of administration shall
11 transfer the amounts withheld under this paragraph to the department of workforce
12 development for distribution to the appropriate clerk of court, county support
13 collection designee under s. 59.53 (5m) ~~or~~, department of health and family services
14 or department of corrections, whichever is appropriate.

15 **SECTION 214.** 49.855 (4m) (c) of the statutes, as affected by 1997 Wisconsin Acts
16 27 and (this act), is repealed and recreated to read:

17 49.855 (4m) (c) Except as provided by order of the court after hearing under
18 par. (b), the department of administration shall continue withholding until the
19 amount certified is recovered in full. The department of administration shall
20 transfer the amounts withheld under this paragraph to the department of workforce
21 development or its designee, the department of health and family services or the
22 department of corrections, whichever is appropriate. The department of workforce
23 development or its designee shall distribute amounts withheld for delinquent child
24 or family support or maintenance or past support, medical expenses or birth
25 expenses to the obligee.

ASSEMBLY BILL 768**SECTION 215**

1 **SECTION 215.** 50.01 (1) (b) of the statutes is amended to read:

2 50.01 (1) (b) A place ~~that meets the definition under sub. (1g), except sub. (1g)~~
3 ~~(e), and except that only where 3 or 4 unrelated adults reside there~~ adults who are
4 not related to the operator reside and receive care, treatment or services that are
5 above the level of room and board and that may include intermediate level nursing
6 care. “Adult family home” does not include a place that is specified in sub. (1g) (a)
7 to (d), (f) or (g).

8 **SECTION 216.** 50.01 (1e) of the statutes is created to read:

9 50.01 (1e) “Basic care” includes periodic skilled nursing services or physical,
10 emotional, social or restorative care.

11 **SECTION 217.** 50.01 (1g) (intro.) of the statutes is amended to read:

12 50.01 (1g) (intro.) “Community-based residential facility” means a place
13 where 5 or more ~~unrelated adults reside in which~~ adults who are not related to the
14 operator or administrator and who do not require care above intermediate level
15 nursing care reside and receive care, treatment or services that are above the level
16 of room and board but ~~not including~~ that include no more than 3 hours of nursing care
17 ~~are provided to persons residing in the facility as a primary function of the facility~~
18 per week per resident. “Community-based residential facility” does not include any
19 of the following:

20 **SECTION 218.** 50.01 (1t) of the statutes is created to read:

21 50.01 (1t) “Intermediate level nursing care” means basic care that is required
22 by a person who has a long-term illness or disability that has reached a relatively
23 stable plateau.

24 **SECTION 219.** 50.01 (2m) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 219**

1 50.01 (2m) “Nursing care” means nursing procedures, other than personal
2 care, that are permitted to be performed by a registered nurse under s. 441.01 (3) or
3 by a licensed practical nurse under s. 441.11 (3), directly on or to a resident.

4 **SECTION 220.** 50.01 (3) (intro.) of the statutes is amended to read:

5 50.01 (3) (intro.) “Nursing home” means a place ~~which provides 24-hour~~
6 ~~services including board and room to 3 or more unrelated residents who~~ where 5 or
7 more persons who are not related to the operator or administrator reside, receive care
8 or treatment and, because of their mental or physical condition require nursing care
9 ~~or personal care in excess of 7 hours a week,~~ require access to 24-hour nursing
10 services, including limited nursing care, intermediate level nursing care and skilled
11 nursing services. “Nursing home” does not include any of the following:

12 **SECTION 221.** 50.01 (4m) of the statutes is amended to read:

13 50.01 (4m) “Operator” means any person licensed or required to be licensed
14 under s. 50.03 (1) or a person who operates an adult family home that is licensed
15 under s. 50.033 (1m) (b).

16 **SECTION 222.** 50.01 (4o) of the statutes is amended to read:

17 50.01 (4o) “Personal care” means assistance with the activities of daily living,
18 such as eating, dressing, bathing and ambulation, but does not include nursing care.

19 **SECTION 223.** 50.01 (5) of the statutes is repealed.

20 **SECTION 224.** 50.01 (6) of the statutes is amended to read:

21 50.01 (6) “Resident” means a person who is cared for or treated in any and is
22 not discharged from a nursing home ~~or~~ community-based residential facility or
23 adult family home, irrespective of how admitted.

24 **SECTION 225.** 50.01 (6v) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 225**

1 50.01 (6v) “Skilled nursing services” means those services, to which all of the
2 following apply, that are provided to a resident under a physician’s orders:

3 (a) The services require the skills of and are provided directly by or under the
4 supervision of a person whose licensed, registered, certified or permitted scope of
5 practice is at least equivalent to that of a licensed practical nurse.

6 (b) Any of the following circumstances exist:

7 1. The inherent complexity of a service prescribed for a resident is such that
8 it can be safely and effectively performed only by or under the supervision of
9 registered nurses or licensed practical nurses.

10 2. The full recovery or medical improvement of the resident is not possible, but
11 the services are needed to prevent, to the extent possible, deterioration of the
12 resident’s condition or to sustain current capacities of the resident.

13 3. Because of special medical complications, performing or supervising a
14 service that is generally unskilled or observing the resident necessitates the use of
15 a person whose licensed, registered, certified or permitted scope of practice is at least
16 equivalent to that of a licensed practical nurse.

17 **SECTION 226.** 50.035 (10) of the statutes is created to read:

18 50.035 (10) EXCEPTIONS TO CARE LIMITATIONS. (a) Notwithstanding the
19 limitations on the type of care that may be required by and provided to residents
20 under s. 50.01 (1g) (intro.), the following care may be provided in a community-based
21 residential facility under the following circumstances:

22 1. Subject to par. (b), a community-based residential facility may provide more
23 than 3 hours of nursing care per week or care above intermediate level nursing care
24 for not more than 30 days to a resident who does not have a terminal illness but who

ASSEMBLY BILL 768**SECTION 226**

1 has a temporary condition that requires the care, if all of the following conditions
2 apply:

3 a. The resident is otherwise appropriate for the level of care that is limited in
4 a community-based residential facility under s. 50.01 (1g) (intro.).

5 b. The services necessary to treat the resident's condition are available in the
6 community-based residential facility.

7 2. Subject to par. (b) and if a community-based residential facility has obtained
8 a waiver from the department or has requested such a waiver from the department
9 and the decision is pending, the community-based residential facility may provide
10 more than 3 hours of nursing care per week or care above intermediate level nursing
11 care for more than 30 days to a resident who does not have a terminal illness but who
12 has a stable or long-term condition that requires the care, if all of the following
13 conditions apply:

14 a. The resident is otherwise appropriate for the level of care that is limited in
15 a community-based residential facility under s. 50.01 (1g) (intro.).

16 b. The services necessary to treat the resident's condition are available in the
17 community-based residential facility.

18 c. The community-based residential facility has obtained a waiver from the
19 department under this subdivision or has requested such a waiver from the
20 department and the decision is pending.

21 3. A community-based residential facility may provide more than 3 hours of
22 nursing care per week or care above intermediate level nursing care to a resident who
23 has a terminal illness and requires the care, under the following conditions:

24 a. If the resident's primary care provider is a licensed hospice or a licensed home
25 health agency.

ASSEMBLY BILL 768**SECTION 226**

1 b. If the resident's primary care provider is not a licensed hospice or a licensed
2 home health agency, but the community-based residential facility has obtained a
3 waiver of the requirement under subd. 3. a. from the department or has requested
4 such a waiver and the department's decision is pending.

5 (b) A community-based residential facility may not have a total of more than
6 4 residents or 10% of the facility's licensed capacity, whichever is greater, who qualify
7 for care under par. (a) 1. or 2. unless the facility has obtained a waiver from the
8 department of the limitation of this paragraph or has requested such a waiver and
9 the department's decision is pending.

10 (c) The department may grant a waiver of the limitation under par. (a) 2. or 3.
11 a. or (b).

12 **SECTION 227.** 50.065 (1) (am) of the statutes is created to read:

13 50.065 (1) (am) "Certificate of approval" means a certificate of approval issued
14 under s. 50.35.

15 **SECTION 228.** 50.065 (1) (b) of the statutes, as created by 1997 Wisconsin Act
16 27, is amended to read:

17 50.065 (1) (b) "Client" means a person who receives direct care or treatment
18 services from an entity.

19 **SECTION 229.** 50.065 (1) (c) (intro.) of the statutes, as created by 1997 Wisconsin
20 Act 27, is amended to read:

21 50.065 (1) (c) (intro.) "Entity" means a facility, organization or service that is
22 ~~regulated,~~ licensed or certified by or registered with the department to provide direct
23 care or treatment services to clients. "Entity" includes a hospital, a personal care
24 worker agency and a supportive home care service agency. "Entity" does not include
25 any of the following:

ASSEMBLY BILL 768**SECTION 230**

1 **SECTION 230.** 50.065 (1) (c) 3. of the statutes, as created by 1997 Wisconsin Act
2 27, is amended to read:

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

6 **SECTION 231.** 50.065 (1) (c) 5. of the statutes, as created by 1997 Wisconsin Act
7 27, is repealed.

8 **SECTION 232.** 50.065 (1) (c) 6. of the statutes is created to read:

9 50.065 (1) (c) 6. A public health dispensary established under s. 252.10.

10 **SECTION 233.** 50.065 (1) (cm) of the statutes is created to read:

11 50.065 (1) (cm) "Hospital" means a facility approved as a hospital under s.
12 50.35.

13 **SECTION 234.** 50.065 (2) (a) (intro.) of the statutes, as created by 1997 Wisconsin
14 Act 27, is amended to read:

15 50.065 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
16 sub. (5), the department may not license, certify, issue a certificate of approval to or
17 register a person to operate an entity or continue the license, certification, certificate
18 of approval or registration of a person to operate an entity if the department knows
19 or should have known any of the following:

20 **SECTION 235.** 50.065 (2) (am) (intro.) of the statutes, as created by 1997
21 Wisconsin Act 27, is amended to read:

22 50.065 (2) (am) (intro.) The Subject to subd. 5. and par. (bd), the department
23 shall obtain all of the following with respect to a person specified under par. (a)
24 (intro.) and a person specified under par. (ag) (intro.) who is a nonclient resident or
25 prospective nonclient resident of an entity:

ASSEMBLY BILL 768**SECTION 236**

1 **SECTION 236.** 50.065 (2) (am) 5. of the statutes is created to read:

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

13 **SECTION 237.** 50.065 (2) (b) 1. (intro.) of the statutes, as created by 1997
14 Wisconsin Act 27, is amended to read:

15 50.065 (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 or contractor or a prospective employe or contractor
18 of the entity:

19 **SECTION 238.** 50.065 (2) (b) 1. e. of the statutes is created to read:

20 50.065 (2) (b) 1. e. Information maintained by the department under this
21 section regarding any denial to the person of a license, certification, certificate of
22 approval or registration or of a continuation of a license, certification, certificate of
23 approval or registration to operate an entity for a reason specified in par. (a) 1. to 5.
24 and regarding any denial to the person of employment at, a contract with or
25 permission to reside at an entity for a reason specified in par. (ag) 1. to 5. If the

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1 information obtained under this subd. 1. e. indicates that the person has been denied
2 a license, certification, certificate of approval or registration, continuation of a
3 license, certification, certificate of approval or registration, a contract, employment
4 or permission to reside as described in this subd. 1. e., the entity need not obtain the
5 information specified in subd. 1. a. to d.

6 **SECTION 239.** 50.065 (2) (b) 3. of the statutes, as created by 1997 Wisconsin Act
7 27, is renumbered 50.065 (2) (bd) and amended to read:

8 50.065 (2) (bd) ~~Subdivision 1. does not apply~~ Notwithstanding pars. (am) and
9 (b) 1., the department is not required to obtain the information specified in par. (am)
10 1. to 5., and an entity is not required to obtain the information specified in par. (b)
11 1. a. to e., with respect to a person under 18 years of age whose background
12 information form under sub. (6) (am) indicates that the person is not ineligible to be
13 employed, contracted with or permitted to reside at the an entity for a reason
14 specified in par. (ag) 1. to 5. and with respect to whom the department or entity
15 otherwise has no reason to believe that the person is ineligible to be employed,
16 contracted with or permitted to reside at the an entity for any of those reasons. This
17 paragraph does not preclude the department from obtaining, at its discretion, the
18 information specified in par. (am) 1. to 5. with respect to a person described in this
19 paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

20 **SECTION 240.** 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

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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 241.** 50.065 (2) (c) of the statutes, as created by 1997 Wisconsin Act
10 27, 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, or 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. (b) 1. If the background information form completed by a person under sub. (6)
17 (am) indicates that the person is not ineligible to be permitted to reside at an entity
18 for a reason specified in par. (ag) 1. to 5. and if an entity otherwise has no reason to
19 believe that the person is ineligible to be permitted to reside at an entity for any of
20 those reasons, the entity may permit the person to reside at the entity for not more
21 than 60 days pending receipt of the information sought under par. (am). An entity
22 shall provide supervision for a person who is employed or contracted with or
23 permitted to reside as permitted under this paragraph.

24 **SECTION 242.** 50.065 (3) (a) of the statutes, as created by 1997 Wisconsin Act
25 27, is amended to read:

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

6 **SECTION 243.** 50.065 (3) (b) of the statutes, as created by 1997 Wisconsin Act
7 27, is amended to read:

8 50.065 (3) (b) Every 4 years or at any other time within that period that an
9 entity considers appropriate, the entity shall request the information specified in
10 sub. (2) (b) 1. a. to d. for all persons specified in sub. (2) (ag) (intro.) who are employes
11 or contractors of the entity.

12 **SECTION 244.** 50.065 (3m) of the statutes, as created by 1997 Wisconsin Act 27,
13 is amended to read:

14 50.065 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department
15 obtains the information required under sub. (2) (am) or (3) (a) with respect to a person
16 specified in sub. (2) (a) (intro.) and that person is also an employe, contractor or
17 nonclient resident of the entity, the entity is not required to obtain the information
18 specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

19 **SECTION 245.** 50.065 (5) (intro.) of the statutes, as created by 1997 Wisconsin
20 Act 27, is amended to read:

21 50.065 (5) (intro.) The department may license, certify, issue a certificate of
22 approval to or register to operate an entity a person who otherwise may not be
23 licensed, certified, issued a certificate of approval or registered for a reason specified
24 in sub. (2) (a) 1. to 5., and an entity may employ, contract with or permit to reside at
25 the entity a person who otherwise may not be employed, contracted with or permitted

ASSEMBLY BILL 768**SECTION 245**

1 to reside at the entity for a reason specified in sub. (2) (ag) 1. to 5., if the person
2 demonstrates to the department by clear and convincing evidence and in accordance
3 with procedures established by the department by rule that he or she has been
4 rehabilitated. No person who has been convicted of any of the following offenses may
5 be permitted to demonstrate that he or she has been rehabilitated:

6 **SECTION 246.** 50.065 (5) (f) of the statutes is created to read:

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

9 **SECTION 247.** 50.065 (5m) of the statutes, as created by 1997 Wisconsin Act 27,
10 is amended to read:

11 50.065 (5m) Notwithstanding s. 111.335, the department may refuse to license,
12 certify or register, or issue a certificate of approval to, a person to operate an entity,
13 and an entity may refuse to employ, contract with or permit to reside at the entity
14 a person specified in sub. (2) (ag) (intro.), if the person has been convicted of an
15 offense that the department has not defined as a “serious crime” by rule promulgated
16 under sub. (7) (a), or specified in the list established by rule under sub. (7) (b), but
17 that is, in the estimation of the department or entity, substantially related to the care
18 of a client.

19 **SECTION 248.** 50.065 (6) (a) of the statutes, as created by 1997 Wisconsin Act
20 27, is amended to read:

21 50.065 (6) (a) The department shall require any person who applies for
22 issuance or continuation of a license, certification, certificate of approval or
23 registration to operate an entity to complete a background information form that is
24 provided by the department.

ASSEMBLY BILL 768**SECTION 249**

1 **SECTION 249.** 50.065 (6) (b) of the statutes, as created by 1997 Wisconsin Act
2 27, is amended to read:

3 50.065 **(6)** (b) For persons specified under par. (a) who are ~~regulated~~, licensed,
4 issued a certificate of approval or certified by, or registered with, the department, for
5 person specified in par. (am) 2., and for other persons specified by the department by
6 rule, the entity shall send the background information form to the department. For
7 ~~all other persons specified in par. (a) and for persons specified under par. (am) 1.,~~ the
8 entity shall maintain the background information form on file for inspection by the
9 department.

10 **SECTION 250.** 50.065 (7) (a) of the statutes, as created by 1997 Wisconsin Act
11 27, is amended to read:

12 50.065 **(7)** (a) Establish by rule a definition of “serious crime” for the purpose
13 of this section. The definition shall include only crimes or acts that are substantially
14 related to the care of a client, shall include those crimes or acts that are included in
15 the list established under par. (am), shall include the offenses specified in sub. (5) (a)
16 to (e) and shall include classes of crimes or acts involving abuse or neglect of a client
17 for which ~~no~~ a person who has committed any of those crimes or acts may be
18 permitted to demonstrate under sub. (5) that he or she has been rehabilitated. ~~The~~
19 ~~definition may also include other crimes or acts that do not involve abuse or neglect~~
20 ~~of a client but that are substantially related to the care of a client for which no person~~
21 ~~who committed any of those crimes or acts may be permitted to demonstrate under~~
22 ~~sub. (5) that he or she has been rehabilitated.~~

23 **SECTION 251.** 50.065 (7) (am) of the statutes is created to read:

24 50.065 **(7)** (am) Establish by rule a list of crimes or acts, in addition to those
25 offenses specified in sub. (5) (a) to (e), involving the abuse or neglect of a client for

ASSEMBLY BILL 768**SECTION 251**

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

8 **SECTION 252.** 50.33 (1) of the statutes is renumbered 50.33 (1r).

9 **SECTION 253.** 50.33 (1g) of the statutes is created to read:

10 50.33 (1g) "Critical access hospital" means a hospital that is designated by the
11 department as meeting the requirements of 42 USC 1395i-4 (c) (2) (B) and is
12 federally certified as meeting the requirements of 42 USC 1395i-4 (e).

13 **SECTION 254.** 50.33 (2) (c) of the statutes is amended to read:

14 50.33 (2) (c) "Hospital" includes "special hospitals" or those hospital facilities
15 providing primarily one that provide a limited type of medical or surgical care such
16 as, ~~but not in limitation thereof,~~ including orthopedic hospitals, children's hospitals,
17 critical access hospitals, mental hospitals, psychiatric hospitals or maternity
18 hospitals.

19 **SECTION 255.** 50.35 of the statutes is amended to read:

20 **50.35 Application and approval.** Application for approval to maintain a
21 hospital shall be made to the department on forms provided by the department. On
22 receipt of an application, the department shall, except as provided in s. 50.498, issue
23 a certificate of approval if the applicant and hospital facilities meet the requirements
24 established by the department. ~~This~~ Except as provided in s. 50.498, ~~this~~ approval
25 shall be in effect until, for just cause and in the manner herein prescribed, it is

ASSEMBLY BILL 768**SECTION 255**

1 suspended or revoked. The certificate of approval may be issued only for the
2 premises and persons or governmental unit named in the application and is not
3 transferable or assignable. The Except as provided in s. 50.498, the department may
4 not withhold, suspend or revoke approval unless for a substantial failure to comply
5 with ss. 50.32 to 50.39 or the rules and standards adopted by the department after
6 giving a reasonable notice, a fair hearing and a reasonable opportunity to comply.
7 Failure by a hospital to comply with s. 50.36 (3m) shall be considered to be a
8 substantial failure to comply under this section.

9 **SECTION 256.** 50.49 (6) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
10 is amended to read:

11 50.49 (6) (a) The Except as provided in s. 50.498, the department shall issue
12 a home health agency license if the applicant is fit and qualified, and if the home
13 health agency meets the requirements established by this section. The department,
14 or its designated representatives, shall make such inspections and investigations as
15 are necessary to determine the conditions existing in each case and file written
16 reports. Each licensee shall annually file a report with the department.

17 **SECTION 257.** 50.49 (6) (b) of the statutes, as affected by 1997 Wisconsin Act 27,
18 is amended to read:

19 50.49 (6) (b) A home health agency license is valid until suspended or revoked,
20 except as provided in s. 50.498.

21 **SECTION 258.** 50.49 (10) of the statutes is amended to read:

22 50.49 (10) PROVISIONAL LICENSES. ~~A~~ Except as provided in s. 50.498, a
23 provisional license if approved by the department may be issued to any home health
24 agency, the facilities of which are in use or needed for patients, but which is

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1 temporarily unable to conform to all the rules established under this section. A
2 provisional license may not be issued for more than one year.

3 **SECTION 259.** 50.498 of the statutes is created to read:

4 **50.498 Denial, nonrenewal and revocation of license, certification or**
5 **registration based on tax delinquency. (1)** The department shall require each
6 applicant to provide the department with his or her social security number, if the
7 applicant is an individual, or the applicant's federal employer identification number,
8 if the applicant is not an individual, as a condition of issuing any of the following:

9 (a) A certificate of approval under s. 50.35.

10 (b) A license under s. 50.49 (6) (a).

11 (c) A provisional license under s. 50.49 (10).

12 **(2)** The department may not disclose any information received under sub. (1)
13 to any person except to the department of revenue for the sole purpose of requesting
14 certifications under s. 73.0301.

15 **(3)** The department shall deny an application for the issuance of a certificate
16 of approval, license or provisional license specified in sub. (1) if the applicant does
17 not provide the information specified in sub. (1).

18 **(4)** The department shall deny an application for the issuance of a certificate
19 of approval, license or provisional license specified in sub. (1) or shall revoke a
20 certificate of approval, license or provisional license specified in sub. (1), if the
21 department of revenue certifies under s. 73.0301 that the applicant for or holder of
22 the certificate of approval, license or provisional license is liable for delinquent taxes.

23 **(5)** An action taken under sub. (3) or (4) is subject to review only as provided
24 under s. 73.0301 (2) (b) and (5).

25 **SECTION 260.** 50.50 (1m) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 260**

1 50.50 (1m) "Critical access hospital" has the meaning given in s. 50.33 (1g).

2 **SECTION 261.** 50.50 (3) (a) 6. of the statutes is amended to read:

3 50.50 (3) (a) 6. A rural ~~primary care~~ critical access hospital.

4 **SECTION 262.** 50.50 (6) of the statutes is amended to read:

5 50.50 (6) "Hospital" has the meaning given in s. 50.33 (2) (a) or (b), except that
6 "hospital" does not include a rural ~~primary care~~ critical access hospital.

7 **SECTION 263.** 50.50 (12) of the statutes is repealed.

8 **SECTION 264.** 50.52 (2) (c) 3. of the statutes is amended to read:

9 50.52 (2) (c) 3. Is a rural ~~primary care~~ critical access hospital.

10 **SECTION 265.** 50.56 (4) of the statutes is created to read:

11 50.56 (4) This subchapter may not be construed to limit a health care service
12 that is included in a rural medical center from any tax-exempt financing or
13 reimbursement, insurance, payment for services or other advantage for which a
14 health care service that is not included in a rural medical center is eligible.

15 **SECTION 266.** 51.032 of the statutes is created to read:

16 **51.032 Denial and revocations of certification or approval based on tax**
17 **delinquency.** (1) The department shall require each applicant to provide the
18 department with his or her social security number, if the applicant is an individual,
19 or the applicant's federal employer identification number, if the applicant is not an
20 individual, as a condition of issuing any of the following:

21 (a) A certification issued under s. 51.038.

22 (b) A certification issued under s. 51.04.

23 (c) A certification issued under rules required under s. 51.42 (7) (b) 11.

24 (d) A certification issued under rules required under s. 51.421 (3) (a).

25 (e) An approval issued under s. 51.45 (8).

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1 (2) The department may not disclose any information received under sub. (1)
2 to any person except to the department of revenue for the sole purpose of requesting
3 certifications under s. 73.0301.

4 (3) The department shall deny an application for the issuance of a certification
5 or approval specified in sub. (1) if the applicant does not provide the information
6 specified in sub. (1).

7 (4) The department shall deny an application for the issuance of a certification
8 or approval specified in sub. (1) or shall revoke a certification or approval specified
9 in sub. (1) if the department of revenue certifies under s. 73.0301 that the applicant
10 for or holder of a certification or approval is liable for delinquent taxes.

11 (5) An action taken under sub. (3) or (4) is subject to review only as provided
12 under s. 73.0301 (2) (b) and (5).

13 **SECTION 267.** 51.038 of the statutes is amended to read:

14 **51.038 Outpatient mental health clinic certification.** If Except as
15 provided in s. 51.032, if a facility that provides mental health services on an
16 outpatient basis holds current accreditation from the council on accreditation of
17 services for families and children, the department may accept evidence of this
18 accreditation as equivalent to the standards established by the department, for the
19 purpose of certifying the facility for the receipt of funds for services provided as a
20 benefit to a medical assistance recipient under s. 49.46 (2) (b) 6. f., a community aids
21 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

22 **SECTION 268.** 51.04 of the statutes is amended to read:

23 **51.04 Treatment facility certification.** ~~Any~~ Except as provided in s. 51.032,
24 any treatment facility may apply to the department for certification of the facility for
25 the receipt of funds for services provided as a benefit to a medical assistance recipient

ASSEMBLY BILL 768**SECTION 268**

1 under s. 49.46 (2) (b) 6. f. or to a community aids funding recipient under s. 51.423
2 (2) or provided as mandated coverage under s. 632.89. The department shall
3 annually charge a fee for each certification.

4 **SECTION 269.** 51.42 (7) (b) 11. (intro.) of the statutes is amended to read:

5 51.42 (7) (b) 11. (intro.) Prescribe requirements for certification of community
6 mental health programs, except as provided in s. 51.032, including all of the
7 following:

8 **SECTION 270.** 51.421 (3) (a) of the statutes is amended to read:

9 51.421 (3) (a) Promulgate rules establishing standards for the certified
10 provision of community support programs by county departments under s. 51.42,
11 except as provided in s. 51.032. The department shall establish standards that
12 ensure that providers of services meet federal standards for certification of providers
13 of community support program services under the medical assistance program, 42
14 USC 1396 to 1397e. The department shall develop the standards in consultation
15 with representatives of county departments under s. 51.42, elected county officials
16 and consumer advocates.

17 **SECTION 271.** 51.45 (8) (a) of the statutes is amended to read:

18 51.45 (8) (a) The department shall establish minimum standards for approved
19 treatment facilities that must be met for a treatment facility to be approved as a
20 public or private treatment facility, except as provided in s. 51.032, and fix the fees
21 to be charged by the department for the required inspections. The standards may
22 concern only the health standards to be met and standards of treatment to be
23 afforded patients and shall distinguish between facilities rendering different modes
24 of treatment. In setting standards, the department shall consider the residents'
25 needs and abilities, the services to be provided by the facility, and the relationship

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1 between the physical structure and the objectives of the program. Nothing in this
2 subsection shall prevent county departments from establishing reasonable higher
3 standards.

4 **SECTION 272.** 51.45 (8) (e) of the statutes is amended to read:

5 51.45 (8) (e) The department, after notice and hearing, may under this
6 subsection suspend, revoke, limit, or restrict an approval, or refuse to grant an
7 approval, for failure to meet its standards.

8 **SECTION 273.** 51.45 (8) (f) of the statutes is amended to read:

9 51.45 (8) (f) The circuit court may restrain any violation of this section, review
10 any denial, restriction, or revocation of approval under this subsection, and grant
11 other relief required to enforce its provisions.

12 **SECTION 274.** 55.06 (6) of the statutes is amended to read:

13 55.06 (6) Section 880.33 (2) applies to all hearings under this chapter except
14 for transfers of placement under sub. (9) (b), (c) and (e). A person to be protected shall
15 have a guardian ad litem who is an attorney appointed in accordance with s. 757.48
16 (1) present at all hearings under this chapter if the person does not have full legal
17 counsel. The court may, however, excuse a personal appearance by a guardian ad
18 litem based on information contained in a written report by the guardian ad litem
19 to the court. If the person is an adult who is indigent, the county of legal settlement
20 shall be liable for guardian ad litem fees. If the person is a child, the person's parents
21 or the county of legal settlement shall be liable for guardian ad litem fees as provided
22 in s. 48.235 (8). The subject individual, attorney or guardian ad litem shall have the
23 right to present and cross-examine witnesses, including any person making an
24 evaluation or review under sub. (8) (c).

25 **SECTION 275.** 55.06 (9) (b) of the statutes is amended to read:

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1 55.06 (9) (b) Transfer may be made between placement units or from a
2 placement unit to a medical facility other than those specified in pars. (c) to (e) by a
3 guardian or placement facility without approval by a court. When transfer is made
4 by a placement facility, 24 hours' prior written notice of the transfer shall be provided
5 to the guardian, when feasible. If it is not feasible to notify the guardian in advance,
6 written notice shall be provided immediately upon transfer, and notice shall also be
7 provided to the court and to the board designated under s. 55.02 or an agency
8 designated by it within a reasonable time, not to exceed 48 hours from the time of the
9 transfer. Upon petition to a court by a guardian, ward, or attorney, or other
10 interested person specifying objections to a transfer, the court shall order a hearing,
11 within 96 hours after filing of the petition, to determine whether there is probable
12 cause to believe that the transfer is consistent with the requirements specified in par.
13 (a) and is necessary for the best interests of the ward. The court shall notify the ward,
14 guardian and petitioner of the time and place of the hearing, and a guardian ad litem
15 shall be appointed to represent the ward. If the person is an adult who is indigent,
16 the county of legal settlement shall be liable for guardian ad litem fees. If the person
17 is a child, the person's parents or the county of legal settlement shall be liable for
18 guardian ad litem fees as provided in s. 48.235 (8). The petitioner, ward and guardian
19 shall have the right to attend, and to present and cross-examine witnesses.

20 **SECTION 276.** 59.52 (4) (a) 18. of the statutes is amended to read:

21 59.52 (4) (a) 18. Case records and other record material of all public assistance
22 that are kept as required under ch. 49, if no payments have been made for at least
23 3 years and if a face sheet or similar record of each case and a financial record of all
24 payments for each aid account are preserved in accordance with rules adopted by the
25 department of health and family services or by the department of workforce

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1 development. If the department of health and family services or the department of
2 workforce development has preserved such case records and other record material
3 on computer disc or tape or similar device, a county may destroy the original records
4 and record material under rules adopted by the department that has preserved those
5 case records or other record material.

6 **SECTION 277.** 66.432 (1) of the statutes is amended to read:

7 66.432 (1) DECLARATION OF POLICY. The right of all persons to have equal
8 opportunities for housing regardless of their sex, race, color, physical condition,
9 disability as defined in s. 106.04 (1m) (g), sexual orientation as defined in s. 111.32
10 (13m), religion, national origin, marital status, family status as defined in s. 106.04
11 (1m) (k), lawful source of income, age or ancestry is a matter both of statewide
12 concern under ~~s.~~ ss. 101.132 and 106.04 and also of local interest under this section
13 and s. 66.433. The enactment of ~~s.~~ ss. 101.132 and 106.04 by the legislature shall not
14 preempt the subject matter of equal opportunities in housing from consideration by
15 political subdivisions, and shall not exempt political subdivisions from their duty,
16 nor deprive them of their right, to enact ordinances which prohibit discrimination in
17 any type of housing solely on the basis of an individual being a member of a protected
18 class.

19 **SECTION 278.** 66.432 (2) of the statutes is amended to read:

20 66.432 (2) ANTIDISCRIMINATION HOUSING ORDINANCES. Political subdivisions may
21 enact ordinances prohibiting discrimination in housing within their respective
22 boundaries solely on the basis of an individual being a member of a protected class.
23 Such an ordinance may be similar to ~~s.~~ ss. 101.132 and 106.04 (1) to (8) or may be
24 more inclusive in its terms or in respect to the different types of housing subject to
25 its provisions, but any such ordinance establishing a forfeiture as a penalty for

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1 violation shall not be for an amount that is less than the statutory forfeitures under
2 s. 106.04. Such an ordinance may permit a complainant, aggrieved person or
3 respondent to elect to remove the action to circuit court after a finding has been made
4 that there is reasonable cause to believe that a violation of the ordinance has
5 occurred. Such an ordinance may also authorize the political subdivision, at any
6 time after a complaint has been filed alleging an ordinance violation, to file a
7 complaint in circuit court seeking a temporary injunction or restraining order
8 pending final disposition of the complaint.

9 **SECTION 279.** 70.11 (39) of the statutes is created to read:

10 70.11 **(39)** COMPUTERS. Mainframe computers, minicomputers, personal
11 computers, networked personal computers, servers, terminals, monitors, disk
12 drives, electronic peripheral equipment, tape drives, printers, basic operational
13 programs, systems software, prewritten software and custom software. The
14 exemption under this subsection does not apply to fax machines, copiers, equipment
15 with embedded computerized components or telephone systems, including
16 equipment that is used to provide telecommunications services, as defined in s. 76.80
17 (3).

18 **SECTION 280.** 71.01 (6) (m) of the statutes, as created by 1997 Wisconsin Act
19 37, is amended to read:

20 71.01 **(6)** (m) For taxable years that begin after December 31, 1997, for natural
21 persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or
22 reserve funds, "Internal Revenue Code" means the federal Internal Revenue Code
23 as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L.
24 102-227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66 and
25 sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, ~~and as~~

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1 ~~amended by the provisions of P.L. 105-33 and P.L. 105-34 that take effect before~~
2 ~~January 1, 1998, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L.~~
3 ~~100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L.~~
4 ~~101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104 and 110 of P.L.~~
5 ~~102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150~~
6 ~~(d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.~~
7 ~~103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202~~
8 ~~(c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193 and the~~
9 ~~provisions of, P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998.~~

10 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
11 federal purposes. Amendments to the federal Internal Revenue Code enacted after
12 December 31, ~~1996~~ 1997, do not apply to this paragraph with respect to taxable years
13 beginning after December 31, 1997, ~~except that changes to the Internal Revenue~~
14 ~~Code made by P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998,~~
15 ~~and changes that indirectly affect the provisions applicable to this subchapter made~~
16 ~~by P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998, apply for~~
17 ~~Wisconsin purposes at the same time as for federal purposes.~~

18 **SECTION 281.** 71.01 (7r) of the statutes, as affected by 1997 Wisconsin Act 37,
19 is amended to read:

20 71.01 (7r) Notwithstanding sub. (6), for purposes of computing amortization
21 or depreciation, "internal revenue code" means either the federal internal revenue
22 code as amended to December 31, 1996, ~~for property placed in service before August~~
23 ~~6, 1997, or as amended to August 5, 1997, for property placed in service on August~~
24 ~~6, 1997, or thereafter~~ 1997, or the federal internal revenue code in effect for the
25 taxable year for which the return is filed, except that property that, under s. 71.02

ASSEMBLY BILL 768**SECTION 281**

1 (2) (d) 12., 1985 stats., is required to be depreciated for taxable year 1986 under the
2 internal revenue code as amended to December 31, 1980, shall continue to be
3 depreciated under the internal revenue code as amended to December 31, 1980.

4 **SECTION 282.** 71.05 (6) (a) 12. of the statutes, as affected by 1997 Wisconsin Act
5 39, is amended to read:

6 71.05 (6) (a) 12. All alimony deducted for federal income tax purposes and paid
7 while the individual paying the alimony was a nonresident of this state; all interest
8 on qualified education loans that is deducted for federal income tax purposes and
9 that is paid while the individual who pays the interest was a nonresident of this state

10 all penalties for early withdrawals from time savings accounts and deposits deducted
11 for federal income tax purposes and paid while the individual charged with the
12 penalty was a nonresident of this state; all repayments of supplemental
13 unemployment benefit plan payments deducted for federal income tax purposes and
14 made while the individual making the repayment was a nonresident of this state; all
15 reforestation expenses related to property not in this state, deducted for federal
16 income tax purposes and paid while the individual paying the expense was not a
17 resident of this state; all contributions to individual retirement accounts, simplified
18 employe pension plans and self-employment retirement plans and all deductible
19 employe contributions, deducted for federal income tax purposes and in excess of that
20 amount multiplied by a fraction the numerator of which is the individual's wages and
21 net earnings from a trade or business taxable by this state and the denominator of
22 which is the individual's total wages and net earnings from a trade or business; the
23 contributions to a Keogh plan deducted for federal income tax purposes and in excess
24 of that amount multiplied by a fraction the numerator of which is the individual's net
25 earnings from a trade or business, taxable by this state, and the denominator of

ASSEMBLY BILL 768**SECTION 282**

1 which is the individual's total net earnings from a trade or business; the amount of
2 health insurance costs of self-employed individuals deducted under section 162 (L)
3 of the internal revenue code for federal income tax purposes and in excess of that
4 amount multiplied by a fraction the numerator of which is the individual's net
5 earnings from a trade or business, taxable by this state, and the denominator of
6 which is the individual's total net earnings from a trade or business; and the amount
7 of self-employment taxes deducted under section 164 (f) of the internal revenue code
8 for federal income tax purposes and in excess of that amount multiplied by a fraction
9 the numerator of which is the individual's net earnings from a trade or business,
10 taxable by this state, and the denominator of which is the individual's total net
11 earnings from a trade or a business.

12 **SECTION 283.** 71.05 (6) (b) 27. of the statutes is created to read:

13 71.05 (6) (b) 27. For each child who is claimed as a dependent under section 151
14 (c) of the Internal Revenue Code, by the individual claiming the modification under
15 this subdivision, and who is in kindergarten to grade 12, an amount that is paid by
16 the claimant for educational expenses and that is calculated as follows:

17 a. An amount equal to not more than \$1,500, for each of the claimant's
18 dependents, paid during each taxable year by the claimant for educational expenses,
19 as defined in s. 71.07 (8m) (a) 4. and as limited in s. 71.07 (8m) (c) 9., except that not
20 more than \$500 each year, per claimant, may be claimed for computers, as defined
21 in s. 71.07 (8m) (a) 2., and not including any amount for which a credit is claimed
22 under s. 71.07 (8m).

23 b. From the amount calculated under subd. 27. a., if the claimant is single or
24 married and filing as head of household and his or her federal adjusted gross income
25 is more than \$50,000 but not more than \$60,000, subtract the product of the amount

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1 calculated under subd. 27. a. and the value of a fraction, the denominator of which
2 is \$10,000 and the numerator of which is the difference between the claimant's
3 federal adjusted gross income and \$50,000.

4 c. From the amount calculated under subd. 27. a., if the claimant is married and
5 filing jointly and the claimant's and his or her spouse's federal adjusted gross income
6 is more than \$80,000 but not more than \$100,000, subtract the product of the amount
7 calculated under subd. 27. a. and the value of a fraction, the denominator of which
8 is \$20,000 and the numerator of which is the difference between the claimant's and
9 his or her spouse's federal adjusted gross income and \$80,000.

10 d. From the amount calculated under subd. 27. a., if the claimant is married
11 and filing separately and the claimant's federal adjusted gross income is more than
12 \$40,000 but not more than \$50,000, subtract the product of the amount calculated
13 under subd. 27. a. and the value of a fraction, the denominator of which is \$10,000
14 and the numerator of which is the difference between the claimant's federal adjusted
15 gross income and \$40,000.

16 e. For an individual who is a nonresident or part-year resident of this state,
17 multiply the amount calculated under subd. 27. b., c. or d. by a fraction the numerator
18 of which is the individual's wages, salary, tips, unearned income and net earnings
19 from a trade or business that are taxable by this state and the denominator of which
20 is the individual's total wages, salary, tips, unearned income and net earnings from
21 a trade or business. In this subd. 27. e., for married persons filing separately "wages,
22 salary, tips, unearned income and net earnings from a trade or business" means the
23 separate wages, salary, tips, unearned income and net earnings from a trade or
24 business of each spouse, and for married persons filing jointly "wages, salary, tips,
25 unearned income and net earnings from a trade or business" means the total wages,

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1 salary, tips, unearned income and net earnings from a trade or business of both
2 spouses.

3 f. Reduce the amount calculated under subd. 27. e. to the individual's aggregate
4 wages, salary, tips, unearned income and net earnings from a trade or business that
5 are taxable by this state.

6 g. No modification may be claimed under this subdivision by a claimant who
7 is single or married and filing as head of household if the claimant's federal adjusted
8 gross income is more than \$60,000, by a claimant who is married and filing jointly
9 if the claimant's and his or her spouse's federal adjusted gross income is more than
10 \$100,000 or by a claimant who is married and filing separately if the claimant's
11 federal adjusted gross income is more than \$50,000.

12 **SECTION 284.** 71.05 (6) (b) 28. of the statutes is created to read:

13 71.05 (6) (b) 28. An amount paid by a claimant for tuition expenses for a student
14 who is the claimant or who is the claimant's child and the claimant's dependent who
15 is claimed under section 151 (c) of the Internal Revenue Code, to attend any
16 university, college, technical college or a school approved under s. 39.51, that is
17 located in Wisconsin or to attend a public vocational school or public institution of
18 higher education in Minnesota under the Minnesota-Wisconsin reciprocity
19 agreement under s. 39.47, calculated as follows:

20 a. An amount equal to not more than \$3,000 per student for each year to which
21 the claim relates.

22 b. From the amount calculated under subd. 28. a., if the claimant is single or
23 married and filing as head of household and his or her federal adjusted gross income
24 is more than \$50,000 but not more than \$60,000, subtract the product of the amount
25 calculated under subd. 28. a. and the value of a fraction, the denominator of which

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1 is \$10,000 and the numerator of which is the difference between the claimant's
2 federal adjusted gross income and \$50,000.

3 c. From the amount calculated under subd. 28. a., if the claimant is married and
4 filing jointly and the claimant's and his or her spouse's federal adjusted gross income
5 is more than \$80,000 but not more than \$100,000, subtract the product of the amount
6 calculated under subd. 28. a. and the value of a fraction, the denominator of which
7 is \$20,000 and the numerator of which is the difference between the claimant's and
8 his or her spouse's federal adjusted gross income and \$80,000.

9 d. From the amount calculated under subd. 28. a., if the claimant is married
10 and filing separately and the claimant's federal adjusted gross income is more than
11 \$40,000 but not more than \$50,000, subtract the product of the amount calculated
12 under subd. 28. a. and the value of a fraction, the denominator of which is \$10,000
13 and the numerator of which is the difference between the claimant's federal adjusted
14 gross income and \$40,000.

15 e. For an individual who is a nonresident or part-year resident of this state,
16 multiply the amount calculated under subd. 28. b., c. or d. by a fraction the numerator
17 of which is the individual's wages, salary, tips, unearned income and net earnings
18 from a trade or business that are taxable by this state and the denominator of which
19 is the individual's total wages, salary, tips, unearned income and net earnings from
20 a trade or business. In this subd. 28. e., for married persons filing separately "wages,
21 salary, tips, unearned income and net earnings from a trade or business" means the
22 separate wages, salary, tips, unearned income and net earnings from a trade or
23 business of each spouse, and for married persons filing jointly "wages, salary, tips,
24 unearned income and net earnings from a trade or business" means the total wages,

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1 salary, tips, unearned income and net earnings from a trade or business of both
2 spouses.

3 f. Reduce the amount calculated under subd. 28. e. to the individual's aggregate
4 wages, salary, tips, unearned income and net earnings from a trade or business that
5 are taxable by this state.

6 g. No modification may be claimed under this subdivision by a claimant who
7 is single or married and filing as head of household if the claimant's federal adjusted
8 gross income is more than \$60,000, by a claimant who is married and filing jointly
9 if the claimant's and his or her spouse's federal adjusted gross income is more than
10 \$100,000 or by a claimant who is married and filing separately if the claimant's
11 federal adjusted gross income is more than \$50,000.

12 **SECTION 285.** 71.07 (8m) of the statutes is created to read:

13 71.07 (8m) EDUCATIONAL EXPENSES CREDIT. (a) *Definitions.* In this subsection:

14 1. "Claimant" means an individual who claims a pupil as a dependent under
15 section 151 (c) of the Internal Revenue Code, on his or her tax return.

16 2. "Computers" means computer hardware, educational software and related
17 educational materials for use in the claimant's home by a pupil and not used in a
18 trade or business.

19 3. "Department" means the department of revenue.

20 4. "Educational expenses" means amounts paid for tutoring for a pupil; for
21 tuition costs at a technical college or institution of higher education, the credit for
22 which satisfies high school graduation requirements; for a pupil's fees at summer
23 courses; for computers, rental fees for musical instruments, school uniforms required
24 by an eligible institution, instructional materials and school supplies related to the
25 pupil's curricular activities and attendance at an eligible institution, but not

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1 including supplies and instructional materials that are used in the teaching of
2 religious tenets, doctrines or worship; for fees paid on behalf of a pupil to an eligible
3 institution, but not including fees for food; and for transportation costs paid to others
4 related to the pupil's attendance at an eligible institution. "Educational expenses"
5 does not include costs for out-of-state class trips or student exchange programs.

6 5. "Eligible institution" means a public school, as specified in s. 115.01 (1); a
7 private school, as defined in s. 115.001 (3r), that is accredited by the North Central
8 Association of Colleges and Schools, the Independent Schools Association of the
9 Central States or the Wisconsin Nonpublic School Accrediting Association and that
10 fulfills the requirements under subch. II of ch. 111 and 42 USC 2000d; or a
11 home-based private educational program, as defined in s. 115.001 (3g), that meets
12 all of the criteria under s. 118.165 (1).

13 6. "Income" means federal adjusted gross income.

14 7. "Licensed teacher" means a person who holds a license or permit to teach
15 issued by the department of public instruction.

16 8. "Pupil" means an individual who is enrolled in kindergarten or grades 1 to
17 12 at an eligible institution and who is a dependent of the claimant under section 151
18 (c) of the Internal Revenue Code.

19 9. "Summer courses" means courses conducted outside of the school term, as
20 defined in s. 115.001 (12), that are provided by a licensed teacher, in subjects that are
21 part of the regular school curriculum or are in the fine arts, dramatic arts or foreign
22 languages or are academic in nature.

23 10. "Tutoring" means supplemental instruction, special needs classes or
24 after-school enrichment, conducted outside of the regular school day and provided
25 by a licensed teacher, in subjects that are part of the regular school curriculum, but

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1 not including supplemental instruction, special needs classes or after-school
2 enrichment in subjects involving the teaching of religious tenets, doctrines or
3 worship.

4 (b) *Filing claims.* Subject to the limitations provided in this subsection, a
5 claimant may claim as a credit against the tax imposed under s. 71.02 an amount
6 equal to any amounts paid for educational expenses in the year to which the claim
7 relates. If the allowable amount of the claim exceeds the income taxes otherwise due
8 on the claimant's income, the amount of the claim not used as an offset against those
9 taxes shall be certified by the department to the department of administration for
10 payment to the claimant by check, share draft or other draft from the appropriation
11 under s. 20.835 (2) (e).

12 (c) *Limitations.* 1. Except as provided in subd. 3., the maximum credit that may
13 be claimed under this subsection by a claimant, per pupil, is \$1,000 in each year to
14 which the claim relates.

15 2. Except as provided in subd. 3., the maximum credit that may be claimed
16 under this subsection by a claimant for all pupils is \$2,000 in each year to which the
17 claim relates.

18 3. If a married couple files separately, except for a spouse who files as head of
19 household, each spouse may claim up to 50% of the amounts specified in subds. 1. and
20 2.

21 4. If a part-year resident or a nonresident of this state files a claim under this
22 subsection, the maximum credit amounts in subds. 1. and 2. shall be multiplied by
23 a fraction, the numerator of which is the individual's and his or her spouse's
24 Wisconsin adjusted gross income and the denominator of which is the individual's
25 and his or her spouse's federal adjusted gross income. In this subd. 4., for married

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1 persons filing separately “adjusted gross income” means the separate adjusted gross
2 income of each spouse, and for married persons filing jointly “adjusted gross income
3 means the total adjusted gross income of both spouses.

4 5. No credit may be allowed under this subsection unless it is claimed within
5 the time period under s. 71.75 (2).

6 6. No credit may be allowed under this subsection for a taxable year covering
7 a period of less than 12 months, except for a taxable year closed by reason of the death
8 of the taxpayer.

9 7. Of the amount that is paid for computers, the maximum annual amount that
10 may be used in calculating educational expenses in the year to which the claim
11 relates is \$500 per claimant.

12 8. No credit may be claimed under this subsection if the claimant’s income
13 exceeds one of the following:

14 a. If the claimant is married and files jointly, \$30,000 in the year to which the
15 claim relates if he or she has one pupil. The income specified in this subd. 8. a. shall
16 increase by \$5,000 for each additional pupil of the claimant, up to a maximum of
17 \$60,000 in the year to which the claim relates.

18 b. If the claimant is married and files separately, \$15,000 in the year to which
19 the claim relates if he or she has one pupil. The income specified in this subd. 8. b.
20 shall increase by \$2,500 for each additional pupil of the claimant, up to a maximum
21 of \$30,000 in the year to which the claim relates.

22 c. If the claimant is single or married and filing as head of household, \$25,000
23 in the year to which the claim relates if he or she has one pupil. The income specified
24 in this subd. 8. c. shall increase by \$5,000 for each additional pupil of the claimant,
25 up to a maximum of \$55,000 in the year to which the claim relates.

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1 9. No credit may be claimed under this subsection for educational expenses
2 related to an eligible institution that is not located in Wisconsin.

3 (d) *Administration.* The department of revenue may enforce the credit under
4 this subsection and may take any action, conduct any proceeding and proceed as it
5 is authorized in respect to taxes under this chapter. The income tax provisions in this
6 chapter relating to assessments, refunds, appeals, collection, interest and penalties
7 apply to the credit under this subsection.

8 **SECTION 286.** 71.08 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
9 Act 27, is amended to read:

10 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married
11 couple filing jointly, trust or estate under s. 71.02, not considering the credits under
12 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (6), (8m)
13 and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd) and (2m) and 71.47
14 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd) and (2m) and subchs. VIII and IX
15 and payments to other states under s. 71.07 (7), is less than the tax under this
16 section, there is imposed on that natural person, married couple filing jointly, trust
17 or estate, instead of the tax under s. 71.02, an alternative minimum tax computed
18 as follows:

19 **SECTION 287.** 71.10 (4) (i) of the statutes is amended to read:

20 71.10 (4) (i) The total of claim of right credit under s. 71.07 (1), farmland
21 preservation credit under subch. IX, homestead credit under subch. VIII, farmland
22 tax relief credit under s. 71.07 (3m), farmers' drought property tax credit under s.
23 71.07 (2fd), educational expenses credit under s. 71.07 (8m), earned income tax credit
24 under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under
25 subch. X.

ASSEMBLY BILL 768**SECTION 288**

1 **SECTION 288.** 71.125 (2) of the statutes, as created by 1997 Wisconsin Act 27,
2 is amended to read:

3 71.125 (2) Each electing small business trust, as defined in section 1361 (e) (1)
4 of the Internal Revenue Code, is subject to tax at the highest rate under s. 71.06 (1)
5 or under s. 71.06 (1m), whichever taxable year is applicable, on its Wisconsin taxable
6 income as computed under section 641 of the Internal Revenue Code, as modified by
7 s. 71.05 (6) to (12), (19) and (20).

8 **SECTION 289.** 71.17 (6) of the statutes is created to read:

9 71.17 (6) FUNERAL TRUSTS. If a qualified funeral trust makes the election under
10 section 685 of the Internal Revenue Code for federal income tax purposes, that
11 election applies for purposes of this chapter and each trust shall compute its own tax
12 and shall apply the rates under s. 71.06 (1m).

13 **SECTION 290.** 71.22 (4) (m) of the statutes, as created by 1997 Wisconsin Act
14 37, is amended to read:

15 71.22 (4) (m) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
16 (1g) and 71.42 (2), "Internal Revenue Code", for taxable years that begin after
17 December 31, 1997, means the federal Internal Revenue Code as amended to
18 December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102-227,
19 sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66 and sections
20 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, ~~and as amended by the~~
21 ~~provisions of P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998, and~~
22 ~~as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514,~~
23 ~~P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2),~~
24 ~~821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L.~~
25 ~~101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,~~

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1 excluding sections 103, 104 and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.
2 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L.
3 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,
4 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, P.L.
5 104-191 , P.L. 104-193 and the provisions of, P.L. 105-33 and P.L. 105-34 that take
6 effect before January 1, 1998. The Internal Revenue Code applies for Wisconsin
7 purposes at the same time as for federal purposes. Amendments to the federal
8 Internal Revenue Code enacted after December 31, 1996 1997, do not apply to this
9 paragraph with respect to taxable years beginning after December 31, 1997, ~~except~~
10 ~~that changes to the Internal Revenue Code made by P.L. 105-33 and P.L. 105-34 that~~
11 ~~take effect before January 1, 1998, and changes that indirectly affect the provisions~~
12 ~~applicable to this subchapter made by P.L. 105-33 and P.L. 105-34 that take effect~~
13 ~~before January 1, 1998, apply for Wisconsin purposes at the same time as for federal~~
14 ~~purposes.~~

15 **SECTION 291.** 71.22 (4m) (k) of the statutes, as created by 1997 Wisconsin Act
16 37, is amended to read:

17 71.22 (4m) (k) For taxable years that begin after December 31, 1997, "Internal
18 Revenue Code", for corporations that are subject to a tax on unrelated business
19 income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended
20 to December 31, 1996 1997, excluding sections 103, 104 and 110 of P.L. 102-227,
21 sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66, and sections
22 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, ~~and as amended by the~~
23 ~~provisions of P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998, and~~
24 ~~as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514,~~
25 ~~P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239,~~

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1 P.L. 101-508, P.L. 102-227, excluding sections 103, 104 and 110 of P.L. 102-227, P.L.
2 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),
3 13174 and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.
4 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d)
5 of P.L. 104-188, P.L. 104-191 , P.L. 104-193 and the provisions of, P.L. 105-33 and
6 P.L. 105-34 that take effect before January 1, 1998. The Internal Revenue Code
7 applies for Wisconsin purposes at the same time as for federal purposes.
8 Amendments to the Internal Revenue Code enacted after December 31, ~~1996~~ 1997,
9 do not apply to this paragraph with respect to taxable years beginning after
10 December 31, 1997, ~~except that changes to the Internal Revenue Code made by P.L.~~
11 ~~105-33 and P.L. 105-34 that take effect before January 1, 1998, and changes that~~
12 ~~indirectly affect the provisions applicable to this subchapter made by P.L. 105-33~~
13 ~~and P.L. 105-34 that take effect before January 1, 1998, apply for Wisconsin~~
14 ~~purposes at the same time as for federal purposes.~~

15 **SECTION 292.** 71.26 (2) (b) 13. of the statutes, as created by 1997 Wisconsin Act
16 37, is amended to read:

17 71.26 (2) (b) 13. For taxable years that begin after December 31, 1997, for a
18 corporation, conduit or common law trust which qualifies as a regulated investment
19 company, real estate mortgage investment conduit, real estate investment trust or
20 financial asset securitization investment trust under the Internal Revenue Code as
21 amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L.
22 102-227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66 and
23 sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, ~~and as~~
24 ~~amended by the provisions of P.L. 105-33 and P.L. 105-34 that take effect before~~
25 ~~January 1, 1998, and as indirectly affected in the provisions applicable to this~~

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1 subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140,
2 P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104
3 and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections
4 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L.
5 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202
6 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, P.L. 104-191 , P.L. 104-193 and the
7 provisions of, P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998,
8 “net income” means the federal regulated investment company taxable income,
9 federal real estate mortgage investment conduit taxable income, federal real estate
10 investment trust or financial asset securitization investment trust taxable income
11 of the corporation, conduit or trust as determined under the Internal Revenue Code
12 as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L.
13 102-227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66 and
14 sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, and as
15 amended by the provisions of P.L. 105-33 and P.L. 105-34 that take effect before
16 ~~January 1, 1998~~, and as indirectly affected in the provisions applicable to this
17 subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140,
18 P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104
19 and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections
20 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L.
21 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202
22 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, P.L. 104-191 , P.L. 104-193 and the
23 provisions of, P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998,
24 except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to
25 be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as

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1 amended to December 31, 1980, shall continue to be depreciated under the Internal
2 Revenue Code as amended to December 31, 1980, and except that the appropriate
3 amount shall be added or subtracted to reflect differences between the depreciation
4 or adjusted basis for federal income tax purposes and the depreciation or adjusted
5 basis under this chapter of any property disposed of during the taxable year. The
6 Internal Revenue Code as amended to December 31, ~~1996~~ 1997, excluding sections
7 103, 104 and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174 and
8 13203 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d)
9 of P.L. 104-188, ~~and as amended by the provisions of P.L. 105-33 and P.L. 105-34~~
10 ~~that take effect before January 1, 1998~~, and as indirectly affected in the provisions
11 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.
12 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,
13 excluding sections 103, 104 and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.
14 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L.
15 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,
16 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, P.L.
17 104-191 , P.L. 104-193 ~~and the provisions of, P.L.105-33 and P.L. 105-34 that take~~
18 ~~effect before January 1, 1998~~, applies for Wisconsin purposes at the same time as for
19 federal purposes. Amendments to the Internal Revenue Code enacted after
20 December 31, ~~1996~~ 1997, do not apply to this subdivision with respect to taxable
21 years that begin after December 31, 1997, ~~except that changes to the Internal~~
22 ~~Revenue Code made by P.L. 105-33 and P.L. 105-34 that take effect before January~~
23 ~~1, 1998, and changes that indirectly affect the provisions applicable to this~~
24 ~~subchapter made by P.L. 105-33 and P.L. 105-34 that take effect before January 1,~~
25 ~~1998, apply for Wisconsin purposes at the same time as for federal purposes.~~

ASSEMBLY BILL 768**SECTION 293**

1 **SECTION 293.** 71.26 (3) (y) of the statutes, as affected by 1997 Wisconsin Act 37,
2 is amended to read:

3 71.26 **(3)** (y) A corporation may compute amortization and depreciation under
4 either the federal internal revenue code as amended to December 31, 1996, ~~for~~
5 ~~property placed in service before August 6, 1997, or as amended to August 5, 1997,~~
6 ~~for property placed in service on August 6, 1997, or thereafter 1997,~~ or the federal
7 internal revenue code in effect for the taxable year for which the return is filed,
8 except that property first placed in service by the taxpayer on or after January 1,
9 1983, but before January 1, 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats.,
10 is required to be depreciated under the internal revenue code as amended to
11 December 31, 1980, and property first placed in service in taxable year 1981 or
12 thereafter but before January 1, 1987, that, under s. 71.04 (15) (bm), 1985 stats., is
13 required to be depreciated under the internal revenue code as amended to December
14 31, 1980, shall continue to be depreciated under the internal revenue code as
15 amended to December 31, 1980.

16 **SECTION 294.** 71.34 (1g) (m) of the statutes, as created by 1997 Wisconsin Act
17 37, is amended to read:

18 71.34 **(1g)** (m) "Internal Revenue Code" for tax-option corporations, for taxable
19 years that begin after December 31, 1997, means the federal Internal Revenue Code
20 as amended to December 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L.
21 102-227, sections 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66 and
22 sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, ~~and as~~
23 ~~amended by the provisions of P.L. 105-33 and P.L. 105-34 that take effect before~~
24 ~~January 1, 1998,~~ and as indirectly affected in the provisions applicable to this
25 subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2)

ASSEMBLY BILL 768**SECTION 294**

1 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2) and 823 (c) (2) of P.L. 99-514 and section 1008
2 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L.
3 101-508, P.L. 102-227, excluding sections 103, 104 and 110 of P.L. 102-227, P.L.
4 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),
5 13174 and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.
6 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311 and 1605 (d)
7 of P.L. 104-188, P.L. 104-191 , P.L. 104-193 and the provisions of, P.L. 105-33 and
8 P.L. 105-34 that take effect before January 1, 1998, except that section 1366 (f)
9 (relating to pass-through of items to shareholders) is modified by substituting the
10 tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue
11 Code applies for Wisconsin purposes at the same time as for federal purposes.
12 Amendments to the federal Internal Revenue Code enacted after December 31, 1996
13 1997, do not apply to this paragraph with respect to taxable years beginning after
14 December 31, 1997, ~~except that changes to the Internal Revenue Code made by P.L.~~
15 ~~105-33 and P.L. 105-34 that take effect before January 1, 1998, and changes that~~
16 ~~indirectly affect the provisions applicable to this subchapter made by P.L. 105-33~~
17 ~~and P.L. 105-34 that take effect before January 1, 1998, apply for Wisconsin~~
18 ~~purposes at the same time as for federal purposes.~~

19 **SECTION 295.** 71.365 (1m) of the statutes, as affected by 1997 Wisconsin Act 37,
20 is amended to read:

21 71.365 (1m) TAX-OPTION CORPORATIONS; DEPRECIATION. A tax-option corporation
22 may compute amortization and depreciation under either the federal internal
23 revenue code as amended to December 31, 1996, ~~for property placed in service before~~
24 ~~August 6, 1997, or as amended to August 5, 1997, for property placed in service on~~
25 ~~August 6, 1997, or thereafter 1997, or the federal internal revenue code in effect for~~

ASSEMBLY BILL 768**SECTION 295**

1 the taxable year for which the return is filed, except that property first placed in
2 service by the taxpayer on or after January 1, 1983, but before January 1, 1987, that,
3 under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated under the
4 internal revenue code as amended to December 31, 1980, and property first placed
5 in service in taxable year 1981 or thereafter but before January 1, 1987, that, under
6 s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal
7 revenue code as amended to December 31, 1980, shall continue to be depreciated
8 under the internal revenue code as amended to December 31, 1980. Any difference
9 between the adjusted basis for federal income tax purposes and the adjusted basis
10 under this chapter shall be taken into account in determining net income or loss in
11 the year or years for which the gain or loss is reportable under this chapter. If that
12 property was placed in service by the taxpayer during taxable year 1986 and
13 thereafter but before the property is used in the production of income subject to
14 taxation under this chapter, the property's adjusted basis and the depreciation or
15 other deduction schedule are not required to be changed from the amount allowable
16 on the owner's federal income tax returns for any year because the property is used
17 in the production of income subject to taxation under this chapter. If that property
18 was acquired in a transaction in taxable year 1986 or thereafter in which the
19 adjusted basis of the property in the hands of the transferee is the same as the
20 adjusted basis of the property in the hands of the transferor, the Wisconsin adjusted
21 basis of that property on the date of transfer is the adjusted basis allowable under
22 the internal revenue code as defined for Wisconsin purposes for the property in the
23 hands of the transferor.

24 **SECTION 296.** 71.42 (2) (L) of the statutes, as created by 1997 Wisconsin Act 37,
25 is amended to read:

ASSEMBLY BILL 768**SECTION 296**

1 71.42 (2) (L) For taxable years that begin after December 31, 1997, “Internal
2 Revenue Code” means the federal Internal Revenue Code as amended to December
3 31, ~~1996~~ 1997, excluding sections 103, 104 and 110 of P.L. 102-227, sections 13113,
4 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202
5 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104-188, ~~and as amended by the provisions of~~
6 ~~P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998~~, and as indirectly
7 affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L.
8 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104 and
9 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections
10 13113, 13150 (d), 13171 (d), 13174 and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L.
11 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202
12 (c) 1204 (f), 1311 and 1605 (d) of P.L. 104-188, P.L. 104-191 , P.L. 104-193 ~~and the~~
13 ~~provisions of, P.L. 105-33 and P.L. 105-34 that take effect before January 1, 1998~~,
14 except that “Internal Revenue Code” does not include section 847 of the federal
15 Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes
16 at the same time as for federal purposes. Amendments to the federal Internal
17 Revenue Code enacted after December 31, ~~1996~~ 1997, do not apply to this paragraph
18 with respect to taxable years beginning after December 31, 1997, ~~except that changes~~
19 ~~to the Internal Revenue Code made by P.L. 105-33 and P.L. 105-34 that take effect~~
20 ~~before January 1, 1998, and changes that indirectly affect the provisions applicable~~
21 ~~to this subchapter made by P.L. 105-33 and P.L. 105-34 that take effect before~~
22 ~~January 1, 1998, apply for Wisconsin purposes at the same time as for federal~~
23 ~~purposes.~~

24 **SECTION 297.** 71.45 (2) (a) 13. of the statutes, as affected by 1997 Wisconsin Act
25 37, is amended to read:

ASSEMBLY BILL 768**SECTION 297**

1 71.45 (2) (a) 13. By adding or subtracting, as appropriate, the difference
2 between the depreciation deduction under the federal internal revenue code as
3 amended to December 31, 1996, for property placed in service before August 6, 1997,
4 or as amended to August 5, 1997, for property placed in service on August 6, 1997,
5 or thereafter 1997 and the depreciation deduction under the federal internal revenue
6 code in effect for the taxable year for which the return is filed, so as to reflect the fact
7 that the insurer may choose between these 2 deductions, except that property first
8 placed in service by the taxpayer on or after January 1, 1983, but before January 1,
9 1987, that, under s. 71.04 (15) (b) and (br), 1985 stats., is required to be depreciated
10 under the internal revenue code as amended to December 31, 1980, and property first
11 placed in service in taxable year 1981 or thereafter but before January 1, 1987, that,
12 under s. 71.04 (15) (bm), 1985 stats., is required to be depreciated under the internal
13 revenue code as amended to December 31, 1980, shall continue to be depreciated
14 under the internal revenue code as amended to December 31, 1980.

15 **SECTION 298.** 71.78 (4) (o) of the statutes is repealed and recreated to read:

16 71.78 (4) (o) A licensing department or the supreme court, if the supreme court
17 agrees, for the purpose of denial, nonrenewal, discontinuation and revocation of a
18 license based on tax delinquency under s. 73.0301.

19 **SECTION 299.** 71.83 (3) of the statutes is amended to read:

20 71.83 (3) LATE FILING FEES. If any person required under this chapter to file an
21 income or franchise tax return fails to file a return within the time prescribed by law,
22 or as extended under s. 71.03 (7), 71.24 (7) or 71.44 (3), unless the return is filed under
23 such an extension but the person fails to file a copy of the extension that is granted
24 by or requested of the internal revenue service, the department shall add to the tax
25 of the person \$30 in the case of corporations and in the case of persons other than

ASSEMBLY BILL 768**SECTION 299**

1 corporations \$2 when the total normal income tax of the person is less than \$10, \$3
2 when the tax is \$10 or more but less than \$20, \$5 when the tax is \$20 or more, except
3 that \$30 shall be added to the tax if the return is 60 or more days late. If no tax is
4 assessed against any such person the amount of this fee shall be collected as income
5 or franchise taxes are collected. If any person who is required under s. 71.65 (3) to
6 file a withholding report and deposit withheld taxes fails timely to do so; unless the
7 person so required dies or the failure is due to a reasonable cause and not due to
8 neglect; the department of revenue shall add \$30 to the amount due.

9 **SECTION 300.** 71.91 (8) (title) of the statutes is repealed.

10 **SECTION 301.** 71.91 (8) of the statutes is renumbered 73.0301 (5) (a) and
11 amended to read:

12 73.0301 (5) (a) The department of revenue shall conduct a hearing requested
13 by a ~~credential holder under s. 440.08 (4) (b) 2.~~ license holder or applicant for a license
14 or license renewal or continuation under sub. (2) (b) 1. b. or by an applicant for
15 certification or recertification or a certificate holder under s. 73.09 (7m) (b) to review
16 a certification or determination of tax delinquency that is the basis of a denial by the
17 department of regulation and licensing under s. 440.08 (4) (b) 1. of an application for
18 the renewal of a credential or revocation of a license in accordance with this section
19 or of a certificate, certification or recertification under s. 73.09 (7m). A hearing under
20 this subsection paragraph is limited to questions of mistaken identity of the
21 credential license or certificate holder or applicant and of prior payment of the
22 delinquent taxes for which the department of revenue certified or determined the
23 credential license or certificate holder or applicant is liable. At a hearing under this
24 subsection paragraph, any statement filed by the department of revenue ~~or~~ the
25 licensing department of regulation and licensing or the supreme court, if the

ASSEMBLY BILL 768**SECTION 301**

1 supreme court agrees, may be admitted into evidence and is prima facie evidence of
2 the facts that it contains. Notwithstanding ch. 227, a person entitled to a hearing
3 under this paragraph is not entitled to any other notice, hearing or review, except as
4 provided in sub. (2) (b) 2.

5 **SECTION 302.** 71.92 (2) of the statutes is amended to read:

6 71.92 (2) Any taxpayer who is unable to pay the full amount of his or her
7 delinquent income or franchise taxes, costs, penalties and interest may apply to the
8 department of revenue to pay such taxes, costs, penalties and interest in
9 instalments. Such application shall contain a statement of the reasons such taxes,
10 costs, penalties and interest cannot be paid in full and shall set forth the plan of
11 instalment payments proposed by the taxpayer. Upon approval of such plan by the
12 department and the payment of instalments in accordance therewith collection
13 proceedings with respect to such taxes, costs, penalties and interest shall be
14 withheld; but on failure of the taxpayer to make any instalment payment, the
15 department shall proceed to collect the unpaid portion of such taxes, costs, penalties
16 and interest in the manner provided by law. The department of revenue may require
17 taxpayers who make instalment payments under this subsection to do so by
18 electronic funds transfer.

19 **SECTION 303.** 73.03 (27) (intro.) of the statutes is renumbered 73.03 (27) and
20 amended to read:

21 73.03 (27) To write off from the records of the department income, franchise,
22 sales, use, withholding, motor fuel, gift, beverage and cigarette tax and recycling
23 surcharge liabilities, following a determination by the secretary of revenue that they
24 are not collectible, ~~as hereinafter provided:~~. Taxes written off under this subsection
25 remain legal obligations.

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1 **SECTION 304.** 73.03 (27) (a) to (e) of the statutes are repealed.

2 **SECTION 305.** 73.03 (28g) of the statutes is repealed.

3 **SECTION 306.** 73.03 (52) of the statutes is created to read:

4 73.03 **(52)** To enter into agreements with the internal revenue service that
5 provide for offsetting state tax refunds against federal tax obligations and offsetting
6 federal tax refunds against state tax obligations, if the agreements provide that
7 setoffs under ss. 71.93 and 71.935 occur before the setoffs under those agreements.

8 **SECTION 307.** 73.0301 of the statutes is created to read:

9 **73.0301 License denial, nonrenewal, discontinuation and revocation**
10 **based on tax delinquency. (1) DEFINITIONS.** In this section:

11 (a) "Credential" has the meaning given in s. 440.01 (2) (a), but does not include
12 a registration as an inactive licensee under s. 452.12 (6) (b).

13 (b) "Credentialing board" means a board, examining board or affiliated
14 credentialing board in the department of regulation and licensing that grants a
15 credential.

16 (d) "License" means any of the following:

17 1. An approval specified in s. 29.09 (11m).

18 2. A license issued by the department of health and family services under s.
19 48.66 (1) to a day care center, as required by s. 48.65.

20 3. A license, certificate of approval, provisional license, conditional license,
21 certification, certification card, registration or approval specified in s. 49.45 (2) (a)
22 11., 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7) (b) 11., 51.421 (3) (a), 51.45
23 (8), 146.40 (3) or (3m), 250.05 (5), 254.176, 254.20 (3) or 343.305 (6) (a).

24 4. A license, registration or registration certificate specified in s. 93.13 (1).

25 5. A license, as defined in s. 101.02 (20) (a).

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1 6. A license or certificate of registration issued by the department of financial
2 institutions, or a division of it, under s. 138.09, 138.12, 217.06, 218.01, 218.02,
3 218.04, 218.05 or 224.72 or under subch. III of ch. 551.

4 7. A license described in s. 218.01 (2) (d) 1. and 8., a license described in s. 218.01
5 (2) (d) 2., 3. or 5., a license issued under s. 218.22, 218.32, 343.61 or 343.62 or, if the
6 licensor is the department of transportation, a license issued under s. 218.11 or
7 218.12.

8 8. A license, registration or certification specified in s. 299.07 (1) (a).

9 9. A credential.

10 10. A license or permit granted by the department of public instruction.

11 11. A license to practice law.

12 12. A license issued under s. 628.04, 632.68 (2) or (4) or 633.14 or a temporary
13 license issued under s. 628.09.

14 13. A license issued by the ethics board under s. 13.63 (1) or a registration
15 statement filed with the ethics board under s. 13.64 (1).

16 (e) "Licensing department" means the department of agriculture, trade and
17 consumer protection; the department of commerce; the ethics board; the department
18 of financial institutions; the department of health and family services; the
19 department of natural resources; the department of public instruction; the
20 department of regulation and licensing; the office of the commissioner of insurance;
21 or the department of transportation.

22 (f) "Nondelinquency certificate" means a certificate that the department of
23 revenue issues to a person and that states that the person is not delinquent in the
24 payment of taxes, including penalties, interest, fees and costs, under ch. 71, 72, 76,
25 77, 78, 125 or 139.

ASSEMBLY BILL 768**SECTION 307**

1 **(2) DUTIES AND POWERS OF LICENSING DEPARTMENTS.** (a) Each licensing
2 department and the supreme court, if the supreme court agrees, shall enter into a
3 memorandum of understanding with the department of revenue under sub. (4) (a)
4 that requires the licensing department or supreme court to do all of the following
5 after March 31, 1998:

6 1. Request the department of revenue to certify whether an applicant for a
7 license or license renewal or continuation is liable for delinquent taxes. With respect
8 to an applicant for a license granted by a credentialing board, the department of
9 regulation and licensing shall make a request under this subdivision.

10 2. Request the department of revenue to certify whether a license holder is
11 liable for delinquent taxes. With respect to a holder of a license granted by a
12 credentialing board, the department of regulation and licensing shall make a request
13 under this subdivision.

14 (b) Each licensing department and the supreme court, if the supreme court
15 agrees, shall do all of the following:

16 1. a. If, after a request is made under par. (a) 1. or 2., the department of revenue
17 certifies that the license holder or applicant for a license or license renewal or
18 continuation is liable for delinquent taxes, revoke the license or deny the application
19 for the license or license renewal or continuation. A revocation or denial under this
20 subd. 1. a. is not subject to administrative review or, except as provided in subd. 2.,
21 judicial review. With respect to a license granted by a credentialing board, the
22 department of regulation and licensing shall make a revocation or denial under this
23 subd. 1. a.

24 b. Mail a notice of revocation or denial under subd. 1. a. to the license holder
25 or applicant. The notice shall include a statement of the facts that warrant the

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1 revocation or denial and a statement that the license holder or applicant may, within
2 30 days after the date on which the notice of denial or revocation is mailed, file a
3 written request with the department of revenue to have the certification of tax
4 delinquency on which the revocation or denial is based reviewed at a hearing under
5 sub. (5) (a). With respect to a license granted by a credentialing board, the
6 department of regulation and licensing shall mail a notice under this subd. 1. b.

7 2. If notified by the department of revenue that the department of revenue has
8 affirmed a certification of tax delinquency after a hearing under sub. (5) (a), affirm
9 a revocation or denial under subd. 1. a. A license holder or applicant may seek
10 judicial review under ss. 227.52 to 227.60, except that the review shall be in the
11 circuit court for Dane County, of an affirmation of a revocation or denial under this
12 subdivision. With respect to a license granted by a credentialing board, the
13 department of regulation and licensing shall make an affirmation under this
14 subdivision.

15 3. If a person submits a nondelinquency certificate issued under sub. (5) (b) 1.,
16 reinstate the license or grant the application for the license or license renewal or
17 continuation, unless there are other grounds for revoking the license or for denying
18 the application for the license or license renewal or continuation. No separate fee
19 may be charged for reinstatement of a license under this subdivision. With respect
20 to a license granted by a credentialing board, the department of regulation and
21 licensing shall reinstate a license or grant an application under this subdivision.

22 4. If a person whose license has been revoked or whose application for a license
23 or license renewal or continuation has been denied under subd. 1. a. submits a
24 nondelinquency certificate issued under sub. (3) (a) 2., reinstate the license or grant
25 the person's application for the license or license renewal or continuation, unless

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1 there are other grounds for not reinstating the license or for denying the application
2 for the license or license renewal or continuation. With respect to a license granted
3 by a credentialing board, the department of regulation and licensing shall reinstate
4 a license or grant an application under this subdivision.

5 (c) 1. Each licensing department and the supreme court may require a holder
6 of a license to provide the following information upon request:

7 a. If the license holder is an individual, the license holder's social security
8 number.

9 b. If the license holder is not an individual, the license holder's federal employer
10 identification number.

11 2. A licensing department may not disclose any information received under
12 subd. 1. to any person except to the department of revenue for the sole purpose of
13 requesting certifications under par. (b) 2. in accordance with the memorandum of
14 understanding under sub. (4).

15 **(3) DUTIES AND POWERS OF DEPARTMENT OF REVENUE.** (a) The department of
16 revenue shall do all of the following:

17 1. Enter into a memorandum of understanding with each licensing department
18 and the supreme court, if the supreme court agrees, under sub. (4) (a).

19 2. Upon the request of any applicant for issuance, renewal, continuation or
20 reinstatement of a license whose license has been previously revoked or whose
21 application for a license or license renewal or continuation has been previously
22 denied under sub. (2) (b) 1. a., issue a nondelinquency certificate to the applicant if
23 the applicant is not liable for delinquent taxes.

24 (b) If a request for certification is made under sub. (2) (a) 1. or 2., the
25 department of revenue may, in accordance with a memorandum of understanding

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1 entered into under par. (a) 1., certify to the licensing department or the supreme
2 court that the applicant or license holder is liable for delinquent taxes.

3 (4) MEMORANDUM OF UNDERSTANDING. (a) Each memorandum of understanding
4 shall include procedures that do all of the following:

5 1. Establish requirements for making requests under sub. (2) (a) 1. and 2.,
6 including specifying the time when a licensing department or the supreme court
7 shall make requests under sub. (2) (a) 1. and 2., and for making certifications under
8 sub. (3) (b).

9 2. Implement the requirements specified in sub. (2) (b) 3. and 4.

10 (b) Factors such as the need to issue licenses in a timely manner, the
11 convenience of applicants, the impact on collecting delinquent taxes, the effects on
12 program administration and whether a revocation or denial under sub. (2) (b) 1. a.
13 will have an impact on public health, safety or welfare or the environment shall be
14 considered in establishing requirements under par. (a) 1.

15 (5) HEARING.

16 (b) After a hearing conducted under par. (a), the department of revenue shall
17 do one of the following:

18 1. Issue a nondelinquency certificate to a license holder or an applicant for a
19 license or license renewal or continuation if the department determines that the
20 license holder or applicant is not liable for delinquent taxes. For a hearing requested
21 by an applicant for certification or recertification or a certificate holder under s. 73.09
22 (7m) (b), the department shall grant a certification or recertification or reinstate a
23 certification if the department determines that the applicant or certificate holder is
24 not liable for delinquent taxes, unless there are other grounds for denying the
25 application or revoking the certification.

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1 2. Provide notice that the department of revenue has affirmed its certification
2 of tax delinquency to a license holder; to an applicant for a license, a license renewal
3 or a license continuation; and to the licensing department or the supreme court, if
4 the supreme court agrees. For a hearing requested by an applicant for certification
5 or recertification or a certificate holder under s. 73.09 (7m) (b), the department of
6 revenue shall provide notice to the applicant or certificate holder that the
7 department of revenue has affirmed its determination of tax delinquency.

8 **SECTION 308.** 73.09 (6m) of the statutes is created to read:

9 **73.09 (6m) SOCIAL SECURITY NUMBERS.** Each applicant for certification or
10 recertification under this section shall provide the applicant's social security number
11 on the application. The department of revenue may not disclose a social security
12 number that it obtains under this subsection. The department of revenue may not
13 certify or recertify any person who fails to provide his or her social security number
14 on his or her application.

15 **SECTION 309.** 73.09 (7) (e) of the statutes is amended to read:

16 **73.09 (7) (e)** The secretary of revenue, for reasons sufficient, may reinstate a
17 certificate of registration that has been revoked under this subsection, after one year
18 upon formal application for reinstatement.

19 **SECTION 310.** 73.09 (7m) of the statutes is created to read:

20 **73.09 (7m) LIABILITY FOR DELINQUENT TAXES.** (a) If the department of revenue
21 determines that an applicant for certification or recertification under this section or
22 a person who holds a certificate issued under this section is liable for delinquent
23 taxes, as defined in s. 73.0301 (1) (c), the department of revenue may deny the
24 application or revoke the certificate. Except as provided in par. (c), a denial or
25 revocation under this paragraph is not subject to judicial review.

ASSEMBLY BILL 768**SECTION 310**

1 (b) If the department of revenue denies an application or revokes a certificate
2 under par. (a), the department shall mail a notice of denial or revocation to the
3 applicant or certificate holder. The notice shall include a statement of the facts that
4 warrant the denial or revocation and a statement that the applicant or certificate
5 holder may, within 30 days after the date on which the notice of denial or revocation
6 is mailed, file a written request with the department to have the determination that
7 he or she is liable for delinquent taxes reviewed at a hearing under s. 73.0301 (5) (a).

8 (c) If, after a hearing under s. 73.0301 (5) (a), the department of revenue affirms
9 a determination under par. (a) that an applicant or certificate holder is liable for
10 delinquent taxes, the department shall affirm its denial or revocation. An applicant
11 or certificate holder may seek judicial review under ch. 227 in the circuit court for
12 Dane County of an affirmation by the department of a denial or revocation under this
13 paragraph.

14 (d) If, after a hearing under s. 73.0301 (5) (a), the department of revenue
15 determines that a person whose certificate is revoked under par. (a) is not liable for
16 delinquent taxes, as defined in s. 73.0301 (1) (c), the department shall reinstate the
17 certificate. The department may not charge a fee for reinstatement of a certificate
18 under this paragraph.

19 **SECTION 311.** 73.12 (1) (b) of the statutes is amended to read:

20 73.12 (1) (b) "Vendor" means a person providing goods or services to this state
21 under subch. IV or V of ch. 16 or under ch. 84 if the value of the contract for those
22 goods or services is at least ~~\$3,000~~ \$500.

23 **SECTION 312.** 76.03 (1) of the statutes is amended to read:

24 76.03 (1) The property, both real and personal, including all rights, franchises
25 and privileges used in and necessary to the prosecution of the business and including

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1 property that is exempt from the property tax under s. 70.11 (39) of any company
2 enumerated in s. 76.02 shall be deemed personal property for the purposes of
3 taxation, and shall be valued and assessed together as a unit.

4 **SECTION 313.** 76.81 of the statutes is amended to read:

5 **76.81 Imposition.** There is imposed a tax on the real property of, and the
6 tangible personal property of, every telephone company, ~~except~~ including property
7 that is exempt from the property tax under s. 70.11 (39) but excluding motor vehicles
8 that are exempt under s. 70.112 (5) and treatment plant and pollution abatement
9 equipment that is exempt under s. 70.11 (21) (a). Except as provided in s. 76.815, the
10 rate for the tax imposed on each description of real property and on each item of
11 tangible personal property is the net rate for the prior year for the tax under ch. 70
12 in the taxing jurisdictions where the description or item is located.

13 **SECTION 314.** 77.61 (5) (b) 10. of the statutes is repealed and recreated to read:

14 77.61 (5) (b) 10. A licensing department or the supreme court, if the supreme
15 court agrees, for the purpose of denial, nonrenewal, discontinuation and revocation
16 of a license based on tax delinquency under s. 73.0301.

17 **SECTION 315.** 77.62 (1) (intro.) of the statutes is amended to read:

18 77.62 (1) (intro.) The department of revenue may exercise the powers vested
19 in it by ss. 71.80 (12), 71.82 (2), 71.91 (1) (a) and (c), (2) to (5m), and (7) ~~and (8) and,~~
20 71.92 and 73.0301 in connection with collection of delinquent sales and use taxes
21 including, without limitation because of enumeration, the power incorporated by
22 reference in s. 71.91 (5) (j), and the power to:

23 **SECTION 316.** 77.9972 (3) of the statutes is created to read:

24 77.9972 (3) On or before January 31, April 30, July 31 and October 31, each
25 person who is subject to the tax under this subchapter shall pay to the department

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1 of revenue a fee of \$32, except that on or before August 15 the department of revenue
2 shall review its expenses to administer this subchapter and shall adjust the fee,
3 effective with the fee that is due on or before October 31, to reflect those expenses.
4 The amounts collected under this subchapter shall be credited to the appropriation
5 under s. 20.566 (1) (gp).

6 **SECTION 317.** 78.70 (1) (intro.) of the statutes is amended to read:

7 78.70 (1) DEPARTMENT AUTHORITY. (intro.) The department may collect
8 delinquent motor vehicle fuel, alternate fuel and general aviation fuel taxes in the
9 manner provided for the collection of delinquent income and franchise taxes under
10 ss. 71.80 (12), 71.82 (2), 71.91 (1) (a) and (c) and (2) to ~~(8) and (7)~~, 71.92 and 73.0301,
11 including proceeding under the authority incorporated by reference in s. 71.91 (5) (j)
12 and the authority to:

13 **SECTION 318.** 79.095 of the statutes is created to read:

14 **79.095 State aid; computers. (1) DEFINITIONS.** In this section:

15 (a) "Department" means the department of revenue.

16 (b) "Gross tax rate" means the property tax rate without consideration of the
17 credits under subch. II.

18 (c) "Taxing jurisdiction" means a municipality, county, school district or
19 technical college district.

20 **(2) REPORTING.** On or before April 1, 1999, each municipality shall report to the
21 department the value of the property under s. 70.11 (39), as determined in the
22 municipality's assessment as of January 1, 1998, in each taxing jurisdiction for
23 which the municipality assesses property.

24 **(3) PAYMENT.** Beginning in the year 2000, annually the department of revenue
25 shall certify the amount payable to each taxing jurisdiction to the department of

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1 administration. Annually, on or before the first Monday in May, the department of
2 administration shall pay to each taxing jurisdiction an amount determined as
3 follows:

4 (a) Add the amount under sub. (2) for the taxing jurisdiction, as equated to the
5 property's full value by the department of revenue, and the full value of the property
6 under s. 70.11 (39) in the taxing jurisdiction as determined by the department under
7 s. 70.995 in its assessment as of January 1, 1998.

8 (b) Multiply the amount under par. (a) by the taxing jurisdiction's gross tax rate
9 for taxes levied in 1998 and payable in 1999, as calculated by the department of
10 revenue.

11 **SECTION 319.** 84.06 (2) (a) of the statutes is amended to read:

12 84.06 (2) (a) All such highway improvements shall be executed by contract
13 based on bids unless the department finds that another method as provided in sub.
14 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in
15 the manner determined by the department. Except as provided in s. 84.075, the
16 contract shall be awarded to the lowest competent and responsible bidder as
17 determined by the department. If the bid of the lowest competent bidder is
18 determined by the department to be in excess of the estimated reasonable value of
19 the work or not in the public interest, all bids may be rejected. The department shall,
20 so far as reasonable, follow uniform methods of advertising for bids and may
21 prescribe and require uniform forms of bids and contracts. Except as provided in par.
22 (b), the secretary shall enter into the contract on behalf of the state. Every such
23 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but
24 ss. 16.528, 16.752 and 16.754 apply to the contract. Any such contract involving an
25 expenditure of \$1,000 or more shall not be valid until approved by the governor. The

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1 secretary may require the attorney general to examine any contract and any bond
2 submitted in connection with the contract and report on its sufficiency of form and
3 execution. The bond required by s. 779.14 (1m) ~~(b) for any such contract involving~~
4 ~~an expenditure of less than \$1,000~~ is exempt from approval by the governor and shall
5 be subject to approval by the secretary. This subsection also applies to contracts with
6 private contractors based on bids for maintenance under s. 84.07.

7 **SECTION 320.** 85.52 (3) (dm) of the statutes, as created by 1997 Wisconsin Act
8 27, is repealed.

9 **SECTION 321.** 93.06 (8) of the statutes is amended to read:

10 93.06 (8) PRESCRIBE CONDITIONS OF LICENSES. Issue Except as provided in s.
11 93.13, issue any permit, certificate, registration or license on a temporary or
12 conditional basis, contingent upon pertinent circumstances or acts. If the temporary
13 or conditional permit, certificate, registration or license is conditioned upon
14 compliance with chs. 93 to 100, ch. 127, a rule promulgated by the department or a
15 regulation adopted under s. 97.41 (7) within a specified period of time and the
16 condition is not met within the specified period, the permit, certificate, registration
17 or license shall be void.

18 **SECTION 322.** 93.13 of the statutes is created to read:

19 **93.13 License denial, nonrenewal and revocation based on tax**
20 **delinquency.** (1) The department shall require each applicant to provide the
21 department with the applicant's social security number, if the applicant is an
22 individual, or the applicant's federal employer identification number, if the applicant
23 is not an individual, as a condition of issuing or renewing any of the following:

24 (a) A license under s. 94.10 (3) or (4).

25 (b) A license under s. 94.43.

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- 1 (c) A registration under s. 94.50 (2).
- 2 (cm) A license under s. 94.64 (3).
- 3 (d) A license under s. 94.68 (1).
- 4 (e) A license under s. 94.685.
- 5 (f) A license under s. 94.703.
- 6 (fm) A license under s. 94.704.
- 7 (g) A license under s. 94.72 (5).
- 8 (h) A license under s. 95.69 (2).
- 9 (i) A license under s. 95.71 (2).
- 10 (im) A license under s. 95.72 (2).
- 11 (j) A license under s. 97.17 (2).
- 12 (jm) A license under s. 97.175 (2).
- 13 (k) A license under s. 97.20 (2).
- 14 (km) A license under s. 97.21 (2) or (3).
- 15 (L) A license under s. 97.22 (2).
- 16 (m) A license under s. 97.27 (2).
- 17 (mm) A license under s. 97.29 (2).
- 18 (n) A license under s. 97.30 (2).
- 19 (nm) A license or registration certificate under s. 97.42 (2).
- 20 (p) A license under s. 98.145.
- 21 (pm) A license under s. 98.146.
- 22 (q) A license under s. 98.16 (2).
- 23 (r) A license under s. 99.02 (1).
- 24 (rm) A registration certificate under s. 100.03 (2).
- 25 (s) A license under s. 127.02 (1).

ASSEMBLY BILL 768**SECTION 322**

1 (sm) A license under s. 127.03 (1).

2 (2) The department may not disclose any information received under sub. (1)
3 to any person except to the department of revenue for the purpose of requesting
4 certifications under s. 73.0301.

5 (3) The department shall deny an application for the issuance or renewal of a
6 license, registration or registration certificate specified in sub. (1) or shall revoke a
7 license, registration or registration certificate specified in sub. (1), if the department
8 of revenue certifies under s. 73.0301 that the applicant or holder of the license,
9 registration or registration certificate is liable for delinquent taxes.

10 **SECTION 323.** 95.72 (2) (c) 5. of the statutes is amended to read:

11 95.72 (2) (c) 5. ~~A~~ Subject to s. 93.13, a person may renew a license by
12 submitting the required license fee and renewal form.

13 **SECTION 324.** 99.02 (1) of the statutes is amended to read:

14 99.02 (1) APPLICATION. Except as provided in sub. (2), no person may operate
15 a warehouse, including a cold storage warehouse, for the storage of property as bailee
16 for hire without a public warehouse keeper's license. A person desiring a public
17 warehouse keeper's license shall apply on a form furnished by the department and
18 shall set forth the location, size, character and equipment of the building or premises
19 to be used by the applicant, the kinds of goods intended to be stored, the name of each
20 partner if a partnership or of each member if a limited liability company, the names
21 of the officers if a corporation, and such other facts as the department requires to
22 show that the property proposed to be used is suitable for a warehouse and that the
23 applicant is qualified as a public warehouse keeper. ~~If Subject to s. 93.13, if the~~
24 property proposed to be used is suitable for a public warehouse and the applicant is

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1 otherwise qualified, a license shall be issued upon payment of the license fee under
2 sub. (3) and the filing of security or insurance as required under s. 99.03.

3 **SECTION 325.** 101.01 (11) of the statutes is amended to read:

4 101.01 (11) "Place of employment" includes every place, whether indoors or out
5 or underground and the premises appurtenant thereto where either temporarily or
6 permanently any industry, trade or business is carried on, or where any process or
7 operation, directly or indirectly related to any industry, trade or business, is carried
8 on, and where any person is, directly or indirectly, employed by another for direct or
9 indirect gain or profit, but does not include any place where persons are employed
10 in private domestic service which does not involve the use of mechanical power or in
11 farming. "Farming" includes those activities specified in s. 102.04 (3), and also
12 includes the transportation of farm products, supplies or equipment directly to the
13 farm by the operator of said farm or employes for use thereon, if such activities are
14 directly or indirectly for the purpose of producing commodities for market, or as an
15 accessory to such production. When used with relation to building codes, "place of
16 employment" does not include an adult family home, as defined in s. 50.01 (1), or,
17 except for the purposes of s. 101.11, a previously constructed building used as a
18 community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or
19 fewer ~~unrelated~~ residents who are not related to the operator or administrator.

20 **SECTION 326.** 101.01 (12) of the statutes is amended to read:

21 101.01 (12) "Public building" means any structure, including exterior parts of
22 such building, such as a porch, exterior platform or steps providing means of ingress
23 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,
24 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation
25 to building codes, "public building" does not include a previously constructed

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1 building used as a community-based residential facility as defined in s. 50.01 (1g)
2 which serves 20 or fewer unrelated residents who are not related to the operator or
3 administrator or an adult family home, as defined in s. 50.01 (1)

4 **SECTION 327.** 101.02 (20) of the statutes is created to read:

5 101.02 (20) (a) For purposes of this subsection, “license” means a license,
6 permit or certificate of certification or registration issued by the department under
7 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
8 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,
9 101.95, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175,
10 145.18 or 167.10 (6m).

11 (b) The department of commerce may not issue or renew a license unless each
12 applicant who is an individual provides the department of commerce with his or her
13 social security number and each applicant that is not an individual provides the
14 department of commerce with its federal employer identification number. The
15 department of commerce may not disclose the social security number or the federal
16 employer identification number of an applicant for a license or license renewal except
17 to the department of revenue for the sole purpose of requesting certifications under
18 s. 73.0301.

19 (c) The department of commerce may not issue or renew a license if the
20 department of revenue certifies under s. 73.0301 that the applicant or licensee is
21 liable for delinquent taxes.

22 (d) The department of commerce shall revoke a license if the department of
23 revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes.

24 **SECTION 328.** 101.127 of the statutes is amended to read:

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1 **101.127 Building requirements for certain residential facilities.** The
2 department, after consultation with the department of health and family services,
3 shall develop a building code for previously constructed buildings converted to use
4 as community-based residential facilities as defined in s. 50.01 (1g) which serve
5 between 9 and 20 ~~unrelated~~ residents who are not related to the operator or
6 administrator. In setting standards, the department shall consider the criteria
7 enumerated in ss. 46.03 (25) and 50.02 (3) (b), and in addition shall consider the
8 relationship of the development and enforcement of the code to any relevant codes
9 of the department of health and family services. The objectives of the code shall be
10 to guarantee health and safety and to maintain insofar as possible a homelike
11 environment. The department shall consult with the residential facilities council in
12 developing the code. Notwithstanding s. 101.121, a historic building as defined in
13 s. 101.121 (2) (am) which is converted to use as a community-based residential
14 facility serving between 9 and 20 ~~unrelated~~ residents who are not related to the
15 operator or administrator is governed only by the building code promulgated under
16 this section.

17 **SECTION 329.** 101.13 (title) of the statutes is amended to read:

18 **101.13 (title) Physically disabled persons; place of employment and**
19 **public building requirements.**

20 **SECTION 330.** 101.132 of the statutes is created to read:

21 **101.132 Physically disabled persons; housing requirements. (1)**

22 DEFINITIONS. In this section:

23 (e) "Disability" has the meaning given in s. 106.04 (1m) (g).

24 (f) "Dwelling unit" has the meaning given in s. 106.04 (1m) (i).

25 (g) "Housing" has the meaning given in s. 106.04 (1m) (L).

ASSEMBLY BILL 768**SECTION 330**

1 **(2) DISCRIMINATION AGAINST PERSONS WITH PHYSICAL DISABILITIES PROHIBITED.** (a)
2 *Design and construction of covered multifamily housing.* In addition to
3 discrimination prohibited under s. 106.04 (2), (2m) and (2r) (b) and (bm), no person
4 may design or construct covered multifamily housing unless it meets all of the
5 following standards:

6 **SECTION 331.** 101.143 (6s) of the statutes is created to read:

7 101.143 **(6s)** ARBITRATION. Upon the request of a person who files an appeal of
8 a decision of the department under this section, if the amount at issue is \$20,000 or
9 less, the appeal shall be heard by one or more individuals designated by the
10 department to serve as arbitrator under rules promulgated for this purpose by the
11 department. In such an arbitration, the arbitrator shall render a decision at the
12 conclusion of the hearing, or within 5 business days after the conclusion of the
13 hearing if the arbitrator determines that additional time is needed to review
14 materials submitted during the hearing, affirming, modifying or rejecting the
15 decision of the department. The arbitrator shall promptly file his or her decision with
16 the department. The decision of the arbitrator is final and shall stand as the decision
17 of the department. An arbitrator's decision may not be cited as precedent in any
18 other proceeding before the department or before any court. A decision under this
19 subsection is subject to review under ss. 227.53 to 227.57 only on the ground that the
20 decision was procured by corruption, fraud or undue means. The record of a
21 proceeding under this subsection shall be transcribed as provided in s. 227.44 (8).

22 **SECTION 332.** 102.27 (2) (a) of the statutes is amended to read:

23 102.27 **(2)** (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
24 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or 767.51 (3m) (c).

25 **SECTION 333.** 102.33 (2) (b) 5. of the statutes is created to read:

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1 102.33 (2) (b) 5. The department of revenue requests the record for the purpose
2 of locating a person, or the assets of a person, who has failed to file tax returns, who
3 has underreported taxable income or who is a delinquent taxpayer; identifying
4 fraudulent tax returns; or providing information for tax-related prosecutions.

5 **SECTION 334.** 106.04 (2r) (a) (intro.) of the statutes is repealed.

6 **SECTION 335.** 106.04 (2r) (a) 1. of the statutes is renumbered 101.132 (1) (a).

7 **SECTION 336.** 106.04 (2r) (a) 2. of the statutes is renumbered 101.132 (1) (b).

8 **SECTION 337.** 106.04 (2r) (a) 3. of the statutes is renumbered 101.132 (1) (c).

9 **SECTION 338.** 106.04 (2r) (a) 4. of the statutes is renumbered 101.132 (1) (d).

10 **SECTION 339.** 106.04 (2r) (a) 5. of the statutes is renumbered 101.132 (1) (h) and
11 amended to read:

12 101.132 (1) (h) ~~“Remodeling”~~ “Remodel” means to substantially improve, alter,
13 extend or otherwise change the structure of a building or change the location of exits,
14 but ~~shall~~ does not include maintenance, redecoration, reroofing or alteration of
15 mechanical or electrical systems.

16 **SECTION 340.** 106.04 (2r) (a) 6. of the statutes is renumbered 101.132 (1) (i).

17 **SECTION 341.** 106.04 (2r) (c) (intro.) of the statutes is renumbered 106.04 (2r)
18 (c) and amended to read:

19 106.04 (2r) (c) *Design and construction of covered multifamily housing.* In
20 addition to discrimination prohibited under pars. (b) and (bm) and subs. (2) and (2m),
21 no person may design or construct covered multifamily housing, as defined in s.
22 101.132 (1) (d), unless it meets all of the following the standards: specified in s.
23 101.132 (2) (a) 1. to 4. In addition, no person may remodel, as defined in s. 101.132
24 (1) (h), housing with 3 or more dwelling units unless the remodeled housing meets

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1 the standards specified in s. 101.132 (2) (a) 1. to 4. as required under s. 101.132 (2)
2 (b) 1., 2. or 3., whichever is applicable.

3 **SECTION 342.** 106.04 (2r) (c) 1. of the statutes is renumbered 101.132 (2) (a) 1.

4 **SECTION 343.** 106.04 (2r) (c) 2. of the statutes is renumbered 101.132 (2) (a) 2.

5 **SECTION 344.** 106.04 (2r) (c) 3. of the statutes is renumbered 101.132 (2) (a) 3.

6 **SECTION 345.** 106.04 (2r) (c) 4. of the statutes is renumbered 101.132 (2) (a) 4.

7 **SECTION 346.** 106.04 (2r) (d) of the statutes is renumbered 101.132 (2) (b) and
8 amended to read:

9 101.132 (2) (b) *Remodeling.* 1. If more than 50% of the interior square footage
10 of any housing with 3 or more dwelling units is to be remodeled, the entire housing
11 shall conform to the standards in par. (e) (a), regardless of when the housing was first
12 intended for occupancy.

13 2. If 25% to 50% of the interior square footage of any housing with 3 or more
14 dwelling units is to be remodeled, that part of the housing that is to be remodeled
15 shall conform to the standards in par. (e) (a), regardless of when the housing was first
16 intended for occupancy.

17 3. If less than 25% of the interior square footage of any housing with 3 or more
18 dwelling units is to be remodeled, the remodeling is not subject to the standards in
19 par. (e) (a) unless the alteration involves work on doors, entrances, exits or toilet
20 rooms, in which case the doors, entrances, exits or toilet rooms shall conform to the
21 standards in par. (e) (a) regardless of when the housing was first intended for
22 occupancy.

23 4. The department may grant a variance or waiver from the requirements
24 under this paragraph relating to exterior accessibility using the standards and
25 procedures under par. (e) (c).

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1 **SECTION 347.** 106.04 (2r) (e) of the statutes is renumbered 101.132 (2) (c) and
2 amended to read:

3 101.132 **(2)** (c) *Permit and variance procedures.* 1. Plans and specifications for
4 all covered multifamily housing subject to par. ~~(e)~~ (a) and proposed remodeling
5 subject to par. ~~(d)~~ (b) shall be submitted to the department or its authorized
6 representative for examination and approval before commencing work. The
7 department shall promulgate rules that specify the materials to be included in the
8 submittal, the procedures to be followed upon receipt of a submittal, reasonable time
9 limitations for reviewing submittals and issuing or denying permits and
10 qualifications for authorized representatives.

11 2. The department may grant a variance from the requirements relating to
12 exterior accessibility under par. ~~(e)~~ (a) 1. or ~~(d)~~ (b), or from administrative rules
13 promulgated under sub. ~~(1s)~~ par. (e) 2. or 3., if the person designing, constructing or
14 remodeling the housing shows that meeting those requirements is impractical
15 because of the terrain or unusual characteristics of the site. The department shall
16 use a slope analysis of the undisturbed site for covered multifamily housing under
17 par. ~~(e)~~ (a) or the existing site for remodeling under par. ~~(d)~~ (b) to determine the
18 minimum number of accessible entrances at each site, with a minimum goal of
19 exterior accessibility of 50% of the dwelling units of covered multifamily housing at
20 one site. The department may impose specific conditions in granting a variance to
21 promote exterior accessibility of the housing to persons with disabilities. If the
22 department finds that exterior accessibility is impractical as to all dwelling units at
23 a site, it may grant a waiver from the requirements under par. ~~(e)~~ (a) 1. or ~~(d)~~ (b).

24 **SECTION 348.** 106.04 (2r) (f) (title) and 1. of the statutes are renumbered
25 101.132 (2) (d) (title) and 1.

ASSEMBLY BILL 768**SECTION 349**

1 **SECTION 349.** 106.04 (2r) (f) 2. of the statutes is renumbered 101.132 (2) (d) 2.
2 and amended to read:

3 101.132 **(2)** (d) 2. Subdivision 1. does not apply to remodeled or covered
4 multifamily housing for which a building permit is issued on or after ~~the first day of~~
5 ~~the 7th month beginning after the effective date of administrative rules promulgated~~
6 ~~by the department under this subsection establishing the accessibility standards for~~
7 ~~design and construction under par. (e) January 1, 1995.~~

8 **SECTION 350.** 106.04 (2r) (g) (title) and 1. of the statutes are renumbered
9 101.132 (2) (e) (title) and 1.

10 **SECTION 351.** 106.04 (2r) (g) 2. of the statutes is renumbered 101.132 (2) (e) 2.
11 and amended to read:

12 101.132 **(2)** (e) 2. The department shall promulgate rules establishing
13 minimum accessibility requirements for the design and construction of covered
14 multifamily housing and the remodeling of housing that are consistent with this
15 subsection, that incorporate the applicable standards under ANSI A117.1 and that
16 set forth permit and variance procedures for purposes of par. (e) (c).

17 **SECTION 352.** 106.04 (2r) (g) 3. of the statutes is renumbered 101.132 (2) (e) 3.

18 **SECTION 353.** 106.04 (6) (a) 3. of the statutes is amended to read:

19 106.04 **(6)** (a) 3. The complaint may be filed by an aggrieved person, by an
20 interested person, ~~or~~ by the department of workforce development under par. (b) or
21 if the complaint charges a violation of sub. (2r) (c), by the department of commerce.
22 The department of workforce development shall, upon request, provide appropriate
23 assistance in completing and filing complaints.

24 **SECTION 354.** 106.04 (6) (b) of the statutes is amended to read:

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1 106.04 (6) (b) *Powers and duties of department.* The department of workforce
2 development and its duly authorized agents may hold hearings, subpoena witnesses,
3 take testimony and make investigations as provided in this subsection. The
4 department of workforce development may test and investigate for the purpose of
5 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file
6 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department
7 of commerce may make, sign and file complaints alleging violations of sub. (2r) (c).
8 The department of workforce development shall employ examiners to hear and
9 decide complaints of discrimination under this section, and to assist in the
10 administration of this section. The examiners may make findings and issue orders
11 under this subsection. The department of workforce development shall develop and
12 implement an investigation manual for use in conducting investigations under par.
13 (c).

14 **SECTION 355.** 111.70 (1) (fm) of the statutes is created to read:

15 111.70 (1) (fm) “Fringe benefit savings” means the amount, if any, by which
16 1.7% of the total compensation and fringe benefit costs for all municipal employes in
17 a collective bargaining unit for any 12-month period covered by a proposed collective
18 bargaining agreement exceeds the increased cost required to maintain the
19 percentage contribution by the municipal employer to the municipal employes’
20 existing fringe benefit costs and to maintain all fringe benefits provided to the
21 municipal employes, as determined under sub. (4) (cm) 8s.

22 **SECTION 356.** 111.70 (1) (nc) 1. b. of the statutes is amended to read:

23 111.70 (1) (nc) 1. b. In any collective bargaining unit in which the municipal
24 employe positions were on August 12, 1993, assigned to salary ranges with steps that
25 determine the levels of progression within each salary range during a 12-month

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1 period, a proposal to provide for a salary increase of at least one full step for each
2 12-month period covered by the proposed collective bargaining agreement,
3 beginning with the expiration date of any previous collective bargaining agreement,
4 for each municipal employe who is eligible for a within range salary increase, unless
5 the increased cost of providing such a salary increase, as determined under sub. (4)
6 (cm) 8s., exceeds 2.1% of the total compensation and fringe benefit costs for all
7 municipal employes in the collective bargaining unit for any 12-month period
8 covered by the proposed collective bargaining agreement plus any fringe benefit
9 savings, or unless the increased cost required to maintain the percentage
10 contribution by the municipal employer to the municipal employes' existing fringe
11 benefit costs and to maintain all fringe benefits provided to the municipal employes,
12 as determined under sub. (4) (cm) 8s., in addition to the increased cost of providing
13 such a salary increase, exceeds 3.8% of the total compensation and fringe benefit
14 costs for all municipal employes in the collective bargaining unit for any 12-month
15 period covered by the proposed collective bargaining agreement, in which case the
16 offer shall include provision for a salary increase for each such municipal employe
17 in an amount at least equivalent to that portion of a step for each such 12-month
18 period that can be funded after the increased cost in excess of 2.1% of the total
19 compensation and fringe benefit costs for all municipal employes in the collective
20 bargaining unit plus any fringe benefit savings is subtracted, or in an amount
21 equivalent to that portion of a step for each such 12-month period that can be funded
22 from the amount that remains, if any, after the increased cost of such maintenance
23 exceeding 1.7% of the total compensation and fringe benefit costs for all municipal
24 employes in the collective bargaining unit for each 12-month period is subtracted on
25 a prorated basis, whichever is the lower amount.

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1 **SECTION 357.** 111.70 (1) (nc) 1. c. of the statutes is amended to read:

2 111.70 (1) (nc) 1. c. A proposal to provide for an average salary increase for each

3 12-month period covered by the proposed collective bargaining agreement,

4 beginning with the expiration date of any previous collective bargaining agreement,

5 for the municipal employes in the collective bargaining unit at least equivalent to an

6 average cost of 2.1% of the total compensation and fringe benefit costs for all

7 municipal employes in the collective bargaining unit for each 12-month period

8 covered by the proposed collective bargaining agreement plus any fringe benefit

9 savings, beginning with the expiration date of any previous collective bargaining

10 agreement, including that percentage required to provide for any step increase and

11 any increase due to a promotion or the attainment of increased professional

12 qualifications, as determined under sub. (4) (cm) 8s., unless the increased cost of

13 providing such a salary increase, as determined under sub. (4) (cm) 8s., exceeds 2.1%

14 of the total compensation and fringe benefit costs for all municipal employes in the

15 collective bargaining unit for any 12-month period covered by the proposed collective

16 bargaining agreement plus any fringe benefit savings, or unless the increased cost

17 required to maintain the percentage contribution by the municipal employer to the

18 municipal employes' existing fringe benefit costs and to maintain all fringe benefits

19 provided to the municipal employes, as determined under sub. (4) (cm) 8s., in

20 addition to the increased cost of providing such a salary increase, exceeds 3.8% of the

21 total compensation and fringe benefit costs for all municipal employes in the

22 collective bargaining unit for any 12-month period covered by the collective

23 bargaining agreement, in which case the offer shall include provision for a salary

24 increase for each such period for the municipal employes covered by the agreement

25 at least equivalent to an average of that percentage, if any, for each such period of

ASSEMBLY BILL 768**SECTION 357**

1 the prorated portion of 2.1% of the total compensation and fringe benefit costs for all
2 municipal employes in the collective bargaining unit plus any fringe benefit savings
3 that remains, if any, after the increased cost of such maintenance exceeding 1.7% of
4 the total compensation and fringe benefit costs for all municipal employes in the
5 collective bargaining unit for each 12-month period and the cost of a salary increase
6 of at least one full step for each municipal employe in the collective bargaining unit
7 who is eligible for a within range salary increase for each 12-month period is
8 subtracted from that total cost.

9 **SECTION 358.** 115.31 (title) of the statutes is amended to read:

10 **115.31 (title) License or permit revocation; reports; investigation.**

11 **SECTION 359.** 115.31 (6m) of the statutes is created to read:

12 115.31 (6m) The department of public instruction shall, without a hearing,
13 revoke a license or permit granted by the department of public instruction if the
14 department of revenue certifies under s. 73.0301 that the licensee or permit holder
15 is liable for delinquent taxes.

16 **SECTION 360.** 115.405 of the statutes is created to read:

17 **115.405 Grant program for peer review and mentoring. (1)** A
18 cooperative educational service agency or a consortium consisting of 2 or more school
19 districts or cooperative educational service agencies, or a combination thereof, may
20 apply to the department for a grant to provide technical assistance and training for
21 teachers who are licensed or have been issued a permit under ss. 115.28 (7) and
22 118.192 to implement peer review and mentoring programs. An applicant for a grant
23 under this section shall submit to the department a plan identifying the school
24 districts and cooperative educational service agencies that will participate in the
25 peer review and mentoring program and describing how the grant funds will be

ASSEMBLY BILL 768**SECTION 360**

1 allocated. As a condition of receiving a grant under this section, a cooperative
2 educational service agency or a consortium shall provide matching funds in an
3 amount equal to at least 20% of the amount of the grant awarded. The matching
4 funds may be in the form of money or in-kind services or both.

5 (2) The department shall award grants from the appropriation under s. 20.255
6 (2) (fk). The department may not award more than \$25,000 to an applicant in a fiscal
7 year.

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

10 **SECTION 361.** 115.42 of the statutes is created to read:

11 **115.42 National teacher certification.** (1) Beginning July 1, 1999, any
12 person who holds a teacher's license issued by the state superintendent and who
13 becomes certified by the National Board for Professional Teaching Standards while
14 employed as a teacher in this state may apply to the department for a grant and for
15 partial reimbursement of the costs of obtaining certification. Upon receipt of an
16 application, the department shall pay to the person, from the appropriation under
17 s. 20.255 (3) (c), \$3,000 plus an amount equal to one-half the costs of obtaining such
18 certification.

19 (2) The department may not require, as a condition for renewing a person's
20 teaching license, that the person have earned continuing professional education
21 credits or their equivalent in the 5 years immediately preceding his or her
22 application for renewal if he or she has been initially certified by the National Board
23 for Professional Teaching Standards during those 5 years.

24 **SECTION 362.** 118.19 (1m) of the statutes is created to read:

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1 118.19 **(1m)** (a) The department of public instruction may not issue or renew
2 a license or permit or revalidate a license that has no expiration date unless the
3 applicant provides the department of public instruction with his or her social
4 security number. The department of public instruction may not disclose the social
5 security number except to the department of revenue for the sole purpose of
6 requesting certifications under s. 73.0301.

7 (b) The department of public instruction may not issue or renew a license or
8 permit or revalidate a license that has no expiration date if the department of
9 revenue certifies under s. 73.0301 that the applicant, licensee or permit holder is
10 liable for delinquent taxes.

11 **SECTION 363.** 118.30 (1g) (c) of the statutes is created to read:

12 118.30 **(1g)** (c) Each school board operating elementary grades may develop or
13 adopt its own examination designed to measure pupil attainment of knowledge and
14 concepts in the 4th grade and may develop or adopt its own examination designed
15 to measure pupil attainment of knowledge and concepts in the 8th grade. If the
16 school board develops or adopts an examination under this paragraph, it shall notify
17 the department.

18 **SECTION 364.** 118.30 (1m) (a) of the statutes is renumbered 118.30 (1m) (a) 1.
19 and amended to read:

20 118.30 **(1m)** (a) 1. ~~Beginning in the 1996-97 school year, administer~~
21 Administer the 4th grade examination adopted or approved by the state
22 superintendent under sub. (1) (a) to all pupils enrolled in the school district,
23 including pupils enrolled in charter schools located in the school district, in the 4th
24 grade. If the school board has not developed and adopted its own 4th grade
25 examination, the school board shall provide a pupil with at least 2 opportunities to

ASSEMBLY BILL 768**SECTION 364**

1 achieve a score on the examination administered under this subdivision that is
2 sufficient for promotion under sub. (5) (a) 1.

3 **SECTION 365.** 118.30 (1m) (a) 2. of the statutes is created to read:

4 118.30 **(1m)** (a) 2. If the school board has developed or adopted its own 4th grade
5 examination, administer that examination to all pupils enrolled in the school
6 district, including pupils enrolled in charter schools located in the school district, in
7 the 4th grade. The school board shall provide a pupil with at least 2 opportunities
8 to pass the examination administered under this subdivision.

9 **SECTION 366.** 118.30 (1m) (am) of the statutes is renumbered 118.30 (1m) (am)
10 1. and amended to read:

11 118.30 **(1m)** (am) 1. Administer the 8th grade examination adopted or
12 approved by the state superintendent under sub. (1) (a) to all pupils enrolled in the
13 school district, including pupils enrolled in charter schools located in the school
14 district, in the 8th grade. If the school board has not developed and adopted its own
15 8th grade examination, the school board shall provide a pupil with at least 2
16 opportunities to achieve a score on the examination administered under this
17 subdivision that is sufficient for promotion under sub. (5) (b) 1.

18 **SECTION 367.** 118.30 (1m) (am) 2. of the statutes is created to read:

19 118.30 **(1m)** (am) 2. If the school board has developed or adopted its own 8th
20 grade examination, administer that examination to all pupils enrolled in the school
21 district, including pupils enrolled in charter schools located in the school district, in
22 the 8th grade. The school board shall provide a pupil with at least 2 opportunities
23 to pass the examination administered under this subdivision.

24 **SECTION 368.** 118.30 (5) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 368**

1 118.30 (5) (a) Except as provided in par. (c), a school board may not promote a
2 4th grade pupil to the 5th grade unless one of the following applies:

3 1. If the school board does not administer its own 4th grade examination under
4 sub. (1m) (a) 2., the pupil's score in each subject area on the examination
5 administered under sub. (1m) (a) 1. is at the basic level or above, as determined by
6 the state superintendent.

7 2. If the school board administers its own 4th grade examination under sub.
8 (1m) (a) 2., the pupil achieves a passing score on that examination, as determined by
9 the school board.

10 (b) Except as provided in par. (c), a school board may not promote an 8th grade
11 pupil to the 9th grade unless one of the following applies:

12 1. If the school board does not administer its own 8th grade examination under
13 sub. (1m) (am) 2., the pupil's score in each subject area on the examination
14 administered under sub. (1m) (am) 1. is at the basic level or above, as determined by
15 the state superintendent.

16 2. If the school board administers its own 8th grade examination under sub.
17 (1m) (am) 2., the pupil achieves a passing score on that examination, as determined
18 by the school board.

19 (c) Each school board shall develop alternative criteria for evaluating a pupil
20 who did not take the 4th grade or the 8th grade examination that was required for
21 promotion as a result of sub. (2) (b). A school board may promote a pupil who did not
22 take the examination that was required for promotion as a result of sub. (2) (b) if the
23 pupil satisfies the alternative criteria.

24 **SECTION 369.** 121.15 (3m) (c) of the statutes, as affected by 1997 Wisconsin Act
25 27, is amended to read:

ASSEMBLY BILL 768**SECTION 369**

1 121.15 **(3m)** (c) By June 30, ~~1998~~ 1999, and annually by June 30 thereafter, the
2 joint committee on finance shall determine the amount appropriated under s. 20.255
3 (2) (ac) in the following school year.

4 **SECTION 370.** 127.17 (2) (a) of the statutes is amended to read:

5 127.17 **(2)** (a) *Grounds; procedure for suspension or revocation.* The
6 department may deny, suspend or revoke a warehouse keeper's or grain dealer's
7 license if the warehouse keeper or grain dealer violates this chapter or any rule
8 promulgated or special order issued under this chapter. The department may
9 suspend or revoke a license under this paragraph by special order under sub. (1) (a)
10 1. or, if necessary to prevent clear and imminent harm to producers or depositors, by
11 a summary special order under sub. (1) (a) 2.

12 **SECTION 371.** 127.17 (2) (b) of the statutes is amended to read:

13 127.17 **(2)** (b) *Suspension of grain dealer license.* If a grain dealer's license is
14 suspended under par. (a), the grain dealer may not purchase or receive grain from
15 producers or sell or ship grain, except under the supervision of the department.

16 **SECTION 372.** 127.17 (2) (c) 1. of the statutes is amended to read:

17 127.17 **(2)** (c) 1. If a grain dealer's license is revoked under par. (a), the grain
18 dealer may not purchase, receive, sell or ship grain except as the department permits
19 by order.

20 **SECTION 373.** 127.17 (2) (d) of the statutes is amended to read:

21 127.17 **(2)** (d) *Suspension of a warehouse keeper's license.* If a warehouse
22 keeper's license is suspended under par. (a), the warehouse keeper may not purchase
23 or receive grain from depositors or sell or ship grain, except under the supervision
24 of the department.

25 **SECTION 374.** 127.17 (2) (e) 1. of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 374**

1 127.17 (2) (e) 1. If a warehouse keeper's license is revoked under par. (a), the
2 warehouse keeper may not purchase, receive, sell or ship grain except as the
3 department permits by order.

4 **SECTION 375.** 138.09 (1m) of the statutes is renumbered 138.09 (1m) (a).

5 **SECTION 376.** 138.09 (1m) (b) of the statutes is created to read:

6 138.09 (1m) (b) 1. An application under par. (a) for a license shall contain the
7 following:

8 a. If the applicant is an individual, the applicant's social security number.

9 b. If the applicant is not an individual, the applicant's federal employer
10 identification number.

11 2. The division may not disclose any information received under subd. 1. to any
12 person except to the department of revenue for the sole purpose of requesting
13 certifications under s. 73.0301.

14 **SECTION 377.** 138.09 (3) (a) of the statutes is amended to read:

15 138.09 (3) (a) Upon the filing of such application and the payment of such fee,
16 the division shall investigate the relevant facts, ~~and if.~~ Except as provided in par.
17 (am), if the division shall find that the character and general fitness and the financial
18 responsibility of the applicant, and the members thereof if the applicant is a
19 partnership, limited liability company or association, and the officers and directors
20 thereof if the applicant is a corporation, warrant the belief that the business will be
21 operated in compliance with this section the division shall thereupon issue a license
22 to said applicant to make loans in accordance with the provisions of this section. If
23 the division shall not so find, the division shall deny such application.

24 **SECTION 378.** 138.09 (3) (am) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 378**

1 138.09 (3) (am) The division may not issue a license under this section to an
2 applicant, if the applicant fails to provide the information required under sub. (1m)
3 (b) 1. or if the department of revenue certifies under s. 73.0301 that the applicant is
4 liable for delinquent taxes.

5 **SECTION 379.** 138.09 (4) of the statutes is renumbered 138.09 (4) (a).

6 **SECTION 380.** 138.09 (4) (b) of the statutes is created to read:

7 138.09 (4) (b) The division shall revoke a license under this section if the
8 department of revenue certifies that the licensee is liable for delinquent taxes under
9 s. 73.0301. A licensee whose license is revoked under this paragraph for delinquent
10 taxes is entitled to a hearing under s. 73.0301 (5) (a) but is not entitled to a hearing
11 under par. (a).

12 **SECTION 381.** 138.12 (3) (d) of the statutes is created to read:

13 138.12 (3) (d) 1. An application for a license under this section shall contain the
14 following:

15 a. If the applicant is an individual, the applicant's social security number.

16 b. If the applicant is not an individual, the applicant's federal employer
17 identification number.

18 2. The division may not disclose any information received under subd. 1. to any
19 person except to the department of revenue for the sole purpose of requesting
20 certifications under s. 73.0301.

21 **SECTION 382.** 138.12 (4) (a) of the statutes is amended to read:

22 138.12 (4) (a) Upon the filing of an application and the payment of the required
23 fees under par. (am) 1., the division shall make an investigation of each applicant and
24 shall issue a license if the division finds the applicant is qualified in accordance with
25 this section. If the division does not so find, the division shall, within 30 days after

ASSEMBLY BILL 768**SECTION 382**

1 the division has received the application, notify the applicant and, at the request of
2 the applicant, give the applicant a full hearing, except that an applicant whose
3 application is denied under par. (b) 5. is entitled to a hearing under s. 73.0301 (5) (a)
4 but is not entitled to a hearing under this paragraph.

5 **SECTION 383.** 138.12 (4) (b) 4. and 5. of the statutes are created to read:

6 138.12 (4) (b) 4. Has provided the information required under sub. (3) (d) 1.

7 5. Has not been certified by the department of revenue under s. 73.0301 as
8 being liable for delinquent taxes.

9 **SECTION 384.** 138.12 (5) (am) of the statutes is created to read:

10 138.12 (5) (am) 1. The division shall deny an application for renewal of a license
11 as an insurance premium finance company if the division finds that the applicant has
12 failed to provide the information required under sub. (3) (d) 1. or if the department
13 of revenue has certified under s. 73.0301 that the applicant is liable for delinquent
14 taxes under s. 73.0301. An applicant whose renewal application is denied under this
15 subdivision for delinquent taxes is entitled to a hearing under s. 73.0301 (5) (a) but
16 is not entitled to a hearing under par. (b).

17 2. The division shall revoke the license of any insurance premium finance
18 company if the department of revenue has certified under s. 73.0301 that the licensee
19 is liable for delinquent taxes under s. 73.0301. A licensee whose license is revoked
20 under this subdivision for delinquent taxes is entitled to a hearing under s. 73.0301
21 (5) (a) but is not entitled to a hearing under par. (b).

22 **SECTION 385.** 139.03 (2x) (c) of the statutes is amended to read:

23 139.03 (2x) (c) *Administration.* Sections 71.74 (1), (2), (10), (11), (13) and (14),
24 71.75 (4) to (7), 71.80 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89,
25 71.90, 71.91 (1) (a) and (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 and 73.0301

ASSEMBLY BILL 768**SECTION 385**

1 apply to the administration of this subsection for the assessment and collection of
2 additional taxes when tax rate changes become effective.

3 **SECTION 386.** 139.03 (4) of the statutes is amended to read:

4 139.03 (4) Sections 71.74 (1), (2), (10), (11), (13) and (14), 71.75 (4) to (7), 71.80
5 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89, 71.90, 71.91 (1) (a) and
6 (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 ~~and~~ 73.0301 apply to the administration
7 of this section for the assessment and collection of additional taxes when a tax rate
8 change becomes effective.

9 **SECTION 387.** 139.315 (3) of the statutes is amended to read:

10 139.315 (3) ADMINISTRATION. Sections 71.74 (1), (2), (10), (11), (13) and (14),
11 71.75 (4) to (7), 71.80 (12), 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89,
12 71.90, 71.91 (1) (a) and (c) and (2) to ~~(8)~~ (7), 71.92, 73.01 ~~and~~, 73.015 ~~and~~ 73.0301
13 apply to this section.

14 **SECTION 388.** 139.39 (6) of the statutes is amended to read:

15 139.39 (6) Sections 71.74 (1), (2), (10), (11) and (14), 71.77, 71.80 (12), 71.91 (1)
16 (a) and (c) and (2) to ~~(8)~~ ~~and~~ (7), 71.92 ~~and~~ 73.0301 as they apply to the taxes under
17 ch. 71 apply to the taxes under this subchapter. Section 71.74 (13) as it applies to the
18 collection of the taxes under ch. 71 applies to the collection of the taxes under this
19 subchapter, except that the period during which notice of an additional assessment
20 shall be given begins on the due date of the report under this subchapter.

21 **SECTION 389.** 146.40 (3) of the statutes is amended to read:

22 146.40 (3) ~~The~~ Except as provided in sub. (4d), the department shall certify
23 instructional and competency evaluation programs for nurse's assistants, for home
24 health aides and for hospice aides that apply for certification and satisfy standards
25 for certification promulgated by rule by the department. The department shall

ASSEMBLY BILL 768**SECTION 389**

1 review the curriculum of each certified instructional and competency evaluation
2 program at least once every 36 months following the date of certification to determine
3 whether the program satisfies the standards for certification. The Under this
4 subsection, the department may, after providing notice, suspend or revoke the
5 certification of an instructional and competency evaluation program or impose a plan
6 of correction on the program if the program does not satisfy the standards for
7 certification or operates under conditions that are other than those contained in the
8 application approved by the department.

9 **SECTION 390.** 146.40 (3m) of the statutes is amended to read:

10 146.40 **(3m)** The department shall review competency evaluation programs for
11 nurse's assistants, for home health aides and for hospice aides and, except as
12 provided in sub. (4d), may approve those competency evaluation programs that
13 satisfy standards for approval that are specified in rules of the department. The
14 Under this subsection, the department may, after providing notice, suspend or
15 revoke approval of a competency evaluation program or impose a plan of correction
16 if the competency evaluation program fails to satisfy the standards or operates under
17 conditions that are other than those contained in the application approved by the
18 department.

19 **SECTION 391.** 146.40 (4d) of the statutes is created to read:

20 146.40 **(4d)** (a) The department shall require each applicant to provide the
21 department with his or her social security number, if the applicant is an individual,
22 or the applicant's federal employer identification number, if the applicant is not an
23 individual, as a condition of issuing a certification under sub. (3) or an approval
24 under sub. (3m).

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1 (b) The department may not disclose any information received under par. (a)
2 to any person except to the department of revenue for the sole purpose of requesting
3 certifications under s. 73.0301.

4 (c) The department shall deny an application for the issuance of a certification
5 or approval specified in par. (a) if the applicant does not provide the information
6 specified in par. (a).

7 (d) The department shall deny an application for the issuance of a certification
8 or approval specified in par. (a) or shall revoke a certification or approval if the
9 department of revenue certifies under s. 73.0301 that the applicant for or holder of
10 a certification or approval is liable for delinquent taxes.

11 (e) An action taken under par. (c) or (d) is subject to review only as provided
12 under s. 73.0301 (2) (b) and (5).

13 **SECTION 392.** 146.40 (4m) of the statutes is amended to read:

14 146.40 (4m) An instructional and competency evaluation program under sub.
15 (3) for which the department has suspended or revoked certification or imposed a
16 plan of correction or a competency evaluation program under sub. (3m) for which the
17 department has suspended or revoked approval or imposed a plan of correction may
18 contest the department's action by sending, within 10 days after receipt of notice of
19 the contested action, a written request for hearing under s. 227.44 to the division of
20 hearings and appeals created under s. 15.103 (1). The administrator of the division
21 may designate a hearing examiner to preside over the case and recommend a decision
22 to the administrator under s. 227.46. The decision of the administrator of the
23 division shall be the final administrative decision. The division shall commence the
24 hearing within 30 days after receipt of the request for hearing and shall issue a final
25 decision within 15 days after the close of the hearing. Proceedings before the division

ASSEMBLY BILL 768**SECTION 392**

1 are governed by ch. 227. In any petition for judicial review of a decision by the
2 division, the party, other than the petitioner, who was in the proceeding before the
3 division shall be the named respondent. This subsection does not apply to a
4 revocation of certification under sub. (4d) (d).

5 **SECTION 393.** 146.40 (4r) (am) of the statutes, as created by 1997 Wisconsin Act
6 27, is amended to read:

7 146.40 (4r) (am) 1. Except as provided in subd. 2., an entity shall report to the
8 department any allegation of misappropriation of the property of a client or of neglect
9 or abuse of a client by any person employed by or under contract with the entity if
10 the person is under the control of the entity.

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

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

20 **SECTION 394.** 196.218 (4r) (g) of the statutes, as created by 1997 Wisconsin Act
21 27, is amended to read:

22 196.218 (4r) (g) From the appropriation under s. 20.275 (1) (s), the board may
23 award an annual grant to a school district that had in effect on October 14, 1997, a
24 contract for access to a data line or video link, as documented by the commission. The
25 board shall determine the amount of the grant, which shall be equal to the cost

ASSEMBLY BILL 768**SECTION 394**

1 incurred by the state to provide telecommunications access to a school district under
2 a contract entered into under s. 16.974 (7) (a) less the amount that the school district
3 would be paying under par. (c) 4. if the school district were participating in the
4 program established under par. (b), except that the amount may not be greater than
5 the cost that a school district incurs under the contract in effect on October 14, 1997.

6 A school district receiving a grant under this paragraph is not eligible to participate
7 in the program under par. (b). No grant may be awarded under this paragraph after
8 June 30, 2002.

9 **SECTION 395.** 217.05 (intro.) of the statutes is renumbered 217.05 (1) (intro.).

10 **SECTION 396.** 217.05 (1) to (4) of the statutes are renumbered 217.05 (1) (a) to
11 (d).

12 **SECTION 397.** 217.05 (1m) of the statutes is created to read:

13 217.05 **(1m)** (a) In addition to the information required under sub. (1), the
14 application shall contain the following:

15 1. If the applicant is an individual, the applicant's social security number.

16 2. If the applicant is not an individual, the applicant's federal employer
17 identification number.

18 (b) The division may not disclose any information received under par. (a) to any
19 person except the department of revenue for the sole purpose of requesting
20 certifications under s. 73.0301.

21 **SECTION 398.** 217.06 (4) and (5) of the statutes are created to read:

22 217.06 **(4)** The applicant has provided the information required under s. 217.05
23 **(1m)** (a).

24 **(5)** The applicant has not been certified under s. 73.0301 by the department of
25 revenue to be liable for delinquent taxes.

ASSEMBLY BILL 768**SECTION 399**

1 **SECTION 399.** 217.09 (1m) of the statutes is created to read:

2 **217.09 (1m)** The division shall revoke any license issued under this chapter if
3 the department of revenue certifies under s. 73.0301 that the licensee is liable for
4 delinquent taxes. A licensee whose license is revoked under this paragraph for
5 delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and hearing under
6 s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this chapter.

7 **SECTION 400.** 217.09 (4) of the statutes is amended to read:

8 **217.09 (4)** The division shall revoke or suspend only the authorization to
9 operate at the location with respect to which grounds for revocation or suspension
10 apply, but if the division finds that such grounds for revocation or suspension apply
11 to more than one location operated by such licensee, then the division shall revoke
12 or suspend all of the authorizations of the licensee to which such grounds apply.
13 Revocations under sub. (1m) revoke the authorization to operate at all locations
14 operated by the licensee.

15 **SECTION 401.** 217.09 (6) of the statutes is amended to read:

16 **217.09 (6)** The Except for a license revoked under sub. (1m), the division may
17 on its own motion issue a new license when a license has been revoked.

18 **SECTION 402.** 218.01 (2) (ig) of the statutes is created to read:

19 **218.01 (2) (ig) 1.** In addition to any other information required under this
20 subsection, an application for a license described in par. (d) 1. and 8., in par. (d) 2.,
21 3. or 5. or in par. (dr) shall include the following:

22 a. In the case of an individual, the individual's social security number.

23 b. In the case of a person that is not an individual, the person's federal employer
24 identification number.

ASSEMBLY BILL 768**SECTION 402**

1 2. The licensor may not disclose any information received under subd. 1. to any
2 person except the department of revenue for the sole purpose of requesting
3 certifications under s. 73.0301.

4 **SECTION 403.** 218.01 (3) (am) of the statutes is created to read:

5 218.01 (3) (am) 1. A license described in sub. (2) (d) 1. and 8., in sub. (2) (d) 2.,
6 3. or 5. or in sub. (2) (dr) shall be denied if the applicant fails to provide the
7 information required under sub. (2) (ig) 1. or if the department of revenue certifies
8 under s. 73.0301 that the applicant is liable for delinquent taxes. An applicant whose
9 license is denied under this subdivision for delinquent taxes is entitled to a notice
10 under s. 73.0301 (2) (b) 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled
11 to any other notice or hearing under this subsection.

12 2. A license described in sub. (2) (d) 1. and 8., in sub. (2) (d) 2., 3. or 5. or in sub.
13 (2) (dr) shall be revoked if the department of revenue certifies under s. 73.0301 that
14 the licensee is liable for delinquent taxes. A licensee whose license is revoked under
15 this subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b)
16 1. b. and hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or
17 hearing under this subsection.

18 **SECTION 404.** 218.02 (2) (a) of the statutes is renumbered 218.02 (2) (a) 1.
19 (intro.) and amended to read:

20 218.02 (2) (a) 1. (intro.) Each adjustment service company shall apply to the
21 division for a license to engage in such business. Application for a separate license
22 for each office of a company to be operated under this section shall be made to the
23 division in writing, under oath, in a form to be prescribed by the division. The
24 division may issue more than one license to the same licensee. An application for a
25 license under this section shall include the following:

ASSEMBLY BILL 768**SECTION 405**

1 **SECTION 405.** 218.02 (2) (a) 1. a. and b. and 2. of the statutes are created to read:

2 218.02 (2) (a) 1. a. In the case of an individual, the individual's social security
3 number.

4 b. In the case of a person that is not an individual, the person's federal employer
5 identification number.

6 2. The division may not disclose any information received under subd. 1. a. or
7 b. to any person except the department of revenue for the sole purpose of requesting
8 certifications under s. 73.0301.

9 **SECTION 406.** 218.02 (3) (d) of the statutes is created to read:

10 218.02 (3) (d) That the applicant has not been certified under s. 73.0301 by the
11 department of revenue as being liable for delinquent taxes.

12 **SECTION 407.** 218.02 (6) of the statutes is renumbered 218.02 (6) (a).

13 **SECTION 408.** 218.02 (6) (b) of the statutes is created to read:

14 218.02 (6) (b) In accordance with s. 73.0301, the division shall revoke a license
15 if the department of revenue has certified under s. 73.0301 that the licensee is liable
16 for delinquent taxes.

17 **SECTION 409.** 218.02 (9) (a) of the statutes, as affected by 1997 Wisconsin Act
18 27, is amended to read:

19 218.02 (9) (a) The division may make such rules and require such reports as
20 the division deems necessary for the enforcement of this section. Sections 217.17,
21 217.18 and 217.21 (1) and (2) apply to and are available for the purposes of this
22 section. This paragraph does not apply to applications for licenses that are denied,
23 or licenses that are revoked, because the department of revenue has certified under
24 s. 73.0301 that the applicant or licensee is liable for delinquent taxes.

ASSEMBLY BILL 768**SECTION 410**

1 **SECTION 410.** 218.04 (3) (a) of the statutes is renumbered 218.04 (3) (a) 1.
2 (intro.) and amended to read:

3 218.04 (3) (a) 1. (intro.) Application for licenses under the provisions of this
4 section shall be made to the division in writing, under oath, on a form to be prescribed
5 by the division. All licenses shall expire on June thirtieth next following their date
6 of issue. An application for a license under this section shall include the following:

7 **SECTION 411.** 218.04 (3) (a) 1. a. and b. and 2. of the statutes are created to read:

8 218.04 (3) (a) 1. a. If the applicant is an individual, the applicant's social
9 security number.

10 b. If the applicant is not an individual, the applicant's federal employer
11 identification number.

12 2. The division may not disclose any information received under subd. 1. a. or
13 b. to any person except the department of revenue for the sole purpose of requesting
14 certifications under s. 73.0301.

15 **SECTION 412.** 218.04 (4) (a) of the statutes is amended to read:

16 218.04 (4) (a) ~~Upon~~ Except as provided in par. (am), upon the filing of such
17 application and the payment of such fee, the division shall make an investigation,
18 and if the division finds that the character and general fitness and the financial
19 responsibility of the applicant, and the members thereof if the applicant is a
20 partnership, limited liability company or association, and the officers and directors
21 thereof if the applicant is a corporation, warrant the belief that the business will be
22 operated in compliance with this section the division shall thereupon issue a license
23 to said applicant. Such license is not assignable and shall permit operation under
24 it only at or from the location specified in the license. A nonresident of this state may,

ASSEMBLY BILL 768**SECTION 412**

1 upon complying with all other provisions of this section, secure a collection agency
2 license provided the nonresident maintains an active office in this state.

3 **SECTION 413.** 218.04 (4) (am) of the statutes is created to read:

4 218.04 (4) (am) The division may not issue or renew a license under this section
5 if the applicant fails to provide the information required under sub. (3) (a) 1. or if the
6 department of revenue certifies under s. 73.0301 that the applicant is liable for
7 delinquent taxes. An applicant for whom a license is not issued or renewed under
8 this paragraph for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1.
9 b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or
10 hearing under this section.

11 **SECTION 414.** 218.04 (5) (am) of the statutes is created to read:

12 218.04 (5) (am) The division shall revoke a license issued under this section if
13 the department of revenue certifies under s. 73.0301 that the licensee is liable for
14 delinquent taxes. A licensee whose license is revoked under this paragraph for
15 delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing
16 under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this
17 section.

18 **SECTION 415.** 218.04 (5) (b) of the statutes is amended to read:

19 218.04 (5) (b) ~~No~~ Except as provided in par. (am), no license shall be revoked
20 or suspended except after a hearing under this section. A complaint stating the
21 grounds for suspension or revocation together with a notice of hearing shall be
22 delivered to the licensee at least 5 days in advance of the hearing. In the event the
23 licensee cannot be found, complaint and notice of hearing may be left at the place of
24 business stated in the license and this shall be deemed the equivalent of delivering
25 the notice of hearing and complaint to the licensee.

ASSEMBLY BILL 768**SECTION 416**

1 **SECTION 416.** 218.05 (3) (am) of the statutes is created to read:

2 218.05 (3) (am) 1. In addition to the information required under par. (a), an
3 application for a license under this section shall include the following:

4 a. If the applicant is an individual, the applicant's social security number.

5 b. If the applicant is not an individual, the applicant's federal employer
6 identification number.

7 2. The division may not disclose any information received under subd. 1. a. or
8 b. to any person except the department of revenue for the sole purpose of requesting
9 certifications under s. 73.0301.

10 **SECTION 417.** 218.05 (4) (c) of the statutes is created to read:

11 218.05 (4) (c) In addition to the grounds for denial of a license under par. (a),
12 the division shall deny an application for a license under this section if the applicant
13 fails to provide the information required under sub. (3) (am) 1. or if the department
14 of revenue certifies under s. 73.0301 that the applicant is liable for delinquent taxes.
15 An applicant whose application is denied under this paragraph for delinquent taxes
16 is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5)
17 (a) but is not entitled to any other notice or hearing under this section.

18 **SECTION 418.** 218.05 (11) of the statutes is amended to read:

19 218.05 (11) RENEWAL. Every licensee shall, on or before December 20, pay to
20 the division the sum of \$300 as an annual license fee for the next succeeding calendar
21 year and, at the same time, shall file with the division the annual bond and insurance
22 policy or policies in the same amount and of the same character as required by subs.
23 (3) (c) and (6). The division may not renew a license under this section if the applicant
24 for renewal fails to provide the information required under sub. (3) (am) 1. or if the
25 department of revenue certifies under s. 73.0301 that the applicant for renewal is

ASSEMBLY BILL 768**SECTION 418**

1 liable for delinquent taxes. An applicant whose application is not renewed under this
2 subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and
3 a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing
4 under this section.

5 **SECTION 419.** 218.05 (12) (am) of the statutes is created to read:

6 218.05 (12) (am) The division shall revoke a license under this section if the
7 department of revenue certifies under s. 73.0301 that the licensee is liable for
8 delinquent taxes. A licensee whose license is revoked under this paragraph for
9 delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing
10 under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this
11 section.

12 **SECTION 420.** 218.05 (12) (b) of the statutes is amended to read:

13 218.05 (12) (b) The division may revoke only the particular license with respect
14 to which grounds for revocation may occur or exist, or if the division shall find that
15 such grounds for revocation are of general application to all offices or to more than
16 one office operated by such licensee, the division may revoke all of the licenses issued
17 to such licensee or such number of licenses to which such grounds apply. A revocation
18 under par. (am) applies to all of the licenses issued to the licensee.

19 **SECTION 421.** 218.05 (12) (e) of the statutes is amended to read:

20 218.05 (12) (e) No Except as provided under par. (am), no license shall be
21 revoked until the licensee has had notice of a hearing thereon and an opportunity to
22 be heard. When any license is so revoked, the division shall within 20 days
23 thereafter, prepare and keep on file with the division, a written order or decision of
24 revocation which shall contain the division's findings with respect thereto and the
25 reasons supporting the revocation and shall send by mail a copy thereof to the

ASSEMBLY BILL 768**SECTION 421**

1 licensee at the address set forth in the license within 5 days after the filing with the
2 division of such order, finding or decision.

3 **SECTION 422.** 218.11 (2) (a) of the statutes is renumbered 218.11 (2) (a) (intro.)
4 and amended to read:

5 218.11 (2) (a) (intro.) Application for license and renewal license shall be made
6 to the licensor on forms prescribed and furnished by the licensor, accompanied by the
7 license fee required under par. (c) or (d). If the licensor is the department of
8 transportation, an application shall include the following:

9 **SECTION 423.** 218.11 (2) (a) 1. and 2. of the statutes are created to read:

10 218.11 (2) (a) 1. In the case of an individual, the individual's social security
11 number.

12 2. In the case of a person who is not an individual, the person's federal employer
13 identification number.

14 **SECTION 424.** 218.11 (2) (ag) of the statutes is created to read:

15 218.11 (2) (ag) 1. The department of transportation shall deny an application
16 for the issuance or renewal of a license if the information required under par. (a) 1.
17 or 2. is not included in the application.

18 2. The department of transportation may not disclose any information received
19 under par. (a) 1. or 2. to any person except to the department of revenue for the sole
20 purpose of requesting certifications under s. 73.0301.

21 **SECTION 425.** 218.11 (6g) of the statutes is created to read:

22 218.11 (6g) The licensor shall deny an application for the issuance or renewal
23 of a license, or revoke a license already issued, if the department of revenue certifies
24 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes. An
25 applicant for whom a license is not issued or renewed, or a licensee whose license is

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1 revoked, under this subsection for delinquent taxes is entitled to a notice under s.
2 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any
3 other notice or hearing under this section.

4 **SECTION 426.** 218.11 (7) (a) of the statutes is amended to read:

5 218.11 (7) (a) The licensor may without notice deny the application for a license
6 within 60 days after receipt thereof by written notice to the applicant, stating the
7 grounds for such denial. Within 30 days after such notice, the applicant may petition
8 the department of administration to conduct a hearing to review the denial, and a
9 hearing shall be scheduled with reasonable promptness. If the licensor is the
10 department of transportation, the division of hearings and appeals shall conduct the
11 hearing. This paragraph does not apply to denials of applications for licenses under
12 sub. (6g).

13 **SECTION 427.** 218.11 (7) (b) of the statutes is amended to read:

14 218.11 (7) (b) No license may be suspended or revoked except after a hearing
15 thereon. The licensor shall give the licensee at least 5 days' notice of the time and
16 place of such hearing. The order suspending or revoking such license shall not be
17 effective until after 10 days' written notice thereof to the licensee, after such hearing
18 has been had; except that the licensor, when in its opinion the best interest of the
19 public or the trade demands it, may suspend a license upon not less than 24 hours'
20 notice of hearing and with not less than 24 hours' notice of the suspension of the
21 license. Matters involving suspensions and revocations brought before the licensor
22 shall be heard and decided upon by the department of administration. If the licensor
23 is the department of transportation, the division of hearings and appeals shall
24 conduct the hearing. This paragraph does not apply to licenses that are revoked
25 under sub. (6g).

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1 **SECTION 428.** 218.12 (2) (a) of the statutes is amended to read:

2 218.12 **(2)** (a) Applications for mobile home salesperson's license and renewals
3 thereof shall be made to the licensor on such forms as the licensor prescribes and
4 furnishes and shall be accompanied by the license fee required under par. (c) or (d).
5 The If the licensor is the department of transportation, the application shall include
6 the applicant's social security number. In addition, the application shall require such
7 pertinent information as the licensor requires.

8 **SECTION 429.** 218.12 (2) (ag) of the statutes is created to read:

9 218.12 **(2)** (ag) 1. The department of transportation shall deny an application
10 for the issuance or renewal of a license if an individual has not included his or her
11 social security number in the application.

12 2. The department of transportation may not disclose a social security number
13 obtained under par. (a) to any person except to the department of revenue for the sole
14 purpose of requesting certifications under s. 73.0301.

15 **SECTION 430.** 218.12 (3g) of the statutes is created to read:

16 218.12 **(3g)** The department of transportation shall deny an application for the
17 issuance or renewal of a license, or revoke a license already issued, if the department
18 of revenue certifies under s. 73.0301 that the applicant or licensee is liable for
19 delinquent taxes. An applicant for whom a license is not issued or renewed, or a
20 licensee whose license is revoked, under this subsection for delinquent taxes is
21 entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5)
22 (a) but is not entitled to any other notice or hearing under this section.

23 **SECTION 431.** 218.12 (5) of the statutes is amended to read:

24 218.12 **(5)** The provision of s. 218.01 (3) relating to the denial, suspension and
25 revocation of a motor vehicle salesperson's license shall apply to the denial,

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1 suspension and revocation of a mobile home salesperson's license so far as applicable,
2 except that such provision does not apply to the denial or revocation of a license under
3 sub. (3g).

4 **SECTION 432.** 218.21 (2) (ag) of the statutes is created to read:

5 218.21 (2) (ag) If the applicant is an individual, the individual's social security
6 number.

7 **SECTION 433.** 218.21 (2) (am) of the statutes is created to read:

8 218.21 (2) (am) If the applicant is a person who is not an individual, the person's
9 federal employer identification number.

10 **SECTION 434.** 218.21 (2m) of the statutes is created to read:

11 218.21 (2m) (a) The department shall deny an application for the issuance or
12 renewal of a license if the information required under sub. (2) (ag) or (am) is not
13 included in the application.

14 (b) The department of transportation may not disclose any information
15 received under sub. (2) (ag) or (am) to any person except to the department of revenue
16 for the sole purpose of requesting certifications under s. 73.0301.

17 **SECTION 435.** 218.22 (3g) of the statutes is created to read:

18 218.22 (3g) The department of transportation shall deny an application for the
19 issuance or renewal of a license, or revoke a license already issued, if the department
20 of revenue certifies under s. 73.0301 that the applicant or licensee is liable for
21 delinquent taxes. An applicant for whom a license is not issued or renewed, or a
22 licensee whose license is revoked, under this subsection for delinquent taxes is
23 entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5)
24 (a) but is not entitled to any other notice or hearing under this section.

25 **SECTION 436.** 218.22 (4) (a) of the statutes is amended to read:

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1 218.22 (4) (a) The licensor may without notice deny the application for a license
2 within 60 days after receipt thereof by written notice to the applicant, stating the
3 grounds for such denial. Within 30 days after such notice, the applicant may petition
4 the division of hearings and appeals to conduct a hearing to review the denial, and
5 a hearing shall be scheduled with reasonable promptness. This paragraph does not
6 apply to denials of applications for licenses under sub. (3g).

7 **SECTION 437.** 218.22 (4) (b) of the statutes is amended to read:

8 218.22 (4) (b) No license shall be suspended or revoked except after a hearing
9 thereon. The licensor shall give the licensee at least 5 days' notice of the time and
10 place of such hearing. The order suspending or revoking such license shall not be
11 effective until after 10 days' written notice thereof to the licensee, after such hearing
12 has been had; except that the licensor, when in its opinion the best interest of the
13 public or the trade demands it, may suspend a license upon not less than 24 hours'
14 notice of hearing and with not less than 24 hours' notice of the suspension of the
15 license. Matters involving suspensions and revocations brought before the
16 department shall be heard and decided upon by the division of hearings and appeals.
17 This paragraph does not apply to licenses that are revoked under sub. (3g).

18 **SECTION 438.** 218.31 (1) (ag) of the statutes is created to read:

19 218.31 (1) (ag) When the applicant is an individual, the individual's social
20 security number.

21 **SECTION 439.** 218.31 (1) (am) of the statutes is created to read:

22 218.31 (1) (am) When the applicant is a person who is not an individual, the
23 person's federal employer identification number.

24 **SECTION 440.** 218.31 (1m) of the statutes is created to read:

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1 218.31 **(1m)** (a) The department shall deny an application for the issuance or
2 renewal of a license if the information required under sub. (1) (ag) or (am) is not
3 included in the application.

4 (b) The department of transportation may not disclose any information
5 received under sub. (1) (ag) or (am) to any person except to the department of revenue
6 for the sole purpose of requesting certifications under s. 73.0301.

7 **SECTION 441.** 218.32 (3g) of the statutes is created to read:

8 218.32 **(3g)** The department of transportation shall deny an application for the
9 issuance or renewal of a license, or revoke a license already issued, if the department
10 of revenue certifies under s. 73.0301 that the applicant or licensee is liable for
11 delinquent taxes. An applicant for whom a license is not issued or renewed, or a
12 licensee whose license is revoked, under this subsection for delinquent taxes is
13 entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5)
14 (a) but is not entitled to any other notice or hearing under this section.

15 **SECTION 442.** 218.32 (4) (a) of the statutes is amended to read:

16 218.32 **(4)** (a) The licensor may without notice deny the application for a license
17 within 60 days after receipt thereof by written notice to the applicant, stating the
18 grounds for such denial. Within 30 days after such notice, the applicant may petition
19 the division of hearings and appeals to conduct a hearing to review the denial, and
20 a hearing shall be scheduled with reasonable promptness. This paragraph does not
21 apply to denials of applications for licenses under sub. (3g).

22 **SECTION 443.** 218.32 (4) (b) of the statutes is amended to read:

23 218.32 **(4)** (b) No license shall be suspended or revoked except after a hearing
24 thereon. The licensor shall give the licensee at least 5 days' notice of the time and
25 place of such hearing. The order suspending or revoking such license shall not be

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1 effective until after 10 days' written notice thereof to the licensee, after such hearing
2 has been had; except that the licensor, when in its opinion the best interest of the
3 public or the trade demands it, may suspend a license upon not less than 24 hours'
4 notice of hearing and with not less than 24 hours' notice of the suspension of the
5 license. Matters involving suspensions and revocations brought before the
6 department shall be heard and decided upon by the division of hearings and appeals.
7 This paragraph does not apply to licenses that are revoked under sub. (3g).

8 **SECTION 444.** 220.01 (1e) of the statutes is created to read:

9 220.01 (1e) "Department" means the department of financial institutions.

10 **SECTION 445.** 224.72 (2) (c) of the statutes is created to read:

11 224.72 (2) (c) *Social security and federal employer identification numbers.* 1.

12 An application shall include the following:

13 a. In the case of an individual, the individual's social security number.

14 b. In the case of a person that is not an individual, the person's federal employer
15 identification number.

16 2. The department may not disclose any information received under subd. 1.

17 a. or b. to any person except the department of revenue for the sole purpose of
18 requesting certifications under s. 73.0301.

19 **SECTION 446.** 224.72 (5) (a) of the statutes is amended to read:

20 224.72 (5) (a) *Loan originator and loan solicitor.* ~~Upon~~ Except as provided in
21 sub. (7m), upon receiving a properly completed application for registration as a loan
22 originator or loan solicitor and the fee specified in sub. (8) (a), the department shall
23 issue to the applicant a certificate of registration as a loan originator or loan solicitor.

24 **SECTION 447.** 224.72 (5) (b) 1. of the statutes, as affected by 1997 Wisconsin Acts
25 27 and 35, is amended to read:

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1 224.72 (5) (b) 1. Upon Except as provided in sub. (7m), upon receiving a
2 properly completed application for registration as a mortgage banker, the fee
3 specified in sub. (8) (b) and satisfactory evidence of compliance with sub. (4), the
4 department shall issue to the applicant a temporary certificate of registration as a
5 mortgage banker. A temporary certificate of registration is valid for 6 months after
6 the date of issuance.

7 **SECTION 448.** 224.72 (5) (b) 2. of the statutes is amended to read:

8 224.72 (5) (b) 2. If Except as provided in sub. (7m), if within 6 months after the
9 date of issuance of a temporary certificate of registration under subd. 1. the holder
10 of the temporary certificate of registration notifies the department that he or she is
11 acting as a mortgage banker and pays to the department the fee specified in sub. (8)
12 (a), the department shall issue to the person a certificate of registration as a
13 mortgage banker.

14 **SECTION 449.** 224.72 (7m) of the statutes is created to read:

15 224.72 (7m) DENIAL OF APPLICATION FOR ISSUANCE OR RENEWAL OF REGISTRATION.
16 The department may not issue or renew a certificate of registration under this
17 section if the applicant for the issuance or renewal has failed to provide the
18 information required under sub. (2) (c) 1. or if the department of revenue has certified
19 under s. 73.0301 that the applicant is liable for delinquent taxes. An applicant whose
20 application for issuance or renewal of a certificate of registration is denied for
21 delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing
22 under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this
23 section.

24 **SECTION 450.** 224.77 (6) of the statutes is created to read:

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1 224.77 (6) REVOCATION FOR LIABILITY FOR DELINQUENT TAXES. The department
2 shall revoke the certificate of registration of a mortgage banker, loan originator or
3 loan solicitor if the department of revenue certifies under s. 73.0301 that the
4 registrant is liable for delinquent taxes. A registrant whose certificate of registration
5 is revoked under this subsection for delinquent taxes is entitled to a notice under s.
6 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any
7 other notice, hearing or review under this section.

8 **SECTION 451.** 227.03 (7m) of the statutes is created to read:

9 227.03 (7m) Except as provided in s. 101.143 (6s), this chapter does not apply
10 to proceedings in matters that are arbitrated under s. 101.143 (6s).

11 **SECTION 452.** 227.44 (8) of the statutes is amended to read:

12 227.44 (8) A stenographic, electronic or other record of oral proceedings shall
13 be made in any class 2 or class 3 proceeding and in any class 1 proceeding when
14 requested by a party. Each agency may establish rules relating to the transcription
15 of the record into a written transcript and the providing of free copies of the written
16 transcript. Rules may require a purpose for transcription which is deemed by the
17 agency to be reasonable, such as appeal, and if this test is met to the satisfaction of
18 the agency, the record shall be transcribed at the agency's expense, except that in
19 preparing the record for judicial review of a decision that was made in an appeal
20 under s. 227.47 (2) or in an arbitration proceeding under s. 101.143 (6s) or 230.44 (4)
21 (bm) the record shall be transcribed at the expense of the party petitioning for
22 judicial review. Rules may require a showing of impecuniousness or financial need
23 as a basis for providing a free copy of the transcript, otherwise a reasonable
24 compensatory fee may be charged. If any agency does not promulgate such rules,
25 then it must transcribe the record and provide free copies of written transcripts upon

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1 request. In any event, an agency shall not refuse to provide a written transcript if
2 the person making the request pays a reasonable compensatory fee for the
3 transcription and for the copy. This subsection does not apply where a transcript fee
4 is specifically provided by law.

5 **SECTION 453.** 250.05 (5) of the statutes is amended to read:

6 250.05 (5) REGISTRATION. The Except as provided in sub. (8m), the department,
7 upon application on forms prescribed by it and payment of the prescribed fee, shall
8 register as a sanitarian any person who has presented evidence satisfactory to the
9 department that standards and qualifications of the department, as established by
10 rule, have been met.

11 **SECTION 454.** 250.05 (6) of the statutes is amended to read:

12 250.05 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. A
13 fee fixed by rule of the department shall accompany the application under sub. (5)
14 and, beginning January 1, 1988, a biennial fee of \$25 shall be paid by every registered
15 sanitarian who desires to continue registration. The amounts of the fees may be
16 adjusted by the department by rule. All certificates of registration shall expire on
17 December 31 in each odd-numbered year. The Except as provided in sub. (8m), the
18 department may renew registrations upon application made after January 1 of each
19 even-numbered year if it is satisfied that the applicant has good cause for not
20 making application in December of the immediately preceding year and upon
21 payment of the biennial fee and any additional fees prescribed by the department.

22 **SECTION 455.** 250.05 (8) of the statutes is amended to read:

23 250.05 (8) REVOCATION OF REGISTRATION. The department may, after a hearing
24 held in conformance with ch. 227, except as provided in sub. (8m) (e), revoke or

ASSEMBLY BILL 768**SECTION 455**

1 suspend the registration of any sanitarian for practice of fraud or deceit in obtaining
2 the registration or any gross professional negligence, incompetence or misconduct.

3 **SECTION 456.** 250.05 (8m) of the statutes is created to read:

4 **250.05 (8m) REGISTRATION DENIAL, NONRENEWAL AND REVOCATION BASED ON TAX**
5 **DELINQUENCY.** (a) The department shall require each applicant for registration under
6 this section to provide the department with the applicant's social security number
7 as a condition of issuing or renewing the registration.

8 (b) The department may not disclose any information received under par. (a)
9 to any person except to the department of revenue for the purpose of requesting
10 certifications under s. 73.0301.

11 (c) The department shall deny an application for the issuance or renewal of
12 registration under this section if the applicant does not provide the information
13 specified in par. (a).

14 (d) The department shall deny an application for the issuance or renewal of
15 registration under this section or shall revoke a registration issued under this
16 section, if the department of revenue certifies under s. 73.0301 that the applicant or
17 holder of the registration is liable for delinquent taxes.

18 (e) The only hearing rights available for a denial, revocation or nonrenewal of
19 registration under this section based on tax delinquency are those set forth in s.
20 73.0301 (5).

21 **SECTION 457.** 250.10 of the statutes, as affected by 1997 Wisconsin Act 27, is
22 amended to read:

23 **250.10 Grant for dental services.** From the appropriation under s. 20.435
24 (5) (de), the department shall provide funding in each fiscal year to the Marquette
25 University School of Dentistry for the provision of dental services by the Marquette

ASSEMBLY BILL 768**SECTION 457**

1 University School of Dentistry in correctional centers in Milwaukee County and
2 clinics in the city of Milwaukee and in Waushara and Monroe counties.

3 **SECTION 458.** 254.115 of the statutes is created to read:

4 **254.115 Denial, nonrenewal and revocation of certification based on**
5 **tax delinquency.** (1) The department shall require each applicant to provide the
6 department with the applicant's social security number, if the applicant is an
7 individual, or the applicant's federal employer identification number, if the applicant
8 is not an individual, as a condition of issuing or renewing any of the following:

9 (a) Certification under s. 254.176.

10 (b) A certification card under s. 254.20 (3) or (4).

11 (2) The department may not disclose any information received under sub. (1)
12 to any person except to the department of revenue for the sole purpose of requesting
13 certifications under s. 73.0301.

14 (3) The department shall deny an application for the issuance or renewal of a
15 certification or certification card specified in sub. (1) if the applicant does not provide
16 the information specified in sub. (1).

17 (4) The department shall deny an application for the issuance or renewal of a
18 certification or certification card specified in sub. (1), or shall revoke the certification
19 or certification card specified in sub. (1), if the department of revenue certifies under
20 s. 73.0301 that the applicant for or holder of the certification or certification card is
21 liable for delinquent taxes.

22 **SECTION 459.** 254.176 (1) of the statutes is amended to read:

23 254.176 (1) Except as provided in sub. (2), and subject to s. 254.115, the
24 department may establish by rule certification requirements for any person who

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1 performs lead hazard reduction or a lead management activity or who supervises the
2 performance of any lead hazard reduction or lead management activity.

3 **SECTION 460.** 254.176 (3) (intro.) of the statutes is amended to read:

4 254.176 (3) (intro.) The Subject to s. 254.115, the department may promulgate
5 rules establishing certification requirements for persons required to be certified
6 under this section. Any rules promulgated under this section:

7 **SECTION 461.** 254.176 (5) of the statutes is amended to read:

8 254.176 (5) After notice and opportunity for hearing, the department may
9 revoke, suspend, deny or refuse to renew any certification issued under this section
10 in accordance with the procedures set forth in ch. 227, except that the only hearing
11 rights available for a denial, revocation or nonrenewal of any certification issued
12 under this section based on tax delinquency are those set forth in s. 73.0301 (5).

13 **SECTION 462.** 254.20 (2) (d) of the statutes is amended to read:

14 254.20 (2) (d) The Subject to s. 254.115, the department may establish by rule
15 certification requirements for any person not certified under pars. (a) to (c) who
16 performs any asbestos abatement activity or asbestos management activity or who
17 supervises the performance of any asbestos abatement activity or asbestos
18 management activity.

19 **SECTION 463.** 254.20 (4) of the statutes is amended to read:

20 254.20 (4) RENEWAL. A certification card issued under sub. (3) is valid for one
21 year. The Subject to s. 254.115, the department may establish requirements for
22 renewing such a card, including but not limited to additional training.

23 **SECTION 464.** 254.20 (7) of the statutes is amended to read:

24 254.20 (7) APPEALS. Any suspension, revocation or nonrenewal of a certification
25 card required under sub. (2) or any denial of an application for such a certification

ASSEMBLY BILL 768**SECTION 464**

1 card is subject to judicial review under ch. 227, except that the only hearing rights
2 available for a denial, revocation or nonrenewal of a certification card required under
3 sub. (2) based on tax delinquency are those set forth in s. 73.0301 (5).

4 **SECTION 465.** 280.13 (4) of the statutes is amended to read:

5 280.13 (4) No order revoking a permit under sub. (2) shall be made until after
6 a public hearing to be held before the department in the county where the permittee
7 has his or her place of business. If the permittee is a nonresident, the hearing shall
8 be at such place as the department designates. At least 10 days prior to the hearing
9 the department shall send written notice of the time and place of the hearing to the
10 permittee and to the permittee's attorney or agent of record by mailing the notice to
11 the last-known address of such persons. The testimony presented and proceeding
12 shad at the hearing shall be recorded and preserved as the records of the department.
13 The department shall as soon thereafter as possible make its findings and
14 determination and send a copy to each interested party.

15 **SECTION 466.** 281.48 (3) (a) of the statutes is amended to read:

16 281.48 (3) (a) *License; application.* Every person before engaging in servicing
17 in this state shall submit an application for a license on forms prepared by the
18 department. If Except as provided in s. 299.07, if the department, after
19 investigation, is satisfied that the applicant has the qualifications, experience,
20 understanding of proper servicing practices, as demonstrated by the successful
21 completion of an examination given by the department, and equipment to perform
22 the servicing in a manner not detrimental to public health it shall issue the license.
23 The license fee shall accompany all applications.

24 **SECTION 467.** 281.48 (5) (b) of the statutes is amended to read:

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1 281.48 (5) (b) The department may not reissue a license for a period of one year
2 after revocation under par. (a).

3 **SECTION 468.** 281.58 (3) of the statutes is renumbered 281.58 (3) (a).

4 **SECTION 469.** 281.58 (3) (b) of the statutes is created to read:

5 281.58 (3) (b) The department may enter into an agreement with the U.S.
6 environmental protection agency to receive a grant for federal financial hardship
7 assistance under P.L. 104-134, Title III. The agreement may contain any provision
8 required by 40 CFR part 31 or other environmental protection agency regulations
9 that apply to grant recipients.

10 **SECTION 470.** 281.58 (6) (b) 5. of the statutes is amended to read:

11 281.58 (6) (b) 5. Providing state financial hardship assistance under sub. (13)
12 from the account under s. 25.43 (2) (b).

13 **SECTION 471.** 281.58 (6) (b) 5m. of the statutes is created to read:

14 281.58 (6) (b) 5m. Providing federal financial hardship assistance grants under
15 sub. (13) from the account under s. 25.43 (2) (ae).

16 **SECTION 472.** 281.58 (13) (b) (intro.) of the statutes, as affected by 1997
17 Wisconsin Act 27, is amended to read:

18 281.58 (13) (b) A municipality with an application that is approved under sub.
19 (9m) is eligible for state financial hardship assistance for the project costs that are
20 eligible under the clean water fund program, except for costs to which sub. (8) (b), (c),
21 (f) or (h) applies, if the municipality meets all of the following criteria:

22 **SECTION 473.** 281.58 (13) (be) of the statutes is created to read:

23 281.58 (13) (be) A municipality with an application that is approved under sub.
24 (9m) is eligible for federal financial hardship assistance for the project costs that are

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1 eligible under the clean water fund program, except for costs to which sub. (8) (b), (c),
2 (f) or (h) applies, if the municipality meets all of the following criteria:

3 1. The population of the municipality is 3,000 or less.

4 2. The municipality is a rural community, as determined by the department.

5 3. The municipality lacks centralized wastewater treatment or collection
6 systems or needs improvements to onsite wastewater treatment systems and federal
7 financial hardship assistance will improve public health or reduce an environmental
8 risk.

9 4. The per capita annual income of residents to be served by the project does
10 not exceed 80% of national per capita annual income, based on the most recent data
11 available from the U.S. bureau of the census.

12 5. On the date that the municipality applies for assistance, the unemployment
13 rate for the county in which the municipality is located exceeds by 1% or more the
14 average yearly national unemployment rate most recently reported by the federal
15 bureau of labor statistics.

16 **SECTION 474.** 281.58 (13) (bs) of the statutes is created to read:

17 281.58 (13) (bs) If a municipality is eligible for state financial hardship
18 assistance under par. (b) and for federal financial hardship assistance under par.
19 (be), the department may determine whether to provide state financial hardship
20 assistance, federal financial hardship assistance or both for the municipality's
21 project.

22 **SECTION 475.** 281.58 (13) (cm) of the statutes is created to read:

23 281.58 (13) (cm) The amount and type of assistance to be provided to a
24 municipality that receives state financial hardship assistance shall be determined
25 under rules promulgated by the department. Assistance to be provided to a

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1 municipality that receives federal financial hardship assistance shall be in the form
2 of a grant for a portion of the project costs plus a loan at the interest rate under sub.
3 (12) for the type of project being funded. The maximum amount of subsidy that a
4 municipality receiving federal financial hardship assistance may receive is equal to
5 the amount of subsidy that the municipality would have received if it had received
6 state financial hardship assistance. If a municipality receives state financial
7 hardship assistance and federal financial hardship assistance for a project, the total
8 amount of the subsidy for the project may not exceed the amount of subsidy that the
9 municipality would have received if it had received only state financial hardship
10 assistance. Subsection (8) (g) does not apply to the amount of a federal financial
11 hardship assistance grant that a municipality may receive.

12 **SECTION 476.** 281.58 (13) (d) of the statutes is amended to read:

13 281.58 (13) (d) The department shall establish a financial hardship assistance
14 funding list for each fiscal year that ranks projects of municipalities that are eligible
15 under par. (b) or (be), and that submit complete financial assistance applications
16 under sub. (9) (a) no later than June 30 of the preceding fiscal year, in the same order
17 that they appear on the priority list under sub. (8e).

18 **SECTION 477.** 281.58 (13) (e) (intro.) of the statutes is amended to read:

19 281.58 (13) (e) (intro.) ~~In~~ Subject to par. (em), in each fiscal year, the
20 department shall allocate financial hardship assistance under this subsection in the
21 following order:

22 **SECTION 478.** 281.58 (13) (em) of the statutes is created to read:

23 281.58 (13) (em) 1. In a fiscal year, if all available state financial hardship
24 assistance has been allocated under par. (e) and federal financial hardship
25 assistance remains to be allocated, the department may allocate federal financial

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1 hardship assistance to projects that are eligible for federal financial hardship
2 assistance under par. (be), but that are lower on the funding list than projects that
3 are eligible only for state financial hardship assistance under par. (b), beginning with
4 the next project on the funding list that is eligible for federal financial hardship
5 assistance.

6 2. In a fiscal year, if all available federal financial hardship assistance has been
7 allocated and state financial hardship assistance remains to be allocated, the
8 department may allocate state financial hardship assistance to projects that are
9 eligible for state financial hardship assistance under par. (b), but that are lower on
10 the funding list than projects that are eligible only for federal financial hardship
11 assistance under par. (be), beginning with the next project on the funding list that
12 is eligible for state financial hardship assistance.

13 **SECTION 479.** 281.59 (3) (a) 6. of the statutes, as affected by 1997 Wisconsin Act
14 27, is amended to read:

15 281.59 (3) (a) 6. An amount equal to the estimated present value of subsidies
16 for all clean water fund program loans and grants expected to be made for the
17 wastewater treatment projects listed in the biennial needs list under s. 281.58 (3m),
18 except for federal financial hardship assistance grants under s. 281.58 (13),
19 discounted at a rate of 7% per year to the first day of the biennium for which the
20 biennial finance plan is prepared.

21 **SECTION 480.** 281.59 (3e) (a) 1. of the statutes, as affected by 1997 Wisconsin
22 Act 27, is amended to read:

23 281.59 (3e) (a) 1. An amount of present value of the subsidy for the clean water
24 fund program, except for federal financial hardship assistance grants under s.

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1 281.58 (13), that is specified for that biennium under par. (b) and is based on the
2 amount included in the biennial finance plan under sub. (3) (a) 6.

3 **SECTION 481.** 281.59 (3e) (e) of the statutes, as affected by 1997 Wisconsin Act
4 27, is amended to read:

5 281.59 (3e) (e) The department may expend, for financial hardship assistance
6 , other than federal financial hardship assistance grants under s. 281.58 (13) (be),
7 in a biennium under s. 281.58 (13) (e), an amount up to 15% of the amount approved
8 by the legislature under par. (b) for that biennium. The department may expend such
9 amount only from the percentage of the amount approved by the legislature under
10 par. (b) that is not available under par. (d) for financial assistance.

11 **SECTION 482.** 281.99 (2) (a) 1. of the statutes, as created by 1997 Wisconsin Act
12 27, is amended to read:

13 281.99 (2) (a) 1. For water systems that serve a population of more than 10,000
14 persons, not less than \$10 ~~and not~~ nor more than \$1,000 for each day of each
15 violation, but not more than \$25,000 per violation in one order.

16 **SECTION 483.** 287.24 of the statutes is created to read:

17 **287.24 Miscellaneous recycling grants.** On July 1, 1998, and annually
18 thereafter, the department shall award from the appropriation account under s.
19 20.370 (6) (br) the following grants:

20 (1) A grant of \$100,000 to the Wheelchair Recycling Project, a part of the
21 Madison chapter of the National Spinal Cord Injury Association for the purpose of
22 refurbishing used wheelchairs and other mobility devices and returning them to use
23 by persons who otherwise would not have access to needed or appropriate equipment.

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1 **(2)** A grant of \$500,000 to the department of corrections to be credited to the
2 appropriation account under s. 20.410 (1) (kx) for the purpose of refurbishing and
3 recycling used computers.

4 **SECTION 484.** 292.15 (2) (a) (intro.) of the statutes, as affected by 1997
5 Wisconsin Act 27, is amended to read:

6 292.15 **(2)** (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
7 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
8 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
9 promulgated under those provisions, with respect to the existence of a hazardous
10 substance on the property, if all of the following occur at any time before or after the
11 date of acquisition:

12 **SECTION 485.** 292.15 (4) (intro.) of the statutes, as affected by 1997 Wisconsin
13 Act 27, is amended to read:

14 292.15 **(4)** LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary
15 party under sub. (2) (a) 2. may be monetarily limited by agreement between the
16 voluntary party and the department if the voluntary party purchased the property
17 from a ~~municipality~~ local governmental unit that acquired the property in a way
18 described in s. 292.11 (9) (e) 1m. a. ~~or~~ b., c. or d. The agreement shall stipulate all
19 of the following:

20 **SECTION 486.** 292.15 (7) (c) of the statutes, as created by 1997 Wisconsin Act
21 27, is amended to read:

22 292.15 **(7)** (c) Any hazardous waste disposal facility that has been issued a
23 license under s. 144.441 (2), 1995 stats., or s. 289.41 (1m), or rules promulgated
24 under those sections, for a period of long-term care following closure of the facility
25 ~~if the license was issued on or before October 14, 1997.~~

ASSEMBLY BILL 768**SECTION 487**

1 **SECTION 487.** 292.66 (5) of the statutes, as created by 1997 Wisconsin Act 27,
2 is repealed.

3 **SECTION 488.** 293.45 (1) of the statutes is amended to read:

4 293.45 (1) The Except as provided in sub. (2) or s. 299.07, the department shall
5 issue a prospecting permit under this section to an applicant within 60 days following
6 the date of the completion of the hearing record if, on the basis of the application, the
7 department's investigation and hearing and any written comments, it finds that the
8 site is not unsuitable for prospecting or, absent a certification under sub. (1), surface
9 mining, the department has approved the prospecting plan and the reclamation plan
10 complies with ss. 293.13 (2) and 293.35 (2) and (3) and rules promulgated under ss.
11 293.13 (2) and 293.35 (2) and (3). The department may modify any part of the
12 application or reclamation plan and approve it as modified. Except as otherwise
13 provided in this chapter, prospecting permits shall be valid for the life of the project,
14 unless canceled under s. 293.83 (1) or (3) or 293.85 or revoked under s. 293.87 (2) or
15 (3).

16 **SECTION 489.** 299.07 of the statutes is created to read:

17 **299.07 License denial, nonrenewal and revocation based on tax**
18 **delinquency.** (1) (a) The department shall require each applicant to provide the
19 department with the applicant's social security number, if the applicant is an
20 individual, or the applicant's federal employer identification number, if the applicant
21 is not an individual, as a condition of issuing or renewing any of the following:

- 22 1. A registration under s. 280.15.
- 23 2. A certification under s. 281.17 (3).
- 24 3. A license or certification under s. 281.48 (3).
- 25 4. A certification under s. 285.51 (2).

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1 5. A certification under s. 289.42 (1).

2 6. A license under s. 291.23.

3 7. A license under s. 293.21.

4 8. A license under s. 293.25 (2).

5 9. A permit under s. 293.45.

6 10. A license under s. 295.33.

7 (b) The department may not disclose any information received under par. (a)
8 to any person except to the department of revenue for the purpose of requesting
9 certifications under s. 73.0301.

10 **(2)** The department shall deny an application for the issuance or renewal of a
11 license, registration or certification specified in sub. (1) (a), or shall revoke a license,
12 registration or certification specified in sub. (1) (a), if the department of revenue
13 certifies under s. 73.0301 that the applicant or holder of the license, registration or
14 certification is liable for delinquent taxes.

15 **SECTION 490.** 301.03 (14) of the statutes is created to read:

16 301.03 **(14)** Upon request of the department of revenue, disclose information
17 to the department of revenue concerning a prisoner, probationer or parolee or a
18 person registered under s. 301.45 for the purposes of locating persons, or the assets
19 of persons, who have failed to file tax returns, who have underreported their taxable
20 income or who are delinquent taxpayers, identifying fraudulent tax returns or
21 providing information for tax-related prosecutions.

22 **SECTION 491.** 301.03 (18) of the statutes is created to read:

23 301.03 **(18)** (a) Except as provided in s. 301.12 (14) (b) and (c), establish a
24 uniform system of fees for juvenile delinquency-related services provided or
25 purchased by the department or a county department under s. 46.215, 46.22 or 46.23,

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1 except for services provided to courts; outreach, information and referral services; or
2 when, as determined by the department, a fee is administratively unfeasible or
3 would significantly prevent accomplishing the purpose of the service. A county
4 department under s. 46.215, 46.22 or 46.23 shall apply the fees that it collects under
5 this program to cover the cost of those services.

6 (b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for the services
7 provided or purchased under par. (a) in the amount of the fee established under par.
8 (a) any person receiving those services or the spouse of the person and, in the case
9 of a minor, the parents of the person, and, in the case of a foreign child described in
10 s. 48.839 (1) who became dependent on public funds for his or her primary support
11 before an order granting his or her adoption, the resident of this state appointed
12 guardian of the child by a foreign court who brought the child into this state for the
13 purpose of adoption.

14 (c) Make collections from the person who in the opinion of the department is
15 best able to pay, giving due regard to the present needs of the person or of his or her
16 lawful dependents. The department may bring action in the name of the department
17 to enforce the liability established under par. (b). This paragraph does not apply to
18 the recovery of fees for the care and services specified under s. 301.12.

19 (d) Compromise or waive all or part of the liability for services received as the
20 department considers necessary to efficiently administer this subsection, subject to
21 such conditions as the department considers appropriate. The sworn statement of
22 the collection and deportation counsel appointed under s. 301.12 (7) or the secretary,
23 shall be evidence of the services provided and the fees charged for those services.

24 (e) Delegate to county departments under s. 46.215, 46.22 or 46.23 and other
25 providers of care and services the powers and duties vested in the department by

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1 pars. (c) and (d) as the department considers necessary to efficiently administer this
2 subsection, subject to such conditions as the department considers appropriate.

3 (g) Return to county departments under s. 46.215, 46.22 or 46.23 50% of
4 collections made by the department for delinquent accounts previously delegated
5 under par. (e) and then referred back to the department for collections.

6 **SECTION 492.** 301.048 (3) (d) of the statutes is amended to read:

7 301.048 (3) (d) A person may seek review of a final decision of the department
8 of corrections, or of the division of hearings and appeals in the department of
9 administration acting under s. 304.06 (3), relating to denials of eligibility for or
10 placement in sanctions, or relating to discipline or revocation under or termination
11 from the intensive sanctions program only by the common law writ of certiorari.

12 **SECTION 493.** 301.08 (2) (d) 5. of the statutes is amended to read:

13 301.08 (2) (d) 5. Charge a uniform schedule of fees established under s. ~~46.03~~
14 301.03 (18) unless waived by the purchaser with approval of the department.
15 Whenever providers recover funds attributed to the client, the funds shall offset the
16 amount paid under the contract.

17 **SECTION 494.** 301.12 of the statutes is repealed and recreated to read:

18 **301.12 Cost of care and maintenance, liability; collection and**
19 **deportation counsel; collections; court actions; recovery.** (1) Liability and
20 the collection and enforcement of such liability for the care, maintenance, services
21 and supplies specified in this section is governed exclusively by this section, except
22 in cases of child support ordered by a court under s. 938.183 (4), 938.355 (2) (b) 4.,
23 938.357 (5m) or 938.363 (2) or ch. 767.

24 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including
25 but not limited to a person placed under s. 48.366, 938.183, 938.34 (4h) or (4m) or

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1 938.357 (4) or (5) (e), receiving care, maintenance, services and supplies provided by
2 any institution in this state operated or contracted for by the department, in which
3 the state is chargeable with all or part of the person's care, maintenance, services and
4 supplies, and the person's property and estate, including the homestead, and the
5 spouse of the person, and the spouse's property and estate, including the homestead,
6 and, in the case of a minor child, the parents of the person, and their property and
7 estates, including their homestead, and, in the case of a foreign child described in s.
8 48.839 (1) who became dependent on public funds for his or her primary support
9 before an order granting his or her adoption, the resident of this state appointed
10 guardian of the child by a foreign court who brought the child into this state for the
11 purpose of adoption, and his or her property and estate, including his or her
12 homestead, shall be liable for the cost of the care, maintenance, services and supplies
13 in accordance with the fee schedule established by the department under s. 301.03
14 (18). If a spouse, widow or minor, or an incapacitated person may be lawfully
15 dependent upon the property for their support, the court shall release all or such part
16 of the property and estate from the charges that may be necessary to provide for those
17 persons. The department shall make every reasonable effort to notify the liable
18 persons as soon as possible after the beginning of the maintenance, but the notice or
19 the receipt of the notice is not a condition of liability.

20 **(2m)** The liability specified in sub. (2) shall not apply to persons 17 and older
21 receiving care, maintenance, services and supplies provided by prisons named in s.
22 302.01.

23 **(3)** After investigation of the liable persons' ability to pay, the department shall
24 make collection from the person who in the opinion of the department under all of
25 the circumstances is best able to pay, giving due regard to relationship and the

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1 present needs of the person or of the lawful dependents. However, the liability of
2 relatives for maintenance shall be in the following order: first, the spouse of the
3 resident; then, in the case of a minor, the parent or parents.

4 (4) (a) If a person liable under sub. (2) fails to make payment or enter into or
5 comply with an agreement for payment, the department may bring an action to
6 enforce the liability or may issue an order to compel payment of the liability. Any
7 person aggrieved by an order issued by the department under this paragraph may
8 appeal the order as a contested case under ch. 227 by filing with the department a
9 request for a hearing within 30 days after the date of the order.

10 (b) If judgment is rendered in an action brought under par. (a) for any balance
11 that is 90 or more days past due, interest at the rate of 12% per year shall be
12 computed by the clerk and added to the liable person's costs. That interest shall
13 begin on the date on which payment was due and shall end on the day before the date
14 of any interest that is computed under s. 814.04 (4).

15 (c) If the department issues an order to compel payment under par. (a), interest
16 at the rate of 12% per year shall be computed by the department and added at the
17 time of payment to the person's liability. That interest shall begin on the date on
18 which payment was due and shall end on the day before the date of final payment.

19 (5) If any person named in an order to compel payment issued under sub. (4)
20 (a) fails to pay the department any amount due under the terms of the order and no
21 contested case to review the order is pending and the time for filing for a contested
22 case review has expired, the department may present a certified copy of the order to
23 the circuit court for any county. The circuit court shall, without notice, render
24 judgment in accordance with the order. A judgment rendered under this subsection
25 shall have the same effect and shall be entered in the judgment and lien docket and

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1 may be enforced in the same manner as if the judgment had been rendered in an
2 action tried and determined by the circuit court.

3 (6) The sworn statement of the collection and deportation counsel, or of the
4 secretary, shall be evidence of the fee and of the care and services received by the
5 resident.

6 (7) The department shall administer and enforce this section. The department
7 shall appoint an attorney to be designated "collection and deportation counsel" and
8 other necessary assistants. The department may delegate to the collection and
9 deportation counsel such other powers and duties as the department considers
10 advisable. The collection and deportation counsel or any of the assistants may
11 administer oaths, take affidavits and testimony, examine public records, subpoena
12 witnesses and the production of books, papers, records, and documents material to
13 any matter of proceeding relating to payments for the cost of maintenance. The
14 department shall encourage agreements or settlements with the liable person,
15 having due regard to ability to pay and the present needs of lawful dependents.

16 (8) The department may do any of the following:

17 (a) Appear for the state in any collection and deportation matter arising in the
18 several courts, and may commence suit in the name of the department to recover the
19 cost of maintenance against the person liable for that cost.

20 (b) Determine whether any residents are subject to deportation; and on behalf
21 of this state enter into reciprocal agreements with other states for deportation and
22 importation of persons who are public charges, upon such terms as will protect the
23 state's interests and promote mutually amicable relations with other states.

24 (c) From time to time investigate the financial condition and needs of persons
25 liable under sub. (2), their ability to presently maintain themselves, the persons

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1 legally dependent upon them for support, the protection of the property and
2 investments from which they derive their living and their care and protection, for the
3 purpose of ascertaining the person's ability to make payment in whole or in part.

4 (d) After due regard to the case and to a spouse and minor children who are
5 lawfully dependent on the property for support, compromise or waive any portion of
6 any claim of the state or county for which a person specified under sub. (2) is liable,
7 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other
8 3rd party.

9 (e) Make an agreement with a person who is liable under sub. (2), or who may
10 be willing to assume the cost of maintenance of any resident, providing for the
11 payment of such costs at a specified rate or amount.

12 (f) Make adjustment and settlement with the several counties for their proper
13 share of all moneys collected.

14 (i) Pay quarterly from the appropriation account under s. 20.410 (3) (gg) the
15 collection moneys due county departments under ss. 46.215, 46.22 and 46.23.
16 Payments shall be made as soon after the close of each quarter as is practicable.

17 **(9)** Any person who wilfully testifies falsely as to any material matter in an
18 investigation or proceeding under this section shall be guilty of perjury. Banks,
19 employers, insurers, savings banks, savings and loan associations, brokers and
20 fiduciaries, upon request of the department, shall furnish in writing and duly
21 certified, full information regarding the property, earnings or income or any funds
22 deposited to the credit of or owing to any person liable under sub. (2). Such a certified
23 statement shall be admissible in evidence in any action or proceeding to compel
24 payment under this section, and shall be evidence of the facts stated in the certified

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1 statement, if a copy of the certified statement is served upon the party sought to be
2 charged not less than 3 days before the hearing.

3 (10) The department shall make all reasonable and proper efforts to collect all
4 claims for maintenance, to keep payments current, and to periodically review all
5 unpaid claims.

6 (11) (a) Except as provided in par. (b), in any action to recover from a person
7 liable under this section, the statute of limitations may be pleaded in defense.

8 (b) If a person who is liable under this section is deceased, a claim may be filed
9 against the decedent's estate and the statute of limitations specified in s. 859.02 shall
10 be exclusively applicable.

11 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in
12 sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17 years of age
13 in residential, nonmedical facilities such as group homes, foster homes, treatment
14 foster homes, child caring institutions and juvenile correctional institutions is
15 determined in accordance with the cost-based fee established under s. 301.03 (18).
16 The department shall bill the liable person up to any amount of liability not paid by
17 an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules
18 which include formulas governing ability to pay promulgated by the department
19 under s. 301.03 (18). Any liability of the resident not payable by any other person
20 terminates when the resident reaches age 17, unless the liable person has prevented
21 payment by any act or omission.

22 (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent
23 specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's
24 minor child who has been placed by a court order under s. 938.183, 938.355 or
25 938.357 in a residential, nonmedical facility such as a group home, foster home,

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1 treatment foster home, child caring institution or juvenile correctional institution
2 shall be determined by the court by using the percentage standard established by the
3 department of workforce development under s. 49.22 (9) and by applying the
4 percentage standard in the manner established by the department under par. (g).

5 (c) Upon request by a parent, the court may modify the amount of child support
6 payments determined under par. (b), subject to par. (cm), if, after considering the
7 following factors, the court finds by the greater weight of the credible evidence that
8 the use of the percentage standard is unfair to the child or to either of the parents:

9 1. The needs of the child.

10 2. The physical, mental and emotional health needs of the child, including any
11 costs for the child's health insurance provided by a parent.

12 3. The standard of living and circumstances of the parents, including the needs
13 of each parent to support himself or herself at a level equal to or greater than that
14 established under 42 USC 9902 (2).

15 4. The financial resources of the parents.

16 5. The earning capacity of each parent, based on each parent's education,
17 training and work experience and based on the availability of work in or near the
18 parent's community.

19 6. The need and capacity of the child for education, including higher education.

20 7. The age of the child.

21 8. The financial resources and the earning ability of the child.

22 9. The needs of any person, including dependent children other than the child,
23 whom either parent is legally obligated to support.

24 10. The best interests of the child, including, but not limited to, the importance
25 of a placement that will promote the objectives specified in s. 938.01.

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1 11. Any other factors that the court in each case determines are relevant.

2 (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child
3 support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the
4 child for whom support is ordered, the amount of the child support payments
5 determined under par. (b) or (c) may not exceed the amount of the adoption assistance
6 payments.

7 2. Subdivision 1. does not apply if, after considering the factors under par. (c)
8 1. to 11., the court finds by the greater weight of the credible evidence that limiting
9 the amount of the child support payments to the amount of the adoption assistance
10 payments is unfair to the child or to either of the parents.

11 (d) If the court finds under par. (c) that use of the percentage standard is unfair
12 to the minor child or either of the parents, the court shall state in writing or on the
13 record the amount of support that would be required by using the percentage
14 standard, the amount by which the court's order deviates from that amount, the
15 court's reasons for finding that use of the percentage standard is unfair to the child
16 or the parent, the court's reasons for the amount of the modification and the basis for
17 the modification.

18 (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) or
19 938.363 (2) for support determined under this subsection constitutes an assignment
20 of all commissions, earnings, salaries, wages, pension benefits, benefits under ch.
21 102 or 108 and other money due or to be due in the future to the county department
22 under s. 46.215, 46.22 or 46.23 in the county where the order was entered or to the
23 department, depending upon the placement of the child as specified by rules
24 promulgated under subd. 5. The assignment shall be for an amount sufficient to
25 ensure payment under the order.

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1 2. Except as provided in subd. 3., for each payment made under the assignment,
2 the person from whom the payer under the order receives money shall receive an
3 amount equal to the person's necessary disbursements, not to exceed \$3, which shall
4 be deducted from the money to be paid to the payer.

5 3. Benefits under ch. 108 may be assigned and withheld only in the manner
6 provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for
7 an amount certain. When money is to be withheld from these benefits, no fee may
8 be deducted from the amount withheld and no fine may be levied for failure to
9 withhold the money.

10 4. No employer may use an assignment under this paragraph as a basis for the
11 denial of employment to a person, the discharge of an employe or any disciplinary
12 action against an employe. An employer who denies employment or discharges or
13 disciplines an employe in violation of this subdivision may be fined not more than
14 \$500 and may be required to make full restitution to the aggrieved person, including
15 reinstatement and back pay. Except as provided in this subdivision, restitution shall
16 be in accordance with s. 973.20. An aggrieved person may apply to the district
17 attorney or to the department of workforce development for enforcement of this
18 subdivision.

19 5. The department shall promulgate rules for the operation and
20 implementation of assignments under this paragraph.

21 (f) If the amount of the child support determined under this subsection is
22 greater than the cost for the care and maintenance of the minor child in the
23 residential, nonmedical facility, the assignee under par. (e) 1. shall expend or
24 otherwise dispose of any funds that are collected in excess of the cost of such care and

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1 maintenance in a manner that the assignee determines will serve the best interests
2 of the minor child.

3 (g) For purposes of determining child support under par. (b), the department
4 shall promulgate rules related to the application of the standard established by the
5 department of workforce development under s. 49.22 (9) to a child support obligation
6 for the care and maintenance of a child who is placed by a court order under s.
7 938.183, 938.355 or 938.357 in a residential, nonmedical facility. The rules shall take
8 into account the needs of any person, including dependent children other than the
9 child, whom either parent is legally obligated to support.

10 **(16)** The department shall delegate to county departments under ss. 46.215,
11 46.22 and 46.23 or the local providers of care and services meeting the standards
12 established by the department under s. 301.08, the responsibilities vested in the
13 department under this section for collection of fees for services other than those
14 provided at state facilities if those county departments or providers meet the
15 conditions considered appropriate by the department. The department may delegate
16 to county departments under ss. 46.215, 46.22 and 46.23 the responsibilities vested
17 in the department under this section for collection of fees for services provided at the
18 state facilities if the necessary conditions are met.

19 **SECTION 495.** 301.26 (2) (b) of the statutes is amended to read:

20 301.26 **(2)** (b) Uniform fees collected or received by counties under s. ~~46.03~~
21 301.03 (18) for services provided under this section shall be applied to cover the cost
22 of the services.

23 **SECTION 496.** 301.26 (4) (d) 1. of the statutes, as affected by 1997 Wisconsin Act
24 27, is amended to read:

ASSEMBLY BILL 768**SECTION 496**

1 301.26 (4) (d) 1. Except as provided in pars. (e) to (g), for services under s.
2 938.34, all payments and deductions made under this subsection and uniform fee
3 collections made under s. ~~46.03~~ 301.03 (18) shall be credited to the appropriation
4 account under s. 20.410 (3) (hm).

5 **SECTION 497.** 301.26 (4) (d) 1m. of the statutes, as affected by 1997 Wisconsin
6 Act 27, is amended to read:

7 301.26 (4) (d) 1m. Except as provided in pars. (e) to (g), for services under ss.
8 48.366 and 938.183, all payments and deductions made under this subsection and
9 uniform fee collections made under s. ~~46.03~~ 301.03 (18) shall be credited to the
10 appropriation account under s. 20.410 (3) (hm).

11 **SECTION 498.** 301.26 (4) (dt) of the statutes is amended to read:

12 301.26 (4) (dt) For serious juvenile offender services, all uniform fee collections
13 under s. ~~46.03~~ 301.03 (18) shall be ~~deposited in~~ credited to the appropriation account
14 under s. 20.410 (3) (hm).

15 **SECTION 499.** 301.26 (4) (e) of the statutes, as affected by 1997 Wisconsin Acts
16 27 and 35, is amended to read:

17 301.26 (4) (e) For foster care, treatment foster care, group home care and
18 institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and
19 (14) and 938.52 all payments and deductions made under this subsection and
20 uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be credited to the
21 appropriation account under s. 20.410 (3) (ho).

22 **SECTION 500.** 301.26 (4) (ed) of the statutes, as affected by 1997 Wisconsin Act
23 27, is amended to read:

24 301.26 (4) (ed) For foster care, treatment foster care, group home care and
25 institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48

ASSEMBLY BILL 768**SECTION 500**

1 (4) and (14) and 938.52 all uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be
2 credited to the appropriation account under s. 20.410 (3) (ho).

3 **SECTION 501.** 301.26 (4) (eg) of the statutes, as affected by 1997 Wisconsin Act
4 27, is amended to read:

5 301.26 (4) (eg) For corrective sanctions services under s. 938.533 (2), all
6 payments and deductions made under this subsection and uniform fee collections
7 under s. ~~46.03~~ 301.03 (18) shall be credited to the appropriation account under s.
8 20.410 (3) (hr).

9 **SECTION 502.** 301.26 (4) (g) of the statutes, as affected by 1997 Wisconsin Act
10 27, is amended to read:

11 301.26 (4) (g) For juvenile field and institutional aftercare services under ch.
12 938 and for the office of juvenile offender review, all payments and deductions made
13 under this subsection and uniform fee collections under s. ~~46.03~~ 301.03 (18) shall be
14 deposited in the general fund and shall be treated as a nonappropriated receipt.

15 **SECTION 503.** 301.328 of the statutes is created to read:

16 **301.328 Judgment for litigation loans to prisoners.** (1) In this section,
17 "litigation loan" means a loan made to a prisoner by the department to pay for paper,
18 photocopying, postage or other expenses associated with litigation commenced by
19 the prisoner.

20 (2) If a prisoner fails to repay a litigation loan to the department, the warden
21 of the institution where the prisoner is incarcerated, imprisoned, confined or
22 detained may submit a certification under oath to the clerk of circuit court in the
23 county where the institution is located. The certification shall state the amount of
24 litigation loans unpaid, the name and location of the prisoner and such other
25 information as the court considers necessary. The court shall order that the amount

ASSEMBLY BILL 768**SECTION 503**

1 certified by the warden be a judgment on behalf of the state and against the prisoner
2 if the prisoner fails to submit a written objection to the court within 20 days after the
3 court receives the certification from the warden. If the prisoner timely submits a
4 written objection to the certification, the court shall consider the objection to be a
5 complaint in a civil action and proceed under the rules of procedure under ch. 799,
6 without requiring the service of a summons or the payment of filing fees.

7 (3) At the same time that the warden submits the certification to the court, the
8 warden shall provide the prisoner with a copy of the certification. The warden shall
9 attach to the certification provided to the prisoner a notice informing the prisoner of
10 all of the following:

11 (a) That if the prisoner fails to submit a written objection to the court within
12 20 days after the court receives the certification from the warden, the court shall
13 order that the amount certified by the warden be a judgment on behalf of the state
14 and against the prisoner.

15 (b) The name and address of the circuit court where the certification was
16 submitted.

17 (c) That if the prisoner timely objects to the certification, the objection will be
18 considered a complaint for purposes of the commencement of a civil suit under ch.
19 799.

20 (d) That the prisoner is required to submit a copy of the objection to the warden
21 at the time he or she submits the objection to the clerk of circuit court.

22 **SECTION 504.** 301.45 (7) (a) of the statutes, as affected by 1995 Wisconsin Act
23 440, is amended to read:

ASSEMBLY BILL 768**SECTION 504**

1 301.45 (7) (a) The department shall maintain information provided under sub.
2 (2). The department shall keep the information confidential except as provided in
3 s. ~~ss. 301.03 (14) and~~ 301.46 and except as needed for law enforcement purposes.

4 **SECTION 505.** 301.46 (4) (a) 5. of the statutes, as created by 1995 Wisconsin Act
5 440, is amended to read:

6 301.46 (4) (a) 5. A shelter care facility licensed under s. ~~48.48~~ 938.22.

7 **SECTION 506.** 302.11 (1) of the statutes is amended to read:

8 302.11 (1) The warden or superintendent shall keep a record of the conduct of
9 each inmate, specifying each infraction of the rules. Except as provided in subs. (1g),
10 (1m), (1q), (7) and (10), each inmate is entitled to mandatory release on parole by the
11 department. The mandatory release date is established at two-thirds of the
12 sentence. Any calculations under this subsection or sub. (1q) (b) or (2) (b) resulting
13 in fractions of a day shall be rounded in the inmate's favor to a whole day.

14 **SECTION 507.** 302.11 (1q) of the statutes is created to read:

15 302.11 (1q) (a) An inmate who files an action or special proceeding, including
16 a petition for a common law writ of certiorari, to which s. 807.15 applies shall have
17 his or her mandatory release date extended by the number of days specified in the
18 court order prepared under s. 807.15 (3).

19 (b) Upon receiving a court order issued under s. 807.15, the department shall
20 recalculate the mandatory release date of the inmate to whom the order applies and
21 shall inform the inmate of his or her new mandatory release date.

22 **SECTION 508.** 302.11 (2) (c) of the statutes is amended to read:

23 302.11 (2) (c) No extension under this ~~section~~ subsection may require the
24 inmate to serve more days in prison than provided for under the sentence.

25 **SECTION 509.** 302.11 (7) (b) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 509**

1 302.11 (7) (b) A parolee returned to prison for violation of the conditions of
2 parole shall be incarcerated for the entire period of time determined by the
3 department of corrections in the case of a waiver or the division of hearings and
4 appeals in the department of administration in the case of a hearing under par. (a),
5 unless paroled earlier under par. (c). The parolee is not subject to mandatory release
6 under sub. (1) or presumptive mandatory release under sub. (1g). The period of time
7 determined under par. (a) may be extended in accordance with ~~sub.~~ subs. (1q) and
8 (2).

9 **SECTION 510.** 302.43 of the statutes is amended to read:

10 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
11 in the amount of one-fourth of his or her term for good behavior if sentenced to at
12 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
13 for time served prior to sentencing under s. 973.155, including good time under s.
14 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects
15 or refuses to perform any duty lawfully required of him or her, may be deprived by
16 the sheriff of good time under this section, except that the sheriff shall not deprive
17 the inmate of more than 2 days good time for any one offense without the approval
18 of the court. An inmate who files an action or special proceeding, including a petition
19 for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of
20 the number of days of good time specified in the court order prepared under s. 807.15
21 (3).

22 **SECTION 511.** 303.07 (3) of the statutes is amended to read:

23 303.07 (3) Each prisoner serving a sentence under this section who could have
24 been sentenced to a state prison is subject to s. 302.11 (1), (1g), (1q) and (2). Each
25 prisoner serving such a sentence may be transferred to a state prison upon

ASSEMBLY BILL 768**SECTION 511**

1 recommendation of the superintendent and approval of the department. The county
2 board may, pursuant to its regulations approved by the department, extend to all
3 other prisoners similar pecuniary earnings and rewards, subject to similar
4 conditions and limitations as those prescribed by s. 302.12 for prisoners in the
5 Wisconsin state prisons.

6 **SECTION 512.** 304.06 (1) (b) of the statutes is amended to read:

7 304.06 (1) (b) Except as provided in sub. (1m) or s. 302.045 (3), 961.49 (2) or
8 973.0135, the parole commission may parole an inmate of the Wisconsin state
9 prisons or any felon or any person serving at least one year or more in a county house
10 of correction or a county reforestation camp organized under s. 303.07, when he or
11 she has served 25% of the sentence imposed for the offense, or 6 months, whichever
12 is greater. Except as provided in s. 939.62 (2m) or 973.014, the parole commission
13 may parole an inmate serving a life term when he or she has served 20 years, as
14 modified by the formula under s. 302.11 (1) and subject to extension ~~using the~~
15 ~~formulas~~ under s. 302.11 (2) (1q) and (2), if applicable. The person serving the life
16 term shall be given credit for time served prior to sentencing under s. 973.155,
17 including good time under s. 973.155 (4). The secretary may grant special action
18 parole releases under s. 304.02. The department or the parole commission shall not
19 provide any convicted offender or other person sentenced to the department's custody
20 any parole eligibility or evaluation until the person has been confined at least 60 days
21 following sentencing.

22 **SECTION 513.** 343.305 (6) (e) of the statutes is created to read:

23 343.305 (6) (e) 1. In this paragraph, "department" means the department of
24 health and family services.

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1 2. In addition to any other information required by the department, an
2 application for a permit or laboratory approval under par. (a) shall include the
3 following:

4 a. In the case of an individual, the individual's social security number.

5 b. In the case of a person who is not an individual, the person's federal employer
6 identification number.

7 3. a. The department shall deny an application for the issuance or, if applicable,
8 an application for the renewal of a permit or laboratory approval if the information
9 required under subd. 2. a. or b. is not included in the application.

10 b. The department may not disclose any information received under subd. 2.
11 a. or b. except to the department of revenue for the sole purpose of requesting
12 certifications under s. 73.0301.

13 4. The department shall deny an application for the issuance or renewal of a
14 permit or laboratory approval, or revoke a permit or laboratory approval already
15 issued, if the department of revenue certifies under s. 73.0301 that the applicant or
16 holder of the permit or laboratory approval is liable for delinquent taxes. An
17 applicant for whom a permit or laboratory approval is not issued or renewed, or an
18 individual or laboratory whose permit or laboratory approval is revoked, under this
19 subdivision for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b.
20 and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing
21 under this subsection.

22 **SECTION 514.** 343.61 (2) of the statutes is renumbered 343.61 (2) (a) (intro.) and
23 amended to read:

24 343.61 (2) (a) (intro.) Application for a driver school license shall be made in
25 the form and manner prescribed by the department, shall contain such information

ASSEMBLY BILL 768**SECTION 514**

1 as is required by the department and shall be accompanied by the required fee. An
2 application shall include the following:

3 **SECTION 515.** 343.61 (2) (a) 1. and 2. of the statutes are created to read:

4 343.61 (2) (a) 1. In the case of an individual, the individual's social security
5 number.

6 2. In the case of a person who is not an individual, the person's federal employer
7 identification number.

8 **SECTION 516.** 343.61 (2) (b) of the statutes is created to read:

9 343.61 (2) (b) The department of transportation may not disclose any
10 information received under par. (a) 1. or 2. to any person except to the department
11 of revenue for the sole purpose of requesting certifications under s. 73.0301.

12 **SECTION 517.** 343.62 (2) of the statutes is renumbered 343.62 (2) (a) and
13 amended to read:

14 343.62 (2) (a) Application for an instructor's license shall be made in the form
15 and manner prescribed by the department, shall contain such information as is
16 required by the department and shall be accompanied by the required fee. An
17 application shall include the individual's social security number.

18 **SECTION 518.** 343.62 (2) (b) of the statutes is created to read:

19 343.62 (2) (b) The department of transportation may not disclose any social
20 security number received under par. (a) to any person except to the department of
21 revenue for the sole purpose of requesting certifications under s. 73.0301.

22 **SECTION 519.** 343.64 of the statutes is renumbered 343.64 (1).

23 **SECTION 520.** 343.64 (2) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 520**

1 343.64 (2) The secretary shall deny the application of any person for a driver
2 school license if the applicant fails to provide the information required under s.
3 343.61 (2) (a) 1. or 2.

4 **SECTION 521.** 343.65 of the statutes is renumbered 343.65 (1).

5 **SECTION 522.** 343.65 (2) of the statutes is created to read:

6 343.65 (2) The secretary shall deny the application of any person for an
7 instructor's license if the applicant fails to provide the social security number
8 required under s. 343.62 (2) (a).

9 **SECTION 523.** 343.66 (6) of the statutes is amended to read:

10 343.66 (6) The licensee has failed to maintain satisfactory insurance to meet
11 damage claims in the amounts specified by s. 343.64 ~~(7)~~ (1) (g).

12 **SECTION 524.** 343.662 of the statutes is created to read:

13 **343.662 Denial or revocation of driver school license.** The secretary shall
14 deny an application for the issuance or renewal of a driver school license issued under
15 s. 343.61, or revoke a driver school license already issued under s. 343.61, if the
16 department of revenue certifies under s. 73.0301 that the applicant or licensee is
17 liable for delinquent taxes. An applicant for whom a driver school license is not
18 issued or renewed, or a licensee whose driver school license is revoked, under this
19 section for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and
20 a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing
21 under this subchapter.

22 **SECTION 525.** 343.672 of the statutes is created to read:

23 **343.672 Denial or revocation of instructor's license.** The secretary shall
24 deny an application for the issuance or renewal of an instructor's license issued
25 under s. 343.62, or revoke an instructor's license already issued under s. 343.62, if

ASSEMBLY BILL 768**SECTION 525**

1 the department of revenue certifies under s. 73.0301 that the applicant or licensee
2 is liable for delinquent taxes. An applicant for whom an instructor's license is not
3 issued or renewed, or a licensee whose instructor's license is revoked, under this
4 section for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and
5 a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing
6 under this subchapter.

7 **SECTION 526.** 343.68 of the statutes is amended to read:

8 **343.68 Renewal no bar to revocation of license.** ~~In~~ Except as provided in
9 ss. 343.662 and 343.672, in reviewing the renewal of a license, the secretary may
10 deny or delay such renewal for causes and violations as prescribed by ss. 343.64 to
11 343.72 occurring during any prior license period.

12 **SECTION 527.** 343.69 of the statutes is amended to read:

13 **343.69 Hearings on license denials and revocations.** Before the
14 department denies an application for a driver school license or instructor's license
15 or revokes any such license, the department shall notify the applicant or licensee of
16 the pending action and that the division of hearings and appeals will hold a hearing
17 on the pending denial or revocation. The division of hearings and appeals shall send
18 notice of the hearing by registered or certified mail to the last-known address of the
19 licensee or applicant, at least 10 days prior to the date of the hearing. This section
20 does not apply to denials or revocations of licenses under s. 343.662 or 343.672.

21 **SECTION 528.** 348.27 (9m) (a) 3. of the statutes, as created by 1997 Wisconsin
22 Act 27, is amended to read:

23 348.27 **(9m)** (a) 3. Bulk potatoes from storage facilities to food processing
24 facilities in vehicles or vehicle combinations that exceed the maximum gross weight
25 limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit under

ASSEMBLY BILL 768**SECTION 528**

1 this subdivision is not valid on ~~USH 51 between STH 64 near Merrill and STH 29~~
2 ~~south of Wausau in Lincoln and Marathon counties, and on I 39 between STH 29~~
3 ~~south of Wausau and the I 90/94 interchange near Portage in Marathon, Portage,~~
4 ~~Waushara, Marquette and Columbia counties~~ highways designated as part of the
5 national system of interstate and defense highways, except to the extent permitted
6 by federal law without any loss or reduction of federal aid or other sanction.

7 **SECTION 529.** 350.12 (3j) (b) of the statutes, as created by 1997 Wisconsin Act
8 27, is amended to read:

9 350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is
10 exempt from registration under sub. (2) (b) or (bn) is ~~\$10~~ \$12.25. A trail use sticker
11 issued for such a snowmobile may be issued only by the department and persons
12 appointed by the department and is valid for one year.

13 **SECTION 530.** 350.12 (3j) (e) of the statutes is created to read:

14 350.12 (3j) (e) 1. The department may appoint any person who is not an
15 employe of the department as the department's agent to issue trail use stickers and
16 collect the fees for these stickers.

17 2. Any person, including the department, who issues a trail use sticker shall
18 collect in addition to the fee under par. (b) an issuing fee of 75 cents. The agent may
19 retain 50 cents of the issuing fee to compensate the agent for the agent's services in
20 issuing the sticker.

21 3. The department shall establish by rule, procedures for issuing trail use
22 stickers, and the department may promulgate rules regulating the activities of
23 persons who are authorized to be agents under this paragraph.

24 **SECTION 531.** 350.12 (3m) (a) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 531**

1 350.12 **(3m)** (a) *Deposited in the conservation fund.* All moneys that are
2 collected under this section and that are not issuing fees retained by agents
3 appointed by the department shall be deposited in the conservation fund and
4 credited to the snowmobile account established under s. 25.29 (1m).

5 **SECTION 532.** 440.01 (2) (cm) of the statutes is renumbered 73.0301 (1) (c) and
6 amended to read:

7 73.0301 **(1)** (c) “Liable for delinquent taxes” means that a person has been
8 finally determined by the department of revenue to be delinquent in the payment of
9 taxes, including penalties, interest, fees and costs, under ch. 71, 72, 76, 77, 78, 125
10 or 139 and, with respect to a person who applies for or holds a license, the person
11 remains delinquent in the payment of those taxes at the time ~~the department~~
12 requests that a request for a certification is made under s. ~~440.08 (2r)~~ of liability for
13 delinquent taxes sub. (2) (a) 1. or 2.

14 **SECTION 533.** 440.03 (7) of the statutes, as affected by 1997 Wisconsin Act 27,
15 is amended to read:

16 440.03 **(7)** The department shall establish the style, content and format of all
17 credentials and of all forms for applying for any credential issued or renewed under
18 chs. 440 to 480. When establishing the format of credential renewal application
19 forms, the department shall provide a place on the form for the information required
20 under s. ~~440.08 (2g) (b)~~ 440.12 (2). Upon request of any person who holds a credential
21 and payment of a \$10 fee, the department may issue a wall certificate signed by the
22 governor.

23 **SECTION 534.** 440.03 (12) of the statutes is repealed.

24 **SECTION 535.** 440.08 (2) (c) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 535**

1 440.08 (2) (c) Renewal applications shall be submitted to the department on
2 a form provided by the department that complies with sub. ~~(2g)~~ s. 440.12 (2) and,
3 except as provided in sub. (3), shall include the applicable renewal fee specified in
4 pars. (a) and (b).

5 **SECTION 536.** 440.08 (2g) of the statutes, as affected by 1997 Wisconsin Act 27,
6 is repealed.

7 **SECTION 537.** 440.08 (2r) of the statutes is repealed.

8 **SECTION 538.** 440.08 (4) (b) of the statutes is repealed and recreated to read:

9 440.08 (4) (b) *Applicability.* This subsection does not apply to a denial of a
10 credential renewal under s. 440.12 (4) (a) or (b).

11 **SECTION 539.** 440.12 of the statutes is created to read:

12 **440.12 Credential denial, nonrenewal and revocation based on tax**
13 **delinquency.** (1) In this section:

14 (a) "Credentialing board" means an examining board or an affiliated
15 credentialing board in the department.

16 (b) "Liable for delinquent taxes" has the meaning given in s. 73.0301 (1) (c).

17 (2) An applicant for an initial credential granted by the department or a
18 credentialing board, or for renewal of any credential granted under chs. 440 to 480,
19 or for reinstatement of a license under s. 452.12 (6) (e), shall provide on the
20 application form his or her social security number or, if the applicant is not an
21 individual, the applicant's federal employer identification number. No social
22 security number obtained under this subsection may be disclosed to any person
23 except to the department of revenue for the sole purpose of requesting certifications
24 under s. 73.0301.

ASSEMBLY BILL 768**SECTION 539**

1 (4) Notwithstanding any other provision of chs. 440 to 480 relating to issuance
2 or renewal of a credential, the department shall:

3 (a) Deny an application for an initial credential and deny an application for
4 credential renewal, or for reinstatement of a license under s. 452.12 (6) (e), if the
5 applicant does not provide the information specified in sub. (2).

6 (b) Deny an application for an initial credential or credential renewal or revoke
7 a credential if the department of revenue certifies under s. 73.0301 that the applicant
8 or credential holder is liable for delinquent taxes.

9 **SECTION 540.** 441.07 (2) of the statutes is amended to read:

10 441.07 (2) The board may reinstate a revoked license, no earlier than one year
11 following revocation, upon receipt of an application for reinstatement. This
12 subsection does not apply to a license that is revoked under s. 440.12 (4) (b).

13 **SECTION 541.** 442.12 (7) of the statutes is amended to read:

14 442.12 (7) Upon application in writing and after hearing pursuant to notice,
15 issue a new license to a licensee whose license has been revoked, reinstate a revoked
16 certificate or modify the suspension of any license or certificate which has been
17 suspended. This subsection does not apply to a license or certificate that is revoked
18 under s. 440.12 (4) (b).

19 **SECTION 542.** 443.11 (6) of the statutes is amended to read:

20 443.11 (6) The examining board, for reasons the interested section considers
21 sufficient, may reissue a certificate of registration or a certificate of record to any
22 person, or a certificate of authorization to any corporation, whose certificate has been
23 revoked, except for a certificate revoked under s. 440.12 (4) (b), providing 3 members
24 of the architect section, 3 members of the landscape architect section, 3 members of
25 the geologist section or 3 members of the engineer section of the examining board

ASSEMBLY BILL 768**SECTION 542**

1 vote in favor of such reissuance. A new certificate of registration, certificate of record
2 or certificate of authorization, to replace any certificate revoked, lost, destroyed or
3 mutilated may be issued, subject to the rules of the examining board and the
4 payment of the required fee.

5 **SECTION 543.** 443.12 (4) of the statutes is amended to read:

6 443.12 (4) The section, for reasons it deems sufficient, may reinstate a
7 certificate of registration that has been revoked, if 3 members vote in favor of such
8 reinstatement. This subsection does not apply to a certificate of registration that is
9 revoked under s. 440.12 (4) (b).

10 **SECTION 544.** 445.13 (2) of the statutes, as affected by 1995 Wisconsin Act 295,
11 is amended to read:

12 445.13 (2) No reprimand or order limiting, suspending or revoking a license,
13 certificate of registration or permit, or no assessment of forfeiture, shall be made
14 until after a hearing conducted by the examining board. This subsection does not
15 apply to a license, certificate of registration or permit that is revoked under s. 440.12
16 (4) (b).

17 **SECTION 545.** 446.05 (2) of the statutes is amended to read:

18 446.05 (2) Upon application and satisfactory proof that the cause of such
19 revocation or suspension no longer exists, the examining board may reinstate any
20 license or registration suspended or revoked by it. This subsection does not apply to
21 a license or registration that is revoked under s. 440.12 (4) (b).

22 **SECTION 546.** 447.07 (5) of the statutes, as affected by 1997 Wisconsin Act ...
23 (Assembly Bill 273), is amended to read:

24 447.07 (5) The examining board may reinstate a license or certificate that has
25 been voluntarily surrendered or revoked on terms and conditions that it considers

ASSEMBLY BILL 768**SECTION 546**

1 appropriate. This subsection does not apply to a license that is revoked under s.
2 440.12 (4) (b).

3 **SECTION 547.** 449.07 (3) of the statutes is amended to read:

4 449.07 (3) Upon application and satisfactory proof that the cause of such
5 revocation or suspension no longer exists, the examining board may reinstate any
6 license or registration by it suspended or revoked. This subsection does not apply to
7 a license or registration that is revoked under s. 440.12 (4) (b).

8 **SECTION 548.** 452.12 (6) (e) (intro.) of the statutes is amended to read:

9 452.12 (6) (e) (intro.) ~~Beginning on January 1, 1996~~ Except as provided in s.
10 440.12 (4) (a) and (b), the department shall reinstate an inactive licensee's original
11 license as follows:

12 **SECTION 549.** 452.18 of the statutes is amended to read:

13 **452.18 Court review.** ~~Orders~~ Except as provided in s. 73.0301 (2) (b) 1. a. and
14 2., orders of the board and department shall be subject to review as provided in ch.
15 227.

16 **SECTION 550.** 455.09 (3) of the statutes is amended to read:

17 455.09 (3) A revoked license may not be renewed. One year from the date of
18 revocation of a license under this chapter, application may be made for
19 reinstatement. The examining board may accept or reject an application for
20 reinstatement. If reinstatement is granted under this subsection, the licensee shall
21 pay a reinstatement fee in an amount equal to the renewal fee. This subsection does
22 not apply to a license that is revoked under s. 440.12 (4) (b).

23 **SECTION 551.** 456.11 (1) and (2) of the statutes are amended to read:

ASSEMBLY BILL 768**SECTION 551**

1 456.11 (1) The examining board may reinstate a license or registration to any
2 person whose license or registration has been revoked. This subsection does not
3 apply to a license or registration that is revoked under s. 440.12 (4) (b).

4 (2) Application for the reinstatement of a license or registration shall not be
5 made prior to one year after revocation and shall be made in such manner as the
6 examining board directs. This subsection does not apply to a license or registration
7 that is revoked under s. 440.12 (4) (b).

8 **SECTION 552.** 551.32 (1) (bm) of the statutes is created to read:

9 551.32 (1) (bm) 1. In addition to the information required under par. (b), an
10 application under par. (a) shall contain the following:

11 a. In the case of an individual, the individual's social security number.

12 b. In the case of a person who is not an individual, the person's federal employer
13 identification number.

14 2. The division may not disclose any information received under subd. 1. a. or
15 b. to any person except to the department of revenue for the sole purpose of
16 requesting certifications under s. 73.0301.

17 **SECTION 553.** 551.34 (1m) of the statutes is created to read:

18 551.34 (1m) 1. The division shall deny an application for the issuance or
19 renewal of a license if the applicant fails to provide the information required under
20 s. 551.32 (1) (bm) 1. or if the department of revenue certifies under s. 73.0301 that
21 the applicant is liable for delinquent taxes. An applicant whose application for the
22 issuance or renewal of a license is denied under this subdivision for delinquent taxes
23 is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5)
24 (a) but is not entitled to any other notice, hearing or review under this subchapter.

ASSEMBLY BILL 768**SECTION 553**

1 2. The division shall revoke a license if the department of revenue certifies
2 under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose
3 license is revoked under this subdivision for delinquent taxes is entitled to a notice
4 under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled
5 to any other notice, hearing or review under this subchapter.

6 **SECTION 554.** 560.145 of the statutes is created to read:

7 **560.145 Revolving loan fund capitalization. (1) GRANTS.** Subject to sub.
8 (3), the department may make a grant to a person from the appropriation under s.
9 20.143 (1) (c) for the capitalization of a revolving loan fund if all of the following
10 apply:

11 (a) The purpose of the revolving loan fund is to promote local or regional
12 economic development.

13 (b) The person submits a plan to the department detailing the proposed use of
14 the grant and the secretary approves the plan.

15 (c) The person enters into a written agreement with the department that
16 specifies the conditions for use of the grant proceeds, including reporting and
17 auditing requirements.

18 (d) The person agrees in writing to submit to the department the report
19 required under sub. (2) by the time required under sub. (2).

20 **(2) REPORT ON USE OF PROCEEDS.** A person receiving a grant under this section
21 shall submit to the department, within 6 months after spending the full amount of
22 the grant, a report detailing how the grant proceeds were used.

23 **(3) LIMIT ON GRANTS.** The department may not award in a fiscal biennium more
24 than \$500,000 in grants under this section.

25 **SECTION 555.** 560.147 of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 555**

1 **560.147 Rapid response fund. (1) LOANS.** Subject to sub. (4), the department
2 may make a loan to a person from the appropriations under s. 20.143 (1) (c) and (ie)
3 for a project described in sub. (2) if all of the following apply:

4 (a) The person submits a plan to the department detailing the proposed use of
5 the loan and the secretary approves the plan.

6 (b) The person enters into a written agreement with the department that
7 specifies the conditions for use of the loan proceeds, including reporting and auditing
8 requirements, and the loan repayment terms.

9 (c) The person agrees in writing to submit to the department the report
10 required under sub. (3) by the time required under sub. (3).

11 (d) The person contributes, from funds not provided by the state, not less than
12 25% of the cost of the project.

13 (e) The amount that the person contributes under par. (d) does not exceed
14 \$250,000.

15 **(2) ELIGIBLE PROJECTS.** (a) Loans under this section may be used only for any
16 of the following purposes:

17 1. The renovation or improvement of an existing building.

18 2. The purchase of land, an existing building, machinery or equipment.

19 3. The construction of a new building.

20 (b) The purpose of the renovation, purchase or construction under par. (a) must
21 be to foster economic development in the area of the project.

22 **(3) REPORT ON USE OF PROCEEDS.** A person receiving a loan under this section
23 shall submit to the department, within 6 months after spending the full amount of
24 the loan, a report detailing how the loan proceeds were used.

ASSEMBLY BILL 768**SECTION 555**

1 **(4) LIMIT ON LOANS.** The department may not award in a fiscal biennium more
2 than \$2,000,000 in loans under this section.

3 **(5) DEPOSIT OF REPAYMENTS.** The department shall deposit in the appropriation
4 account under s. 20.143 (1) (ie) all moneys received in repayment of loans under this
5 section.

6 **SECTION 556.** 560.17 (5c) (b) of the statutes, as created by 1997 Wisconsin Act
7 27, is amended to read:

8 560.17 **(5c)** (b) The total amount of grants awarded under this subsection in
9 any fiscal year may not exceed ~~\$200,000~~ \$500,000.

10 **SECTION 557.** 560.183 (3) (b) of the statutes, as affected by 1997 Wisconsin Act
11 27, is amended to read:

12 560.183 **(3)** (b) The agreement shall specify that the responsibility of the
13 department to make the payments under the agreement is subject to the availability
14 of funds in the appropriations under s. 20.143 (1) (f), (jc) and (jm).

15 **SECTION 558.** 560.183 (5) (a) of the statutes, as affected by 1997 Wisconsin Act
16 27, is amended to read:

17 560.183 **(5)** (a) The obligation of the department to make payments under an
18 agreement entered into under sub. (3) (b) is subject to the availability of funds in the
19 appropriations under s. 20.143 (1) (f), (jc) and (jm).

20 **SECTION 559.** 560.183 (5) (b) (intro.) of the statutes, as affected by 1997
21 Wisconsin Act 27, is amended to read:

22 560.183 **(5)** (b) (intro.) If the cost of repaying the loans of all eligible applicants,
23 when added to the cost of loan repayments scheduled under existing agreements,
24 exceeds the total amount in the appropriations under s. 20.143 (1) (f), (jc) and (jm),

ASSEMBLY BILL 768**SECTION 559**

1 the department shall establish priorities among the eligible applicants based upon
2 the following considerations:

3 **SECTION 560.** 560.183 (6m) of the statutes, as created by 1997 Wisconsin Act
4 27, is renumbered 560.183 (6m) (a).

5 **SECTION 561.** 560.183 (6m) (b) of the statutes is created to read:

6 560.183 **(6m)** (b) Any penalties assessed and collected under this subsection
7 shall be credited to the appropriation account under s. 20.143 (1) (jc).

8 **SECTION 562.** 560.184 (3) (b) of the statutes, as affected by 1997 Wisconsin Act
9 27, is amended to read:

10 560.184 **(3)** (b) The agreement shall specify that the responsibility of the
11 department to make the payments under the agreement is subject to the availability
12 of funds in the appropriations under s. 20.143 (1) (f), (jc) and (jL).

13 **SECTION 563.** 560.184 (5) (a) of the statutes, as affected by 1997 Wisconsin Act
14 27, is amended to read:

15 560.184 **(5)** (a) The obligation of the department to make payments under an
16 agreement entered into under sub. (3) is subject to the availability of funds in the
17 appropriations under s. 20.143 (1) (f), (jc) and (jL).

18 **SECTION 564.** 560.184 (5) (b) (intro.) of the statutes, as affected by 1997
19 Wisconsin Act 27, is amended to read:

20 560.184 **(5)** (b) (intro.) If the cost of repaying the loans of all eligible applicants,
21 when added to the cost of loan repayments scheduled under existing agreements,
22 exceeds the total amount in the appropriations under s. 20.143 (1) (f), (jc) and (jL),
23 the department shall establish priorities among the eligible applicants based upon
24 the following considerations:

ASSEMBLY BILL 768**SECTION 565**

1 **SECTION 565.** 560.184 (6m) of the statutes, as created by 1997 Wisconsin Act
2 27, is renumbered 560.184 (6m) (a).

3 **SECTION 566.** 560.184 (6m) (b) of the statutes is created to read:

4 560.184 **(6m)** (b) Any penalties assessed and collected under this subsection
5 shall be credited to the appropriation account under s. 20.143 (1) (jc).

6 **SECTION 567.** 628.04 (1) (intro.) of the statutes is amended to read:

7 628.04 **(1)** CONDITIONS AND QUALIFICATIONS. (intro.) The Except as provided in
8 s. 628.095 or 628.097, the commissioner shall issue a license to act as an agent to any
9 applicant who:

10 **SECTION 568.** 628.04 (2) of the statutes is amended to read:

11 628.04 **(2)** SURPLUS LINES AGENTS OR BROKERS. The Except as provided in s.
12 628.095 or 628.097, the commissioner may issue a license as an agent or broker
13 authorized to place business under s. 618.41 if the applicant shows to the satisfaction
14 of the commissioner that in addition to the qualifications necessary to obtain a
15 general license under sub. (1), the applicant has the competence to deal with the
16 problems of surplus lines insurance. The commissioner may by rule require an agent
17 or broker authorized to place business under s. 618.41 to supply a bond not larger
18 than \$100,000, conditioned upon proper performance of obligations as a surplus lines
19 agent or broker.

20 **SECTION 569.** 628.09 (1) of the statutes is amended to read:

21 628.09 **(1)** ISSUANCE OF LICENSE. The Except as provided in s. 628.095 or
22 628.097, the commissioner may issue a temporary license as an intermediary for a
23 period of not more than 3 months to the personal representative of a deceased or
24 mentally disabled intermediary, or to a person designated by an intermediary who
25 is otherwise disabled or has entered active duty in the U.S. armed forces, in order to

ASSEMBLY BILL 768**SECTION 569**

1 give time for more favorable sale of the goodwill of a business owned by the
2 intermediary, for the recovery or return of the intermediary, or for the orderly
3 training and licensing of new personnel for the intermediary's business. This
4 subsection does not apply to life insurance agents.

5 **SECTION 570.** 628.09 (4) of the statutes is amended to read:

6 628.09 (4) DURATION OF LICENSE. The commissioner may by order revoke a
7 temporary license if the interests of insureds or the public are endangered. ~~A~~ Except
8 as provided in s. 628.097, a temporary license may be extended beyond the initial
9 period specified under sub. (1), for additional periods of not more than 3 months each,
10 with the total period not to exceed 12 months in the aggregate. A temporary license
11 may not continue after the owner or the personal representative disposes of the
12 business.

13 **SECTION 571.** 628.095 of the statutes is created to read:

14 **628.095 Social security and federal employer identification numbers**
15 **on license applications or at time of fee payment. (1) REQUIRED ON**
16 **APPLICATIONS.** An application for a license issued under this subchapter shall contain
17 the applicant's social security number, if the applicant is a natural person, or the
18 applicant's federal employer identification number, if the applicant is not a natural
19 person.

20 **(2) REFUSAL TO ISSUE LICENSE.** The commissioner may not issue a license,
21 including a temporary license, under this subchapter unless the applicant provides
22 his or her social security number, if the applicant is a natural person, or provides the
23 applicant's federal tax identification number, if the applicant is not a natural person.

24 **(3) REQUIRED WHEN ANNUAL FEE PAID.** At the time that the annual fee is paid
25 under s. 601.31 (1) (m), an intermediary who is a natural person shall provide his or

ASSEMBLY BILL 768**SECTION 571**

1 her social security number, and an intermediary that is not a natural person shall
2 provide its federal employer identification number, if the social security number or
3 federal employer identification number was not provided on the application for the
4 license or previously when the annual fee was paid.

5 (4) DISCLOSURE. The commissioner may disclose any information received
6 under sub. (1) or (3) to the department of revenue for the purpose of requesting
7 certifications under s. 73.0301.

8 **SECTION 572.** 628.097 of the statutes is created to read:

9 **628.097 Refusal to issue based on tax delinquency.** (1) LICENSES. The
10 commissioner shall refuse to issue a license, including a temporary license, under
11 this subchapter if the department of revenue certifies under s. 73.0301 that the
12 applicant for the license is liable for delinquent taxes.

13 (2) EXTENSION OF TEMPORARY LICENSE. The commissioner shall refuse to extend
14 a temporary license under s. 628.09 (4) if the department of revenue certifies under
15 s. 73.0301 that the person holding the temporary license is liable for delinquent
16 taxes.

17 **SECTION 573.** 628.10 (2) (b) of the statutes is amended to read:

18 628.10 (2) (b) *For other reasons.* ~~After~~ Except as provided in par. (c), after a
19 hearing, the commissioner may revoke, suspend or limit in whole or in part the
20 license of any intermediary if the commissioner finds that the licensee is unqualified
21 as an intermediary, is not of good character or has repeatedly or knowingly violated
22 an insurance statute or rule or a valid order of the commissioner under s. 601.41 (4),
23 or if the intermediary's methods and practices in the conduct of business endanger,
24 or financial resources are inadequate to safeguard, the legitimate interests of

ASSEMBLY BILL 768**SECTION 573**

1 customers and the public. Nothing in this paragraph limits the authority of the
2 commissioner to suspend summarily an intermediary's license under s. 227.51 (3).

3 **SECTION 574.** 628.10 (2) (c) of the statutes is created to read:

4 628.10 (2) (c) *For liability for delinquent taxes.* The commissioner shall revoke
5 the license of an intermediary, including a temporary license under s. 628.09, if the
6 department of revenue certifies under s. 73.0301 that the intermediary is liable for
7 delinquent taxes.

8 **SECTION 575.** 628.10 (2) (d) of the statutes is created to read:

9 628.10 (2) (d) *For failure to provide social security or federal employer*
10 *identification number.* If an intermediary fails to provide a social security number
11 or a federal employer identification number as required under s. 628.095 (3), the
12 commissioner shall revoke the license of the intermediary, effective the day following
13 the last day on which the annual fee under s. 601.31 (1) (m) may be paid, if the
14 commissioner has given the intermediary reasonable notice of when the fee must be
15 paid to avoid revocation.

16 **SECTION 576.** 632.68 (2) (b) (intro.) of the statutes is amended to read:

17 632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical
18 settlement provider license on a form prescribed by the commissioner for that
19 purpose. The application form shall require the applicant to provide the applicant's
20 social security number, if the applicant is a natural person, or the applicant's federal
21 employer identification number, if the applicant is not a natural person. The fee
22 specified in s. 601.31 (1) (mm) shall accompany the application. After any
23 investigation of the applicant that the commissioner determines is sufficient, the
24 commissioner shall issue a viatical settlement provider license to an applicant that
25 satisfies all of the following:

ASSEMBLY BILL 768**SECTION 577**

1 **SECTION 577.** 632.68 (2) (b) 2. of the statutes is amended to read:

2 632.68 (2) (b) 2. Provides complete information on the application, including
3 the applicant's social security number or federal employer identification number.

4 **SECTION 578.** 632.68 (2) (bc) of the statutes is created to read:

5 632.68 (2) (bc) The commissioner may disclose a social security number or
6 federal employer identification number received under par. (b) or (e) to the
7 department of revenue for the purpose of requesting certifications under s. 73.0301.

8 **SECTION 579.** 632.68 (2) (bm) of the statutes is created to read:

9 632.68 (2) (bm) Notwithstanding par. (b), the commissioner may not issue a
10 license under this subsection if the department of revenue certifies under s. 73.0301
11 that the applicant is liable for delinquent taxes.

12 **SECTION 580.** 632.68 (2) (c) of the statutes is amended to read:

13 632.68 (2) (c) If Except as provided in par. (cm), if the commissioner denies an
14 application for a license under this subsection, the applicant may, within 20 days
15 after receiving notice of the denial, demand a hearing. The demand shall be in
16 writing and shall be served on the commissioner by delivering a copy to the
17 commissioner or by leaving it at the commissioner's office. The commissioner shall
18 hold a hearing not less than 10 days nor more than 30 days after service of the
19 demand. Failure to demand a hearing within the required time constitutes waiver
20 of a hearing.

21 **SECTION 581.** 632.68 (2) (cm) of the statutes is created to read:

22 632.68 (2) (cm) If the commissioner denies an application for a license under
23 this subsection for delinquent taxes, the applicant is entitled to a hearing under s.
24 73.0301 (5) (a) but is not entitled to a hearing under par. (c).

25 **SECTION 582.** 632.68 (2) (e) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 582**

1 632.68 (2) (e) Except as provided in sub. (3), a license issued under this
2 subsection shall be renewed annually on the anniversary date upon payment of the
3 fee specified in s. 601.31 (1) (mp) and upon providing the licensee's social security
4 number or federal employer identification number, as applicable, if not previously
5 provided on the application for the license or at a previous renewal of the license.

6 **SECTION 583.** 632.68 (3) (title) of the statutes is amended to read:

7 632.68 (3) (title) VIATICAL SETTLEMENT PROVIDER LICENSE; REVOCATION OR REFUSAL
8 TO RENEW.

9 **SECTION 584.** 632.68 (3) of the statutes is renumbered 632.68 (3) (a), and 632.68
10 (3) (a) (intro.), as renumbered, is amended to read:

11 632.68 (3) (a) (intro.) The Except as provided in par. (b), the commissioner may
12 revoke, suspend or refuse to renew a viatical settlement provider license if, after a
13 hearing, the commissioner finds any of the following:

14 **SECTION 585.** 632.68 (3) (b) of the statutes is created to read:

15 632.68 (3) (b) The commissioner shall revoke or refuse to renew a viatical
16 settlement provider license if the department of revenue certifies under s. 73.0301
17 that the licensee is liable for delinquent taxes.

18 **SECTION 586.** 632.68 (4) (b) of the statutes is amended to read:

19 632.68 (4) (b) A person may apply to the commissioner for a viatical settlement
20 broker license on a form prescribed by the commissioner for that purpose. The
21 application form shall require the applicant to provide the applicant's social security
22 number, if the applicant is a natural person, or the applicant's federal employer
23 identification number, if the applicant is not a natural person. The fee specified in
24 s. 601.31 (1) (mr) shall accompany the application. The commissioner may not issue

ASSEMBLY BILL 768**SECTION 586**

1 a license under this subsection unless the applicant provides his or her social security
2 number or its federal employer identification number, whichever is applicable.

3 **SECTION 587.** 632.68 (4) (bc) of the statutes is created to read:

4 632.68 (4) (bc) The commissioner may disclose a social security number or
5 federal employer identification number received under par. (b) or (c) to the
6 department of revenue for the purpose of requesting certifications under s. 73.0301.

7 **SECTION 588.** 632.68 (4) (bm) of the statutes is created to read:

8 632.68 (4) (bm) The commissioner may not issue a license under this subsection
9 if the department of revenue certifies under s. 73.0301 that the applicant is liable for
10 delinquent taxes.

11 **SECTION 589.** 632.68 (4) (c) of the statutes is amended to read:

12 632.68 (4) (c) Except as provided in sub. (5), a license issued under this
13 subsection shall be renewed annually on the anniversary date upon payment of the
14 fee specified in s. 601.31 (1) (ms) and upon providing the licensee's social security
15 number or federal employer identification number, as applicable, if not previously
16 provided on the application for the license or at a previous renewal of the license.

17 **SECTION 590.** 632.68 (5) (title) of the statutes is amended to read:

18 632.68 (5) (title) VIATICAL SETTLEMENT BROKER LICENSE; REVOCATION OR REFUSAL
19 TO RENEW.

20 **SECTION 591.** 632.68 (5) of the statutes is renumbered 632.68 (5) (a), and 632.68
21 (5) (a) (intro.), as renumbered, is amended to read:

22 632.68 (5) (a) (intro.) The Except as provided in par. (b), the commissioner may
23 revoke, suspend or refuse to renew a viatical settlement broker license if, after a
24 hearing, the commissioner finds any of the following:

25 **SECTION 592.** 632.68 (5) (b) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 592**

1 632.68 (5) (b) The commissioner shall revoke or refuse to renew a viatical
2 settlement broker license if the department of revenue certifies under s. 73.0301 that
3 the licensee is liable for delinquent taxes.

4 **SECTION 593.** 632.7495 (1) (a) of the statutes, as created by 1997 Wisconsin Act
5 27, is amended to read:

6 632.7495 (1) (a) Except as provided in subs. (2) and ~~(3)~~ to (4) and
7 notwithstanding s. 631.36 (2) to (4m), an insurer that provides individual health
8 benefit plan coverage shall renew such coverage or continue such coverage in force
9 at the option of the insured individual and, if applicable, the association through
10 which the individual has coverage.

11 **SECTION 594.** 632.7495 (4) of the statutes is created to read:

12 632.7495 (4) Notwithstanding subs. (1) and (2) and s. 631.36 (4), an insurer is
13 not required to renew individual health benefit plan coverage that is marketed and
14 designed to provide short-term coverage as a bridge between coverages.

15 **SECTION 595.** 632.897 (4) (d) (intro.) of the statutes is amended to read:

16 632.897 (4) (d) (intro.) This subsection does not require individual coverage to
17 be offered by an insurer offering group policies only. This subsection does not require
18 an insurer to issue, ~~or continue in force,~~ an individual conversion policy covering a
19 terminated insured or his or her spouse or dependent if benefits provided or available
20 to the covered person under subs. 1. to 3., together with the converted policy's
21 benefits, would result in overinsurance according to the insurer's standards for
22 overinsurance, and these standards have been filed with and approved by the
23 commissioner prior to use:

24 **SECTION 596.** 633.14 (1) (d) of the statutes is created to read:

25 633.14 (1) (d) Provides his or her social security number.

ASSEMBLY BILL 768**SECTION 597**

1 **SECTION 597.** 633.14 (2) (d) of the statutes is created to read:

2 633.14 (2) (d) Provides its federal employer identification number.

3 **SECTION 598.** 633.14 (2c) of the statutes is created to read:

4 633.14 (2c) The commissioner may disclose any information received under
5 sub. (1) (d) or (2) (d) or s. 633.15 (1m) to the department of revenue for the purpose
6 of requesting certifications under s. 73.0301.

7 **SECTION 599.** 633.14 (2m) of the statutes is created to read:

8 633.14 (2m) Notwithstanding subs. (1) and (2), the commissioner may not issue
9 a license under this section if the department of revenue certifies under s. 73.0301
10 that the applicant is liable for delinquent taxes.

11 **SECTION 600.** 633.15 (1m) of the statutes is created to read:

12 633.15 (1m) SOCIAL SECURITY OR FEDERAL EMPLOYER IDENTIFICATION NUMBER. At
13 an annual renewal, an administrator shall provide his or her social security number,
14 if the administrator is an individual, or its federal employer identification number,
15 if the administrator is a corporation, limited liability company or partnership, if the
16 social security number or federal employer identification number was not previously
17 provided on the application for the license or at a previous renewal of the license. The
18 commissioner shall refuse to renew a license if the licensee fails to provide a social
19 security number or federal employer identification number as required in this
20 subsection.

21 **SECTION 601.** 633.15 (2) (b) 1. (intro.) of the statutes is amended to read:

22 633.15 (2) (b) 1. (intro.) The Except as provided in par. (c), the commissioner
23 may revoke, suspend or limit the license of an administrator after a hearing if the
24 commissioner makes any of the following findings:

25 **SECTION 602.** 633.15 (2) (c) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 602**

1 633.15 (2) (c) *For liability for delinquent taxes.* The commissioner shall revoke
2 or refuse to renew a license issued under s. 633.14 if the department of revenue
3 certifies under s. 73.0301 that the licensee is liable for delinquent taxes.

4 **SECTION 603.** 701.06 (5) (intro.) of the statutes is amended to read:

5 701.06 (5) CLAIMS FOR PUBLIC SUPPORT. (intro.) Notwithstanding any provision
6 in the creating instrument or subs. (1) and (2), if the settlor is legally obligated to pay
7 for the public support of a beneficiary under s. 46.10 or 301.12 or the beneficiary is
8 legally obligated to pay for the beneficiary's public support or that furnished the
9 beneficiary's spouse or minor child under s. 46.10 or 301.12, upon application by the
10 appropriate state department or county official, the court may:

11 **SECTION 604.** 751.15 of the statutes is created to read:

12 **751.15 Rules regarding the practice of law. (1)** The supreme court is
13 requested to enter into a memorandum of understanding with the department of
14 revenue under s. 73.0301.

15 **(2)** The supreme court is requested to promulgate rules that require each
16 person, as a condition of membership in the state bar, to provide the board of bar
17 examiners with his or her social security number and that prohibit the disclosure of
18 that number to any person except the department of revenue for the sole purpose of
19 making certifications under s. 73.0301.

20 **(3)** The supreme court is requested to promulgate rules that deny an
21 application for a license to practice law or revoke a license to practice law already
22 issued if the applicant or licensee fails to provide the information required under
23 rules promulgated under sub. (2) or if the department of revenue certifies that the
24 applicant or licensee is liable for delinquent taxes under s. 73.0301.

25 **SECTION 605.** 753.075 (3) (a) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 605**

1 753.075 (3) (a) Temporary reserve judges shall receive a per diem of \$205
2 \$255.66. Commencing August 1, 1993, ~~temporary reserve judges shall receive a per~~
3 ~~diem of \$225. Commencing August 2, 1994, and every August 2 thereafter 1998, the~~
4 per diem for temporary reserve judges shall be increased by the same percentage
5 increase as the total percentage increase in authorized for circuit court judges'
6 salaries ~~authorized during the preceding 12-month period ending on August 1.~~
7 While serving outside the county in which they reside temporary reserve judges shall
8 also receive actual and necessary expenses incurred in the discharge of judicial
9 duties. This per diem compensation is not subject to s. 40.26 but the combined
10 amount of this compensation and any other judicial compensation together with
11 retirement annuities under the Wisconsin retirement system, the Milwaukee county
12 retirement fund and other state, county, municipal, or other Wisconsin
13 governmental retirement funds received by him or her during any one calendar year
14 shall not exceed the yearly compensation of a circuit judge. The per diem
15 compensation and actual and necessary expenses shall be paid from the
16 appropriation under s. 20.625 (1) (a) when the judge is assigned to a circuit court and
17 from the appropriation under s. 20.660 (1) (a) when the judge is assigned to the court
18 of appeals.

19 **SECTION 606.** 767.32 (1) (b) 4. of the statutes is amended to read:

20 767.32 (1) (b) 4. A difference between the amount of child support ordered by
21 the court to be paid by the payer and the amount that the payer would have been
22 required to pay based on the percentage standard established by the department
23 under s. 49.22 (9) if the court did not use the percentage standard in determining the
24 child support payments and did not provide the information required under s. 46.10
25 (14) (d), 301.12 (14) (d), 767.25 (1n) or 767.51 (5d), whichever is appropriate.

ASSEMBLY BILL 768**SECTION 607**

1 **SECTION 607.** 767.32 (2r) of the statutes is amended to read:

2 767.32 (2r) If the court revises a judgment or order providing for child support
3 that was entered under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2), 938.183 (2),
4 938.355 (2) (b) 4., 938.357 (5m) or 938.363 (2), the court shall determine child support
5 in the manner provided in s. 46.10 (14) or 301.12 (14), whichever is applicable.

6 **SECTION 608.** 767.32 (2s) of the statutes is amended to read:

7 767.32 (2s) In an action under sub. (1), the court may not approve a stipulation
8 for the revision of a judgment or order with respect to an amount of child support or
9 family support unless the stipulation provides for payment of an amount of child
10 support or family support that is determined in the manner required under s. 46.10
11 (14), 301.12 (14), 767.25 or 767.51, whichever is appropriate.

12 **SECTION 609.** 779.14 (1) (title) of the statutes is created to read:

13 779.14 (1) (title) DEFINITION.

14 **SECTION 610.** 779.14 (1e) (title) of the statutes is created to read:

15 779.14 (1e) (title) CONTRACT REQUIREMENTS REGARDING DUTIES OF PRIME
16 CONTRACTOR.

17 **SECTION 611.** 779.14 (1e) (b) of the statutes is created to read:

18 779.14 (1e) (b) All contracts that are in excess of \$30,000, as indexed under sub.
19 (1s), and that are for the performance of labor or furnishing materials for a public
20 improvement or public work shall contain a provision under which the prime
21 contractor agrees, to the extent practicable, to maintain a list of all subcontractors
22 and suppliers performing labor or furnishing materials under the contract.

23 **SECTION 612.** 779.14 (1m) (title) of the statutes is created to read:

24 779.14 (1m) (title) PAYMENT AND PERFORMANCE ASSURANCE REQUIREMENTS.

ASSEMBLY BILL 768**SECTION 613**

1 **SECTION 613.** 779.14 (1m) (a) of the statutes, as affected by 1997 Wisconsin Acts
2 27 and 39, is renumbered 779.14 (1e) (a) and amended to read:

3 779.14 (1e) (a) All contracts with the state involving \$2,500 or more and all
4 other contracts involving \$500 \$10,000 or more for the performance of labor or
5 furnishing materials when the same pertains to any public improvement or public
6 work shall contain a provision for the payment by the prime contractor of all claims
7 for labor performed and materials furnished, used or consumed in making the public
8 improvement or performing the public work, including, without limitation because
9 of enumeration, fuel, lumber, building materials, machinery, vehicles, tractors,
10 equipment, fixtures, apparatus, tools, appliances, supplies, electric energy, gasoline,
11 motor oil, lubricating oil, greases, state imposed taxes, premiums for worker's
12 compensation insurance and contributions for unemployment insurance.

13 **SECTION 614.** 779.14 (1m) (b) 1. of the statutes, as affected by 1997 Wisconsin
14 Act 27, is repealed.

15 **SECTION 615.** 779.14 (1m) (b) 1m. of the statutes, as created by 1997 Wisconsin
16 Act 27, is renumbered 779.14 (1m) (f) and amended to read:

17 779.14 (1m) (f) (title) Direct purchase contracts. ~~The bonding requirement~~
18 ~~under subd. 1. does Paragraphs (c) and (d) do not apply to a contract for the direct~~
19 purchase of materials by the state or by a local unit of government.

20 **SECTION 616.** 779.14 (1m) (b) 2. of the statutes is renumbered 779.14 (1m) (e)
21 2., and 779.14 (1m) (e) 2. (intro.) and b., as renumbered, are amended to read:

22 779.14 (1m) (e) 2. (intro.) The A bond required under par. (c) or (d) shall carry
23 a penalty of not less than the contract price, and shall be conditioned for all of the
24 following:

ASSEMBLY BILL 768**SECTION 616**

1 b. The payment to every person, including every subcontractor or supplier, of
2 all claims that are entitled to payment for labor performed and materials furnished
3 for the purpose of making the public improvement or performing the public work as
4 provided in the contract and ~~this subsection~~ sub. (1e) (a).

5 **SECTION 617.** 779.14 (1m) (b) 3. of the statutes is renumbered 779.14 (1m) (e)
6 3. and amended to read:

7 779.14 (1m) (e) 3. The A bond required under par. (c) shall be approved for the
8 state by the state official authorized to enter the contract, ~~7.~~ A bond required under
9 par. (d) shall be approved for a county by its corporation counsel, for a city by its
10 mayor, for a village by its president, for a town by its chairperson, for a school district
11 by its president and for any other public board or body by the presiding officer
12 thereof.

13 **SECTION 618.** 779.14 (1m) (b) 4. of the statutes is renumbered 779.14 (1m) (e)
14 4. and amended to read:

15 779.14 (1m) (e) 4. No assignment, modification or change of the contract,
16 change in the work covered thereby or extension of time for the completion of the
17 contract may release the sureties on ~~the~~ a bond required under par. (c) or (d).

18 **SECTION 619.** 779.14 (1m) (b) 5. of the statutes is renumbered 779.14 (1m) (e)
19 5. and amended to read:

20 779.14 (1m) (e) 5. Neither the invitation for bids nor the person having power
21 to approve the prime contractor's bond may require that ~~the~~ a bond required under
22 par. (c) or (d) be furnished by a specified surety company or through a specified agent
23 or broker.

24 **SECTION 620.** 779.14 (1m) (c) and (d) of the statutes are created to read:

ASSEMBLY BILL 768**SECTION 620**

1 779.14 **(1m)** (c) *State contracts*. The following requirements apply to contracts
2 with the state for the performance of labor or furnishing materials for a public
3 improvement or public work:

4 1. In the case of a contract with a contract price exceeding \$10,000, as indexed
5 under sub. (1s), but not exceeding \$100,000, as indexed under sub. (1s):

6 a. The contract shall include a provision which allows the state to make direct
7 payment to subcontractors or to pay the prime contractor with checks that are made
8 payable to the prime contractor and to one or more subcontractors.

9 b. The contract shall comply with written standards established by the
10 department of administration. Written standards established under this subd. 1. b.
11 shall include criteria for determining whether the contract requires payment or
12 performance assurances and, if so, what payment or performance assurances are
13 required.

14 2. In the case of a contract with a contract price exceeding \$100,000, as indexed
15 under sub. (1s), but not exceeding \$250,000, as indexed under sub. (1s):

16 a. The contract shall include a provision which allows the state to make direct
17 payment to subcontractors or to pay the prime contractor with checks that are made
18 payable to the prime contractor and to one or more subcontractors.

19 b. The contract shall require the prime contractor to provide a payment and
20 performance bond meeting the requirements of par. (e), unless the department of
21 administration allows the prime contractor to substitute a different payment
22 assurance for the payment and performance bond. The department of
23 administration may allow a prime contractor to substitute a different payment and
24 performance assurance for the payment and performance bond only after the
25 contract has been awarded and only if the substituted payment and performance

ASSEMBLY BILL 768**SECTION 620**

1 assurance is for an amount at least equal to the contract price and is in the form of
2 a bond, an irrevocable letter of credit, an escrow account or other type of instrument
3 acceptable to the department of administration. The department of administration
4 shall establish written standards under this subd. 2. b. governing when a different
5 payment and performance assurance may be substituted for a payment and
6 performance bond under par. (e).

7 3. In the case of a contract with a contract price exceeding \$250,000, as indexed
8 under sub. (1s), the contract shall require the prime contractor to obtain a payment
9 and performance bond meeting the requirements under par. (e).

10 (d) *Local government contracts.* The following requirements apply to contracts,
11 other than contracts with the state, for the performance of labor or furnishing
12 materials for a public improvement or public work:

13 1. In the case of a contract with a contract price exceeding \$10,000, as indexed
14 under sub. (1s), but not exceeding \$50,000, as indexed under sub. (1s):

15 a. The contract shall include a provision which allows the governmental body
16 that is authorized to enter into the contract to make direct payment to subcontractors
17 or to pay the prime contractor with checks that are made payable to the prime
18 contractor and to one or more subcontractors.

19 b. The contract shall comply with written standards established by the public
20 body authorized to enter into the contract. Written standards established under this
21 subd. 1. b. shall include criteria for determining whether the contract requires
22 payment or performance assurances and, if so, what payment or performance
23 assurances are required.

24 2. In the case of a contract with a contract price exceeding \$50,000, as indexed
25 under sub. (1s), but not exceeding \$100,000, as indexed under sub. (1s):

ASSEMBLY BILL 768**SECTION 620**

1 a. The contract shall include a provision which allows the governmental body
2 that is authorized to enter into the contract to make direct payment to subcontractors
3 or to pay the prime contractor with checks that are made payable to the prime
4 contractor and to one or more subcontractors.

5 b. The contract shall require the prime contractor to provide a payment and
6 performance bond meeting the requirements of par. (e), unless the public body
7 authorized to enter into the contract allows the prime contractor to substitute a
8 different payment assurance for the payment and performance bond. The public
9 body may allow a prime contractor to substitute a different payment and
10 performance assurance for the payment and performance bond only after the
11 contract has been awarded and only if the substituted payment and performance
12 assurance is for an amount at least equal to the contract price and is in the form of
13 a bond, an irrevocable letter of credit, an escrow account or other type of instrument
14 acceptable to the department of administration. The public body shall establish
15 written standards under this subd. 2. b. governing when a different payment and
16 performance assurance may be substituted for a payment and performance bond
17 under par. (e).

18 3. In the case of a contract with a contract price exceeding \$100,000, as indexed
19 under sub. (1s), the contract shall require the prime contractor to obtain a payment
20 and performance bond meeting the requirements under par. (e).

21 **SECTION 621.** 779.14 (1m) (e) (title) of the statutes is created to read:

22 779.14 (1m) (e) *Bonding requirements.*

23 **SECTION 622.** 779.14 (1s) of the statutes is created to read:

24 779.14 (1s) INDEXING OF CONTRACT THRESHOLDS. If a dollar amount is to be
25 indexed under this subsection, the department of workforce development shall

ASSEMBLY BILL 768**SECTION 622**

1 adjust the dollar amount biennially, the first adjustment to be made not sooner than
2 December 1, 1998. The adjustment shall be in proportion to any change in
3 construction costs since the effective date of this subsection under this subsection,
4 or the last adjustment whichever is later. No adjustment shall be made for a
5 biennium, if the adjustment to be made would be less than 5%.

6 **SECTION 623.** 779.14 (2) (title) of the statutes is created to read:

7 779.14 (2) (title) ACTIONS ON A PERFORMANCE AND PAYMENT BOND.

8 **SECTION 624.** 779.14 (2) (a) 2. of the statutes is amended to read:

9 779.14 (2) (a) 2. Except as provided in subd. 3., failure of the prime contractor
10 or a subcontractor of the prime contractor to comply with a contract, whether express
11 or implied, with a subcontractor or supplier for the performance of labor or
12 furnishing of materials for the purpose of making the public improvement or
13 performing the public work that is the subject of the contract ~~under sub. (1m)~~ with
14 the governmental entity.

15 **SECTION 625.** 779.14 (2) (a) 3. of the statutes is amended to read:

16 779.14 (2) (a) 3. With respect to contracts entered into under s. 84.06 (2) for
17 highway improvements, failure of the prime contractor to comply with a contract,
18 whether express or implied, with a subcontractor or supplier of the prime contractor
19 for the performance of labor or furnishing of materials for the purpose of making the
20 highway improvement that is the subject of the contract ~~under sub. (1m)~~ with the
21 governmental entity.

22 **SECTION 626.** 779.14 (2) (am) 2. c. of the statutes is amended to read:

23 779.14 (2) (am) 2. c. The subcontractor or supplier is listed in the list required
24 to be maintained under sub. ~~(1m) (b) 1.~~ (1e) (b) or in a written contract, or in a

ASSEMBLY BILL 768**SECTION 626**

1 document appended to a written contract, between a subcontractor or supplier and
2 the prime contractor.

3 **SECTION 627.** 779.14 (3) (title) of the statutes is created to read:

4 779.14 (3) (title) ACTIONS BY A COUNTY.

5 **SECTION 628.** 782.01 (1) of the statutes is amended to read:

6 782.01 (1) Every person restrained of personal liberty may prosecute a writ of
7 habeas corpus to obtain relief from such restraint, subject to ss. 782.02, 782.035 and
8 974.06.

9 **SECTION 629.** 782.02 of the statutes is renumbered 782.02 (1) (intro.) and
10 amended to read:

11 782.02 (1) (intro.) No person shall be entitled to prosecute such a writ who shall
12 have of habeas corpus if any of the following applies:

13 (a) Subject to sub. (2), he or she has been committed or detained by virtue of
14 the final judgment or order of any competent tribunal of civil or criminal jurisdiction
15 or by virtue of any execution issued upon such order or judgment; ~~but no.~~

16 (2) (a) An order of commitment for any alleged contempt or upon proceedings
17 as for contempt to enforce the rights or remedies of any party ~~shall be deemed is not~~
18 a judgment or order ~~within the meaning of this section; nor shall any for purposes~~
19 of sub. (1) (a).

20 (b) Any attachment or other process issued upon any such order ~~be deemed~~
21 specified in par. (a) is not an execution within the meaning of this section for purposes
22 of sub. (1) (a).

23 **SECTION 630.** 782.02 (1) (b) of the statutes is created to read:

ASSEMBLY BILL 768**SECTION 630**

1 782.02 (1) (b) The person is challenging a revocation of probation or parole or
2 a denial of parole and there is another adequate legal remedy for challenging the
3 revocation or denial.

4 **SECTION 631.** 782.02 (1) (c) of the statutes is created to read:

5 782.02 (1) (c) The person has not exhausted all administrative remedies that
6 are available and adequate to challenge his or her imprisonment.

7 **SECTION 632.** 782.03 of the statutes is amended to read:

8 **782.03 Petition for writ.** Application for the writ shall be by petition, signed
9 either by the prisoner or by some person in his or her behalf, and, except as provided
10 in s. 782.035 (4), may be made to the supreme court, the court of appeals or the circuit
11 court of the county, or to any justice or judge of the supreme court, court of appeals
12 or circuit court or to any court commissioner, within the county where the prisoner
13 is detained; ~~or, except that if there is no judge within the county, or for any cause he~~
14 ~~or she is incapable of acting, or has refused to grant the writ, then to some application~~
15 ~~for the writ may be made to a judge residing in an adjoining county; but every~~
16 ~~application, made by or on behalf of a person sentenced to the state prisons, must~~
17 ~~contain a copy of any motion made under s. 974.06 and shall indicate the disposition~~
18 ~~of the motion and the court in which the disposition was made. If no motion was~~
19 ~~made, the petition shall so state.~~

20 **SECTION 633.** 782.035 of the statutes is created to read:

21 **782.035 Successive petitions for writ. (1)** In this section, "prisoner" means
22 a person who is imprisoned or detained in a prison or jail and who is seeking relief
23 from a judgment of conviction for a crime, from a sentence for a crime, from a
24 revocation of parole or probation or from an action by a government officer, employe

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1 or agent that affects the person's imprisonment or the person's status as a
2 probationer or parolee.

3 (2) If a prisoner has previously prosecuted a writ of habeas corpus to obtain
4 relief from imprisonment and the legality of that imprisonment has been determined
5 by a court, the prisoner may not prosecute another writ of habeas corpus to obtain
6 relief from that imprisonment based on a claim that was raised in the previous
7 habeas corpus proceeding.

8 (3) If a prisoner has previously prosecuted a writ of habeas corpus to obtain
9 relief from imprisonment and the legality of that imprisonment has been determined
10 by a court, the prisoner may not prosecute another writ of habeas corpus to obtain
11 relief from that imprisonment based on a claim that was not raised in the previous
12 habeas corpus proceeding unless the prisoner makes a prima facie showing in his or
13 her petition that any of the following applies to the claim:

14 (a) The claim relies on a rule of constitutional law that was established by the
15 supreme court of this state or the United States after the previous determination of
16 the legality of the imprisonment or restraint and that the supreme court held to
17 apply retroactively to cases on collateral review.

18 (b) The facts underlying the claim could not previously have been discovered
19 through the exercise of due diligence and, if proven and viewed in light of the
20 evidence as a whole, would establish by clear and convincing evidence that, but for
21 a constitutional error, no reasonable factfinder would have found the prisoner guilty
22 of the offense for which he or she is imprisoned or, if the prisoner is challenging a
23 revocation of probation or parole, no reasonable factfinder would have found that the
24 prisoner violated the conditions of probation or parole.

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1 **(4)** A prisoner may file a successive petition for a writ of habeas corpus only in
2 the circuit court in the county of venue specified in s. 801.50 (4). The circuit court
3 shall dismiss the petition if it raises a claim raised in a previous habeas corpus
4 proceeding or, if the petition raises a claim not raised in a previous habeas corpus
5 proceeding, if it does not satisfy any of the criteria specified in sub. (3) (a) or (b).

6 **SECTION 634.** 782.04 (intro.), (1), (2), (3) and (5) of the statutes are renumbered
7 782.04 (1m) (intro.), (a), (b), (c) and (d), and 782.04 (1m) (intro.), as renumbered, is
8 amended to read:

9 782.04 **(1m)** (intro.) ~~Such~~ A petition for a writ of habeas corpus must be
10 verified and must state in substance all of the following:

11 **SECTION 635.** 782.04 (3m) and (4m) of the statutes are created to read:

12 782.04 **(3m)** If the petitioner is a prisoner, as defined in s. 782.035 (1), the
13 petition shall state whether the prisoner has filed a previous petition challenging his
14 or her imprisonment. If the prisoner has filed a previous petition challenging his or
15 her imprisonment, the petition must contain a copy of the previous petition and shall
16 indicate the disposition of the petition and the court in which the disposition was
17 made.

18 **(4m)** If the petitioner is imprisoned in a prison or jail under a sentence for a
19 crime, the petition shall comply with all of the following:

20 (a) The petition must contain a copy of any motion made under s. 974.06 and
21 shall indicate the disposition of the motion and the court in which the disposition was
22 made. If no motion was made under s. 974.06, the petition shall so state.

23 (b) The petition shall state whether the prisoner has challenged his or her
24 imprisonment, or the proceeding that resulted in his or her imprisonment, in an

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1 appeal under s. 974.02 or a proceeding for review by writ of certiorari and, if so, the
2 outcome of the appeal or proceeding.

3 **SECTION 636.** 782.04 (4) of the statutes is renumbered 782.04 (2m) and
4 amended to read:

5 782.04 (2m) If the prisoner's imprisonment is by virtue of any order or process,
6 a copy thereof of the order or process must be annexed, to the petition or ~~it~~ the petition
7 must be averred allege either that, by reason of such the prisoner being removed or
8 concealed, a demand of such for a copy of the order or process could not be made or
9 that such a demand was made and a fee of \$1 therefor for the copy was tendered to
10 the person having such prisoner in custody, and that such copy was of the prisoner
11 but the person refused to provide the copy.

12 **SECTION 637.** 782.045 of the statutes is created to read:

13 **782.045 Time for filing petition for writ. (1)** In this section, "prisoner"
14 means a person who is imprisoned or detained in a prison or jail and who is seeking
15 relief from a judgment of conviction for a crime, from a sentence for a crime, from a
16 revocation of parole or probation or from an action by a government officer, employe
17 or agent that affects the person's imprisonment or the person's status as a
18 probationer or parolee.

19 **(2)** A person prosecuting a writ of habeas corpus shall file a petition for a writ
20 of habeas corpus within one year after whichever of the following dates is latest:

21 (a) The date on which the time expires for appealing or seeking postconviction
22 relief under s. 974.02, if the person did not appeal or seek postconviction relief under
23 s. 974.02, or the date on which the appeal or motion seeking postconviction relief is
24 finally adjudicated, if the person did appeal or seek postconviction relief under s.
25 974.02.

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1 (b) The date on which a state law that prevented a person from filing a petition
2 for a writ of habeas corpus is declared to violate the constitution or laws of this state
3 or the constitution of the United States.

4 (c) The date on which the rule of constitutional law on which the petition is
5 based is recognized, if the person is alleging that his or her imprisonment is in
6 violation of a rule of constitutional law under the constitution of this state or the
7 United States that is newly recognized by the supreme court of this state or the
8 United States and that is made retroactively applicable to pending cases on
9 collateral review.

10 (d) The date on which the facts on which the petition is based could have been
11 discovered through the exercise of due diligence.

12 **SECTION 638.** 782.195 of the statutes is created to read:

13 **782.195 Effect of previous appeals and postconviction motions. (1)**

14 Except as provided in sub. (2), if, before he or she filed a petition for a writ of habeas
15 corpus, a prisoner challenged his or her imprisonment, or the proceeding that
16 resulted in his or her imprisonment, in an appeal or postconviction motion under s.
17 974.02 or 974.06 or a review by writ of certiorari, a court or judge proceeding under
18 this chapter is bound as to all issues of law and fact decided by the final adjudication
19 of the appeal, postconviction motion or proceeding for certiorari.

20 (2) A court or judge proceeding under this chapter is not bound under sub. (1)
21 by an issue of law and fact decided by the final adjudication of an appeal,
22 postconviction motion or action for certiorari if the prisoner demonstrates by clear
23 and convincing evidence that there is a material fact that did not appear in the record
24 of the appeal, postconviction motion or proceeding for certiorari, that the fact would
25 probably change the outcome of the appeal, postconviction motion or proceeding for

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1 certiorari and that by exercising due diligence he or she could not have caused that
2 fact to appear in the record.

3 **SECTION 639.** 782.20 of the statutes is amended to read:

4 **782.20 When party discharged.** If Except as provided in s. 782.205, if no
5 legal cause be shown for such imprisonment or restraint or for the continuance
6 thereof the court or judge shall make a final order discharging such party from the
7 custody or restraint.

8 **SECTION 640.** 782.205 of the statutes is created to read:

9 **782.205 No discharge or default for failure to make return.** If a
10 respondent neglects to obey and make return to a writ of habeas corpus, the court or
11 judge may not discharge a prisoner from custody or restraint or otherwise grant a
12 default judgment against the respondent but shall proceed as provided under ss.
13 782.16, 782.17, 782.18 and 782.19, as applicable.

14 **SECTION 641.** 788.01 of the statutes is amended to read:

15 **788.01 Arbitration clauses in contracts enforceable.** A provision in any
16 written contract to settle by arbitration a controversy thereafter arising out of such
17 contract, or out of the refusal to perform the whole or any part thereof, or an
18 agreement in writing between two or more persons to submit to arbitration any
19 controversy existing between them at the time of the agreement to submit, shall be
20 valid, irrevocable and enforceable save upon such grounds as exist at law or in equity
21 for the revocation of any contract. This chapter shall not apply to contracts between
22 employers and employes, or between employers and associations of employes, except
23 as provided in s. 111.10, nor to agreements to arbitrate disputes under s. 101.143 (6s)
24 or 230.44 (4) (bm).

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1 **SECTION 642.** 801.02 (7) of the statutes is renumbered 801.02 (7) (c) and
2 amended to read:

3 801.02 (7) (c) No prisoner, ~~as defined in s. 301.01 (2),~~ may commence a civil
4 action or special proceeding against an officer, employe or agent of the department
5 of corrections in his or her official capacity or as an individual for acts or omissions
6 committed while carrying out his or her duties as an officer, employe or agent or while
7 acting within the scope of his or her office, employment or agency, including a petition
8 for a common law writ of certiorari, with respect to the prison or jail conditions in the
9 facility in which he or she is or has been incarcerated, imprisoned or detained until
10 the person has exhausted any all available administrative remedies that the
11 department of corrections has promulgated by rule. Except for petitions for a
12 common law writ of certiorari, a prisoner commencing an action or special proceeding
13 shall first comply with the provisions of s. 893.80 or 893.82.

14 **SECTION 643.** 801.02 (7) (a), (b) and (d) of the statutes are created to read:

15 801.02 (7) (a) In this subsection:

16 1. "Correctional institution" means any state or local facility that incarcerates
17 or detains any adult accused of, charged with, convicted of, or sentenced for any crime
18 or that incarcerates or detains any juvenile alleged to be delinquent or adjudicated
19 to be delinquent on the basis of conduct that, if committed by an adult, would be a
20 crime. A correctional institution includes a Type 1 prison, as defined in s. 301.01 (5),
21 a Type 2 prison, as defined in s. 301.01 (6), a county jail and a house of correction.

22 2. "Prisoner" means any person who is incarcerated, imprisoned or otherwise
23 detained in a correctional institution or who is arrested or otherwise detained by a
24 law enforcement officer.

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1 3. "Prison or jail conditions" means any matter related to the conditions of
2 confinement or to the effects of actions by government officers, employes or agents
3 on the lives of prisoners, but excluding the fact or duration of the confinement.

4 (b) Review by the common law writ of certiorari is a prisoner's exclusive remedy
5 for doing any of the following:

6 1. Challenging the validity of a decision relating to prisoner discipline, the
7 revocation of probation or the denial or revocation of parole.

8 2. Challenging the disposition of a complaint concerning prison or jail
9 conditions, including a complaint concerning a program assignment, institution
10 assignment or security classification, for which there is an adequate administrative
11 remedy.

12 (d) At the time of filing the initial pleading to commence an action or special
13 proceeding, including a petition for a common law writ of certiorari, related to prison
14 or jail conditions, a prisoner shall include, as part of the initial pleading,
15 documentation showing that he or she has exhausted all available administrative
16 remedies. The documentation shall include copies of all of the written materials that
17 he or she provided to the administrative agency as part of the administrative
18 proceeding and all of the written materials the administrative agency provided to
19 him or her related to that administrative proceeding. The documentation shall also
20 include all written materials included as part of any administrative appeal. The
21 court shall deny a prisoner's request to proceed without the prepayment of fees and
22 costs under s. 814.29 (1m) if the prisoner fails to comply with this paragraph or if the
23 prisoner has failed to exhaust all available administrative remedies.

24 **SECTION 644.** 801.09 (2) (a) of the statutes is amended to read:

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1 801.09 (2) (a) Within 20 days, or within 45 days if the defendant is the state
2 or an officer, agent, employe or agency of the state ~~in an action or special proceeding~~
3 ~~brought within the purview of s. 893.82 or 895.46~~, exclusive of the day of service, after
4 the summons has been served personally upon the defendant or served by
5 substitution personally upon another authorized to accept service of the summons
6 for the defendant; or

7 **SECTION 645.** 802.05 (3) of the statutes is created to read:

8 802.05 (3) (a) A court shall review the initial pleading as soon as practicable
9 after the action or special proceeding is filed with the court if the action or special
10 proceeding is commenced by a prisoner, as defined in s. 801.02 (7) (a) 2.

11 (b) The court may dismiss the action or special proceeding without requiring
12 the defendant to answer the pleading if the court determines that the action or
13 special proceeding meets any of the following conditions:

14 1. Is frivolous, as determined under s. 814.025 (3).

15 2. Is used for any improper purpose, such as to harass, to cause unnecessary
16 delay or to needlessly increase the cost of litigation.

17 3. Seeks monetary damages from a defendant who is immune from such relief.

18 4. Fails to state a claim upon which relief may be granted.

19 (c) The court may dismiss the underlying claim under par. (b) without first
20 requiring the exhaustion of administrative remedies.

21 (d) If a court dismisses an action or special proceeding under par. (b), the court
22 shall notify the department of justice or the attorney representing the political
23 subdivision, as appropriate, of the dismissal by a procedure developed by the director
24 of state courts in cooperation with the department of justice.

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1 (e) The dismissal of an action or special proceeding under par. (b) does not
2 relieve the prisoner from paying the full filing fee related to that action or special
3 proceeding.

4 (f) Notwithstanding s. 814.29 (1m) (i), a prisoner who has a 2nd or succeeding
5 action or proceeding dismissed under this section, including a petition for a common
6 law writ of certiorari, shall be held in contempt of court for interfering with the
7 administration of justice. The court shall impose a sanction under s. 785.04 and shall
8 prohibit the prisoner from filing any other action or special proceeding in state court
9 for the earlier of 2 years after the date of the sanction or until the prisoner pays any
10 monetary sanction. The court may permit a prisoner to commence an action or
11 special proceeding, notwithstanding this paragraph, if the court determines that the
12 prisoner is in imminent danger of serious physical injury.

13 **SECTION 646.** 802.06 (1) of the statutes is amended to read:

14 802.06 (1) WHEN PRESENTED. ~~A- Except as provided under sub. (1m) or when~~
15 ~~a court dismisses an action or special proceeding under s. 802.05 (3), a defendant~~
16 ~~shall serve an answer within 20 days after the service of the complaint upon the~~
17 ~~defendant. If a guardian ad litem is appointed for a defendant, the guardian ad litem~~
18 ~~shall have 20 days after appointment to serve the answer. A party served with a~~
19 ~~pleading stating a cross-claim against the party shall serve an answer thereto~~
20 ~~within 20 days after the service upon the party. The plaintiff shall serve a reply to~~
21 ~~a counterclaim in the answer within 20 days after service of the answer. The Except~~
22 ~~as provided under sub. (1m), the state or an agency of the state or an officer, employe~~
23 ~~or agent of the state in an action brought within the purview of s. 893.82 or 895.46~~
24 ~~shall serve an answer to the complaint or to a cross-claim or a reply to a counterclaim~~
25 ~~within 45 days after service of the pleading in which the claim is asserted. If any~~

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1 pleading is ordered by the court, it shall be served within 20 days after service of the
2 order, unless the order otherwise directs. The service of a motion permitted under
3 sub. (2) alters these periods of time as follows, unless a different time is fixed by order
4 of the court: if the court denies the motion or postpones its disposition until the trial
5 on the merits, the responsive pleading shall be served within 10 days after notice of
6 the court's action; or if the court grants a motion for a more definite statement, the
7 responsive pleading shall be served within 10 days after the service of the more
8 definite statement.

9 **SECTION 647.** 802.06 (1m) of the statutes is created to read:

10 **802.06 (1m) WAIVER OF ANSWER.** (a) A defendant may waive the right to answer
11 or to submit a responsive pleading to a complaint or other pleading in any action or
12 special proceeding brought by a prisoner, as defined in s. 801.02 (7) (a) 2. The failure
13 to respond to an action or special proceeding related to prison or jail conditions shall
14 act as an affirmative defense against all of the allegations contained in the complaint
15 or other pleading and shall not be considered as a waiver of any affirmative defense
16 or of immunity.

17 (b) The court shall review the pleadings submitted under this subsection, grant
18 relief to the defendant or, if the court determines that the plaintiff has a reasonable
19 opportunity to prevail on the merits, order the defendant to answer or to submit a
20 responsive pleading. No relief may be granted to the plaintiff unless an answer or
21 responsive pleading has been submitted.

22 **SECTION 648.** 802.06 (2) (a) (intro.) of the statutes is amended to read:

23 **802.06 (2) (a) (intro.)** ~~Every~~ Except as provided under sub. (1m), every defense,
24 in law or fact, except the defense of improper venue, to a claim for relief in any
25 pleading, whether a claim, counterclaim, cross-claim, or 3rd-party claim, shall be

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1 asserted in the responsive pleading thereto if one is required, except that the
2 following defenses may at the option of the pleader be made by motion:

3 **SECTION 649.** 804.01 (1) of the statutes is amended to read:

4 804.01 (1) DISCOVERY METHODS. Parties may obtain discovery by one or more
5 of the following methods: depositions upon oral examination or written questions;
6 written interrogatories; production of documents or things or permission to enter
7 upon land or other property, for inspection and other purposes; physical and mental
8 examinations; and requests for admission. Unless the court orders otherwise under
9 sub. (3), and except as provided in s. 804.015, the frequency of use of these methods
10 is not limited.

11 **SECTION 650.** 804.015 of the statutes is created to read:

12 **804.015 Limits on discovery by prisoners.** (1) In this section, "prisoner"
13 has the meaning given s. 801.02 (7) (a) 2.

14 (2) Unless ordered by the court, a prisoner in an action or special proceeding
15 may not obtain discovery before the court receives a copy of the answer or other
16 responsive pleading in the action commenced by the prisoner. If a defendant waives
17 his or her answer under s. 802.06 (1m) or submits a motion to dismiss or a motion
18 for summary judgment, no discovery may be obtained until the court decides that the
19 prisoner has a reasonable opportunity to prevail on the merits, or until the court
20 decides the merits of the motion, unless the court orders a party to submit to
21 discovery.

22 (3) If a court allows a prisoner to obtain discovery under sub. (2) before the court
23 decides that the prisoner has a reasonable opportunity to prevail on the merits,
24 receives a copy of the answer or other responsive pleading in the action, or decides
25 the merits of a motion to dismiss or a motion for summary judgment, the court order

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1 shall be narrowly tailored to limit the discovery to allow only discovery that is
2 essential to enable the prisoner to obtain the evidence necessary to his or her case.
3 The court shall limit the discovery so as to provide a minimal intrusion in the
4 activities of any person subject to discovery under this subsection.

5 (4) If a prisoner commences an action or special proceeding, the court shall
6 limit the number of requests for interrogatories, production of documents or
7 admissions to 15, unless good cause is shown for any additional requests. This
8 number may not be expanded by the use of subparts to the interrogatories.

9 **SECTION 651.** 804.05 (1) of the statutes is amended to read:

10 804.05 (1) WHEN DEPOSITIONS MAY BE TAKEN. After commencement of the action,
11 except as provided in s. 804.015, any party may take the testimony of any person
12 including a party by deposition upon oral examination. The attendance of witnesses
13 may be compelled by subpoena as provided in s. 805.07. The attendance of a party
14 deponent or of an officer, director or managing agent of a party may be compelled by
15 notice to the named person or attorney meeting the requirements of sub. (2) (a). Such
16 notice shall have the force of a subpoena addressed to the deponent. The deposition
17 of a person confined in prison may be taken only by leave of court on such terms as
18 the court prescribes, except when the party seeking to take the deposition is the state
19 agency or officer to whose custody the prisoner has been committed.

20 **SECTION 652.** 804.06 (1) (a) of the statutes is amended to read:

21 804.06 (1) (a) After commencement of the action, except as provided in s.
22 804.015, any party may take the testimony of any person, including a party, by
23 deposition upon written questions. The attendance of witnesses may be compelled
24 by subpoena as provided in s. 805.07. The attendance of a party deponent or of an
25 officer, director, or managing agent of a party may be compelled by notice to the

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1 person to be deposed or his or her attorney meeting the requirements of s. 804.05 (2)
2 (a). The deposition of a person confined in prison may be taken only by leave of court
3 on such terms as the court prescribes, except when the person seeking to take the
4 deposition is the state agency or officer to whose custody the prisoner has been
5 committed.

6 **SECTION 653.** 804.08 (1) (a) of the statutes is amended to read:

7 804.08 (1) (a) ~~Any~~ Except as provided in s. 804.015, any party may serve upon
8 any other party written interrogatories to be answered by the party served, or, if the
9 party served is a public or private corporation or a limited liability company or a
10 partnership or an association or a governmental agency or a state officer in an action
11 arising out of the officer's performance of employment, by any officer or agent, who
12 shall furnish such information as is available to the party. Interrogatories may,
13 without leave of court, be served upon the plaintiff after commencement of the action
14 and upon any other party with or after service of the summons and complaint upon
15 that party.

16 **SECTION 654.** 804.09 (2) of the statutes is amended to read:

17 804.09 (2) PROCEDURE. ~~The~~ Except as provided in s. 804.015, the request may,
18 without leave of court, be served upon the plaintiff after commencement of the action
19 and upon any other party with or after service of the summons and complaint upon
20 that party. The request shall specify a reasonable time, place, and manner of making
21 the inspection and performing the related acts. The party upon whom the request
22 is served shall serve a written response within 30 days after the service of the
23 request, except that a defendant may serve a response within 45 days after service
24 of the summons and complaint upon that defendant. The court may allow a shorter
25 or longer time. The response shall state, with respect to each item or category, that

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1 inspection and related activities will be permitted as requested, unless the request
2 is objected to, in which event the reasons for objection shall be stated. If objection
3 is made to part of an item or category, the part shall be specified. The party
4 submitting the request may move for an order under s. 804.12 (1) with respect to any
5 objection to or other failure to respond to the request or any part thereof, or any
6 failure to permit inspection as requested.

7 **SECTION 655.** 804.11 (1) (a) of the statutes is amended to read:

8 804.11 (1) (a) ~~A~~ Except as provided in s. 804.015, a party may serve upon any
9 other party a written request for the admission, for purposes of the pending action
10 only, of the truth of any matters within the scope of s. 804.01 (2) set forth in the
11 request that relate to statements or opinions of fact or of the application of law to fact,
12 including the genuineness of any documents described in the request. Copies of
13 documents shall be served with the request unless they have been or are otherwise
14 furnished or made available for inspection and copying. The request may, without
15 leave of court, be served upon the plaintiff after commencement of the action and
16 upon any other party with or after service of the summons and complaint upon that
17 party.

18 **SECTION 656.** 806.025 of the statutes is created to read:

19 **806.025 Payment of judgment in cases involving prisoners.** (1) In this
20 section, "prisoner" has the meaning given in s. 801.02 (7) (a) 2.

21 (2) If a court enters a judgment for a monetary award on behalf of a prisoner,
22 the court shall apply the provisions of s. 814.04 (1m) and do all of the following:

23 (a) Order that the award be used to satisfy any unpaid court order of restitution
24 against the prisoner and any other civil judgment in favor of a victim of a crime
25 committed by the prisoner. If the amount of the monetary award is insufficient to

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1 pay all these unpaid orders and judgments, the orders and judgments shall be paid
2 based on the length of time they have existed, the oldest order being paid first.

3 (am) If money remains after the payment of all unpaid orders and judgments
4 under par. (a), order reimbursement to the department of justice for an award made
5 under ch. 949 for which the department is subrogated under s. 949.15.

6 (b) If money remains after the payment of reimbursement under par. (am),
7 order the payment of court costs or filing fees previously assessed against the
8 prisoner by a state court that remain unpaid, with the oldest costs or fees being paid
9 first.

10 (c) If money remains after the payment of all court costs or filing fees under par.
11 (b), order the payment of any unpaid litigation loan, as defined in s. 301.328 (1).

12 (d) If any money remains after the payments under pars. (a) to (c), request that
13 the department of corrections make a reasonable effort to notify any victims of the
14 crime for which the prisoner was convicted and imprisoned, incarcerated or confined
15 of the pending payment of a monetary award to the prisoner. The department of
16 corrections shall inform the court of whether any victims were notified. The court
17 shall withhold any payment to the prisoner under par. (e) for a reasonable time after
18 the department of corrections notifies the court that a victim was notified so that the
19 victim may have time to petition the court regarding payments to that victim from
20 the remaining money.

21 (e) Order that any money remaining after all payments are made under pars.
22 (a) to (d) be paid to the prisoner.

23 **SECTION 657.** 807.04 of the statutes is renumbered 807.04 (1) and amended to
24 read:

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1 807.04 (1) ~~All~~ Except as provided under sub. (2), all trials, and all hearings at
2 which oral testimony is to be presented, shall be held in open court. The court may
3 make any order which a judge or court commissioner has power to make. Court
4 commissioners shall have the powers provided in ch. 753 or by other statute.

5 **SECTION 658.** 807.04 (2) of the statutes is created to read:

6 807.04 (2) All hearings in which oral testimony is to be presented in an action
7 or special proceeding that is commenced by a prisoner, as defined in s. 801.02 (7) (a)
8 2., shall be conducted by telephone, interactive video and audio transmission or other
9 live interactive communication without removing him or her from the facility or
10 institution if his or her participation is required or permitted and if the official
11 having custody of him or her agrees. The court in which the action or special
12 proceeding is commenced shall, when feasible, also allow counsel, witnesses and
13 other necessary persons to participate in the hearing by telephone, interactive video
14 and audio transmission or other live interactive communication. The procedures and
15 policies under s. 807.13 shall apply to the extent feasible.

16 **SECTION 659.** 807.15 of the statutes is created to read:

17 **807.15 Penalty for certain actions by prisoners.** (1) In this section,
18 “prisoner” has the meaning given in s. 801.02 (7) (a) 2.

19 (2) In any action or special proceeding, including a petition for a common law
20 writ of certiorari, brought by a prisoner, the court may, on its own motion or on the
21 motion of any party, order the department of corrections to extend the prisoner’s
22 mandatory release date calculated under s. 302.11 (1) or order the sheriff to deprive
23 the prisoner of good time under s. 302.43 if the court finds that any of the following
24 applies:

25 (a) The action or special proceeding was filed for a malicious purpose.

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1 (b) The action or special proceeding was filed solely to harass the party against
2 which it was filed.

3 (c) The prisoner testifies falsely or otherwise knowingly offers false evidence
4 or provides false information to the court.

5 **(3)** (a) Subject to par. (b), if a court orders the department of corrections to
6 extend a prisoner's mandatory release date or orders the sheriff to deprive the
7 prisoner of good time under sub. (2), the order shall specify the number of days by
8 which the mandatory release date is to be extended or the good time deprived.

9 (b) An order under sub. (2) to extend a prisoner's mandatory release date or
10 deprive a prisoner of good time may not require the prisoner to serve more days than
11 provided for under the prisoner's sentence.

12 **(4)** This section applies to prisoners who committed an offense on or after the
13 effective date of this subsection [revisor inserts date].

14 **SECTION 660.** 808.04 (5) of the statutes is repealed.

15 **SECTION 661.** 809.103 of the statutes is created to read:

16 **809.103 Appeals in proceedings related to prisoners. (1)** In this section,
17 "prisoner" has the meaning given in s. 801.02 (7) (a) 2.

18 **(2)** (a) An appellate court shall review the trial court record as soon as
19 practicable after the record is filed with the court if the appeal is taken by a prisoner.

20 (b) The appellate court may dismiss the appeal without requiring the
21 respondent to respond to the appeal if the appellate court determines that the appeal
22 meets any of the following conditions:

23 1. Is frivolous, as determined under s. 814.025 (3).

24 2. Is used for any improper purpose, such as to harass, to cause unnecessary
25 delay or to needlessly increase the cost of litigation.

ASSEMBLY BILL 768**SECTION 661**

1 3. Seeks review of a denial of monetary damages from a defendant who is
2 immune from such relief.

3 4. There is no ground upon which relief may be granted.

4 (c) If a court dismisses an appeal under par. (b), the appellate court shall notify
5 the department of justice of the dismissal by a procedure developed by the director
6 of state courts in cooperation with the department of justice.

7 (d) The dismissal of an appeal under par. (b) does not relieve the prisoner from
8 paying the full filing fee related to the appeal.

9 **SECTION 662.** 813.02 (1) (c) of the statutes is created to read:

10 813.02 (1) (c) If the court determines that a temporary injunction may be
11 granted under par. (a) to a prisoner, as defined in s. 801.02 (7) (a) 2., in any action
12 or special proceeding with respect to prison or jail conditions, as defined in s. 801.02
13 (7) (a) 3., the following apply:

14 1. The court may not issue the injunction until giving notice and an opportunity
15 to be heard on the request for a preliminary injunction to the attorney general, if the
16 case involves a prisoner in a state correctional institution, as defined in s. 801.02 (7)
17 (a) 1., or to the attorney representing the local correctional institution involved and
18 to all other interested parties. Any injunction issued without giving notice and an
19 opportunity to be heard is void.

20 2. Any temporary injunction issued shall meet the requirements in s. 813.40
21 (1) (b). When determining what to require in the temporary injunction, the court
22 shall give substantial weight to any adverse impact on public safety or on the
23 operation of the facility involved in the action or special proceeding caused by the
24 temporary injunction.

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1 3. Any temporary injunction issued under this paragraph shall expire no later
2 than 90 days after the day the temporary injunction is issued unless the court makes
3 a finding that the requirements under s. 813.40 (1) (b) are met and makes the order
4 final before the expiration of the 90-day period.

5 **SECTION 663.** 813.40 of the statutes is created to read:

6 **813.40 Injunctive relief in prison condition cases. (1)** (a) In this section:

7 1. "Prisoner" has the meaning given in s. 801.02 (7) (a) 2.

8 2. "Prison or jail conditions" has the meaning given in s. 801.02 (7) (a) 3.

9 (b) If a court determines that an injunction may be granted to a prisoner in any
10 action or special proceeding with respect to prison or jail conditions, any injunction
11 issued shall meet all of the following criteria:

12 1. Require only what is necessary to correct the harm.

13 2. Is the least intrusive means necessary to correct that harm.

14 3. Does not require or permit a government official, employe or agent to exceed
15 his or her authority or to violate a state law or local ordinance unless all of the
16 following apply:

17 a. Federal law permits that relief.

18 b. The relief is necessary to correct the violation of a federal right.

19 c. No other relief will correct the violation of a federal right.

20 (c) If an injunction is issued that does not meet the requirements in par. (b), a
21 defendant or intervenor is entitled to immediate termination of any prospective
22 relief or to a revision of the injunction to meet those requirements. Prospective relief
23 need not be terminated if the court makes written findings based on the record that
24 the requirements under par. (b) are met.

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1 (d) A court may not enter into or approve a consent decree in an action for
2 injunctive relief under this section if that consent decree does not meet the
3 requirements in par. (b). This paragraph does not prevent the parties from entering
4 into a private settlement agreement that does not comply with the requirements in
5 par. (b) if the terms of that settlement agreement are not subject to court enforcement
6 other than the dismissal of the action or special proceeding based on the settlement
7 agreement.

8 (2) When determining the extent of any injunction issued under this section,
9 the court shall give substantial weight to any adverse impact on public safety or on
10 the operation of the criminal justice system caused by the injunction.

11 (3) Any interested party may, 2 years after the date the court issued an
12 injunction under this section, or one year after the court has denied a request under
13 this subsection for modification or termination of the injunction, request that the
14 court modify or terminate an injunction issued under this section. Any interested
15 party may, 2 years after the effective date of this subsection ... [revisor inserts date],
16 request that the court modify or terminate an injunction related to prison or jail
17 conditions that was issued before the effective date of this subsection ... [revisor
18 inserts date]. Any prospective relief issued under this section shall be stayed by the
19 filing of a motion for modification or termination of the injunction for the period
20 beginning on the 30th day after the motion is filed with the court and ending on the
21 day the court enters a final order on the motion.

22 (4) This section does not prevent the parties from agreeing to terminate or
23 modify an injunction issued under this section.

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1 **(5)** This section does not authorize a court to order the construction of prisons,
2 jails or other places of incarceration or to order the raising of taxes and does not
3 expand the powers of a court under this chapter.

4 **(6)** This section does not authorize the court to issue a prisoner release order.
5 Prisoner release orders may only be issued by habeas corpus or as otherwise required
6 by the state or federal constitution. In this subsection, "prisoner release order"
7 means any order that has the purpose or effect of reducing or limiting the prison or
8 jail population, or that directs the release or nonadmission of prisoners to a prison
9 or jail.

10 **(7)** This section may not be used as a substitute for a petition for a common law
11 writ of certiorari to challenge the disposition of a complaint concerning prison or jail
12 conditions, to challenge the validity of a probation revocation, parole denial or
13 revocation, a mandatory release date or to challenge any issue regarding the fact or
14 duration of confinement.

15 **SECTION 664.** 814.04 (1m) of the statutes is created to read:

16 814.04 **(1m)** ATTORNEY FEES IN PRISONER LITIGATION. (a) In any action or special
17 proceeding brought by a prisoner, as defined in s. 801.02 (7) (a) 2., in which attorney
18 fees are authorized, those fees may not be awarded, except to the extent that the fees
19 were directly and reasonably incurred in proving an actual violation of the prisoner's
20 rights protected by a statute whose violation includes the awarding of attorney fees
21 as one of the possible court orders. The amount of attorney fees awarded shall be
22 proportionately related to the relief ordered for the violation or shall be the attorney
23 fees directly and reasonably incurred in enforcing the relief ordered for the violation.

24 (b) When a court enters a judgment for a monetary award in an action described
25 under par. (a), 25% of the judgment shall be applied to satisfy the amount of the

ASSEMBLY BILL 768**SECTION 664**

1 attorney fees awarded against the defendant. The defendant shall pay any excess
2 attorney fees owing after 25% of the judgment is applied to satisfy those fees in an
3 amount not to exceed 125% of the monetary award. No award of attorney fees under
4 this subsection may be based on an hourly rate greater than that established for the
5 payment of court-appointed counsel.

6 (c) Nothing in this subsection prohibits a prisoner from agreeing to pay attorney
7 fees in excess of the amount authorized under this subsection if the excess fee is paid
8 by the prisoner.

9 **SECTION 665.** 814.24 of the statutes is amended to read:

10 **814.24 Action against city, village or town official, cost.** Costs, if any, in
11 an action against a city, village or town officer in his or her official capacity, except
12 an action directly involving the title to the office, and except as provided in s. 814.25,
13 shall not be awarded against that officer, but may be awarded against the city, village
14 or town.

15 **SECTION 666.** 814.245 (3) of the statutes is amended to read:

16 814.245 (3) ~~If Except as provided in s. 814.25, if~~ an individual, a small nonprofit
17 corporation or a small business is the prevailing party in any action by a state agency
18 or in any proceeding for judicial review under s. 227.485 (6) and submits a motion
19 for costs under this section, the court shall award costs to the prevailing party, unless
20 the court finds that the state agency was substantially justified in taking its position
21 or that special circumstances exist that would make the award unjust.

22 **SECTION 667.** 814.25 of the statutes is created to read:

23 **814.25 Costs in actions by prisoners. (1)** In this section:

24 (a) "Prisoner" has the meaning given in s. 801.02 (7) (a) 2.

25 (b) "Prison or jail conditions" has the meaning given in s. 801.02 (7) (a) 3.

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1 **(2)** If a prisoner brings an action or special proceeding related to prison or jail
2 conditions, no costs may be allowed against the state, a state agency or a county, city,
3 village or town, or against any individual defendant when sued in an official capacity.

4 **(3)** If the prevailing party is the state, a state agency or a county, city, village
5 or town or an individual in any action or special proceeding commenced by a prisoner
6 related to prison or jail conditions, the prisoner shall pay the full fees and costs
7 allowed under this chapter. The prisoner shall be required to pay the fees and costs
8 out of any trust fund accounts that he or she holds in the same manner as payment
9 is required for court fees under s. 814.29 (1m) (e).

10 **SECTION 668.** 814.29 (1) (a) of the statutes is amended to read:

11 814.29 **(1)** (a) Any Except as provided in sub. (1m), any person may commence,
12 prosecute or defend any action or special proceeding in any court, or any writ of error
13 or appeal therein, without being required to give security for costs or to pay any
14 service or fee, upon order of the court based on a finding that because of poverty the
15 person is unable to pay the costs of the action or special proceeding, or any writ of
16 error or appeal therein, or to give security for those costs.

17 **SECTION 669.** 814.29 (1m) of the statutes is created to read:

18 814.29 **(1m)** (a) If a prisoner, as defined in s. 801.02 (7) (a) 2., brings a civil action
19 or special proceeding, or a writ of error or appeal of a civil action under this section,
20 the prisoner shall pay the full amount of the costs and fees. The court shall assess
21 and, when funds exist, collect from the prisoner's trust fund account the amount
22 necessary to pay any required costs or fees. If the amount in the prisoner's trust fund
23 account is less than the required costs or fees, the court shall order that the current
24 balance in the prisoner's trust fund account be paid as an initial partial payment of
25 costs and fees.

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1 (b) If a prisoner makes a request for leave to commence or defend an action,
2 special proceeding, writ of error or appeal without being required to prepay the fees
3 or costs or without being required to give security for costs, the prisoner shall submit
4 all of the following:

5 1. The affidavit required under sub. (1) (b).

6 2. An affidavit stating that the prisoner has paid all of the fees or costs
7 previously assessed by a court for bringing an action or special proceeding, in state
8 or federal court, that was dismissed on the grounds that the action or special
9 proceeding was frivolous, malicious or failed to state a claim upon which relief may
10 be granted.

11 3. A certified copy of the trust fund account statement for the prisoner for the
12 6-month period immediately preceding the filing of the request for leave to
13 commence or defend an action, special proceeding, writ of error or appeal, or for the
14 period that the prisoner was incarcerated, imprisoned or detained, if that period is
15 less than 6 months. The trust fund account statement must be obtained from the
16 appropriate official at each facility in which the prisoner is or was incarcerated,
17 imprisoned, confined or detained. In this subdivision, “trust fund account
18 statement” includes accounts accessible to the prisoner before or upon release.

19 (c) The court may issue an order permitting the prisoner to commence or defend
20 an action, special proceeding, writ of error or appeal without the prepayment of fees
21 or costs or without being required to give security for costs if all of the following
22 conditions are met:

23 1. The court determines that the prisoner does not have assets or other means
24 by which to pay the fees or costs or to give security for the costs after reviewing the
25 information provided under par. (b).

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1 2. The prisoner has paid all of the fees or costs previously assessed by a state
2 or federal court for bringing an action or special proceeding that was dismissed on
3 the grounds that the action or special proceeding was frivolous, malicious or failed
4 to state a claim upon which relief may be granted.

5 3. The court orders that the fees or costs not paid are a debt owed the court by
6 the prisoner.

7 4. The prisoner authorizes in writing the agency having custody of the
8 prisoner's prison trust fund account to forward payments from the prisoner's account
9 to the clerk of court until the fees or costs are paid in full.

10 (d) If the court determines that the prisoner who made the affidavit does have
11 assets in an account, whether accessible to the prisoner only upon release or before
12 release, to pay part of the filing fees or costs, the court shall order the prisoner to pay
13 an initial filing fee before being allowed to commence or defend an action, special
14 proceeding, writ of error or appeal. The initial filing fee shall be the current balance
15 of the prisoner's trust fund account or the required filing fee, whichever is less.

16 (e) The agency having custody of the prisoner shall freeze the prisoner's trust
17 fund account until the deposits in that account are sufficient to pay the balance owed
18 for the costs and fees. When the deposits in that account are sufficient to pay the
19 balance owed for the court costs and fees, the agency shall forward that amount to
20 the court. This paragraph does not prohibit the payment from the prisoner's trust
21 account of court-ordered payments for child or family support, restitution or federal
22 court fees or for the payments of debts owed the department of corrections.

23 (f) If the court believes that a prisoner is in imminent danger of serious physical
24 harm, the court shall issue an order permitting the prisoner to commence or defend

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1 an action, special proceeding, writ of error or appeal without being required to submit
2 the statement under par. (b) or prepaying the initial filing fee under par. (d).

3 (g) Except as provided under par. (f), if a prisoner files an action, special
4 proceeding, writ of error or appeal under this subsection without complying with the
5 requirements under pars. (b) and (d), the court shall dismiss the action, special
6 proceeding, writ of error or appeal without prejudice.

7 (h) The custodian of the trust fund account of a prisoner shall provide the
8 prisoner with the certified copy of the trust fund account statement required under
9 par. (b) if the custodian determines that the prisoner requires that copy for submittal
10 to a court under this subsection.

11 (i) Except as provided in par. (f), the court shall deny a prisoner's request for
12 leave to commence any action or special proceeding under this subsection, including
13 a petition for a common law writ of certiorari, if that prisoner has, on 2 or more
14 occasions, while he or she was incarcerated, imprisoned, confined or detained in a jail
15 or prison, brought an appeal, writ of error, action or special proceeding under this
16 section, including a petition for a common law writ of certiorari, that was dismissed
17 by a state or federal court for any of the reasons listed in s. 802.05 (3) (b) 1. to 4.

18 (j) The court shall dismiss any action for which costs and fees are unpaid and
19 for which any released prisoner fails to make arrangements for payment within 30
20 days after the prisoner's release.

21 (k) A prisoner may appeal the court's determination of lack of indigency under
22 this section without being required to pay the initial filing fee. If the court's
23 determination is upheld on appeal, the prisoner shall be liable for the initial filing
24 fee and for the fee for filing the appeal if he or she proceeds with the action. If a
25 prisoner who is required to pay costs and fees under this paragraph files an action

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1 or special proceeding, or a writ of error or appeal of a civil action, including a petition
2 for a common law writ of certiorari, without the prepayment of costs and fees, the
3 court shall return the papers to the prisoner unfiled. The prisoner may not file any
4 other action or special proceeding, or a writ of error or appeal of a civil action,
5 including a petition for a common law writ of certiorari, in the state courts until any
6 outstanding debt owed to the court is paid.

7 **SECTION 670.** 814.29 (3) (b) of the statutes is amended to read:

8 814.29 (3) (b) If the affiant is a prisoner, as defined in s. 46.011 (2) ~~801.02 (7)~~
9 (a) 2., or a person confined in a federal correctional institution located in this state,
10 a request for leave to commence or defend an action, special proceeding, writ of error
11 or appeal without being required to pay fees or costs or to give security for costs
12 constitutes consent as provided in par. (a), and, if the judgment is in favor of the
13 opposing party, constitutes consent for the court to order the institution to deduct the
14 unpaid fees and costs, including attorney fees listed in par. (a), from the amount in
15 the inmate's account at the any time the judgment was rendered account has
16 sufficient money to pay the unpaid fees and costs. This paragraph does not prevent
17 the collection of the unpaid fees and costs by any other method.

18 **SECTION 671.** 859.07 (2) of the statutes is amended to read:

19 859.07 (2) If the decedent was at the time of death or at any time prior thereto
20 a patient or inmate of any state or county hospital or institution or any person
21 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10,
22 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent
23 ever received medical assistance under subch. IV of ch. 49, long-term community
24 support services funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685, the
25 personal representative shall send notice in writing of the date set under s. 859.01

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1 by registered or certified mail to the department of health and family services or the
2 department of corrections, as applicable, and the county clerk of the applicable
3 county not less than 30 days before the date set under s. 859.01, upon such blanks
4 and containing such information as the applicable department or county clerk may
5 provide. The applicable county is the county of residence, as defined in s. 49.001 (6).

6 **SECTION 672.** 880.33 (2) (a) 3. of the statutes is amended to read:

7 880.33 (2) (a) 3. If the person is an adult who is indigent, the county of legal
8 settlement shall be the county liable for any fees due the guardian ad litem and, if
9 counsel was not appointed under s. 977.08, for any legal fees due the person's legal
10 counsel. If the person is a minor, the person's parents or the county of legal
11 settlement shall be liable for any fees due the guardian ad litem as provided in s.
12 48.235 (8).

13 **SECTION 673.** 880.331 (8) of the statutes is amended to read:

14 880.331 (8) COMPENSATION. On order of the court, the guardian ad litem
15 appointed under this chapter shall be allowed reasonable compensation to be paid
16 by the county of venue, unless the court otherwise directs or unless the guardian ad
17 litem is appointed for a minor, in which case the compensation of the guardian ad
18 litem shall be paid by the minor's parents or the county of venue as provided in s.
19 48.235 (8). If the court orders a county to pay the compensation of the guardian ad
20 litem, the amount ordered may not exceed the compensation paid to private
21 attorneys under s. 977.08 (4m) (b).

22 **SECTION 674.** 893.16 (1) of the statutes is amended to read:

23 893.16 (1) If a person entitled to bring an action is, at the time the cause of
24 action accrues, either under the age of 18 years, except for actions against health care
25 providers; or ~~insane, or imprisoned on a criminal charge~~ mentally ill, the action may

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1 be commenced within 2 years after the disability ceases, except that where the
2 disability is due to ~~insanity or imprisonment~~ mental illness, the period of limitation
3 prescribed in this chapter may not be extended for more than 5 years.

4 **SECTION 675.** 893.735 of the statutes is created to read:

5 **893.735 Action by prisoner contesting a governmental decision.** (1) In
6 this section, "prisoner" has the meaning given in s. 801.02 (7) (a) 2.

7 (2) An action or special proceeding, including a petition for a common law writ
8 of certiorari, made on behalf of a prisoner is barred unless commenced within 30 days
9 after the cause of action accrues if that action or special proceeding concerns a
10 decision or disposition under s. 801.02 (7) (b). The 30-day period shall begin on the
11 date of the decision or disposition, except that the court may extend the period by as
12 many days as the prisoner proves have elapsed between the decision or disposition
13 and the prisoner's actual notice of the decision or disposition.

14 (3) In this section, a petition for a common law writ of certiorari is commenced
15 at the time the prisoner files a petition for a common law writ of certiorari with a
16 court.

17 **SECTION 676.** 893.82 (3) of the statutes is amended to read:

18 893.82 (3) Except as provided in sub. (5m), no civil action or civil proceeding
19 may be brought against any state officer, employe or agent for or on account of any
20 act growing out of or committed in the course of the discharge of the officer's,
21 employe's or agent's duties, and no civil action or civil proceeding may be brought
22 against any nonprofit corporation operating a museum under a lease agreement with
23 the state historical society, unless within 120 days of the event causing the injury,
24 damage or death giving rise to the civil action or civil proceeding, the claimant in the
25 action or proceeding serves upon the attorney general written notice of a claim

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1 stating the time, date, location and the circumstances of the event giving rise to the
2 claim for the injury, damage or death and the names of persons involved, including
3 the name of the state officer, employe or agent involved. ~~A~~ Except as provided under
4 sub. (3m), a specific denial by the attorney general is not a condition precedent to
5 bringing the civil action or civil proceeding.

6 **SECTION 677.** 893.82 (3m) of the statutes is created to read:

7 893.82 (3m) If the claimant is a prisoner, as defined in s. 801.02 (7) (a) 2., the
8 prisoner may not commence the civil action or proceeding until the attorney general
9 denies the claim or until 120 days after the written notice under sub. (3) is served
10 upon the attorney general, whichever is earlier.

11 **SECTION 678.** 895.45 of the statutes is created to read:

12 **895.45 Exemption from civil liability; attorney general opinion.** Any
13 legal entity included within the provisions of s. 893.80 and any officer, employe or
14 agent included within the provisions of s. 893.80, 893.82 or 895.46 is immune from
15 civil liability for damages for his or her acts or omissions committed in reasonable
16 reliance upon a written opinion of the attorney general.

17 **SECTION 679.** 895.76 of the statutes is created to read:

18 **895.76 Limits on recovery by prisoners.** A prisoner, as defined in s. 801.02
19 (7) (a) 2., may not recover damages for mental or emotional injury unless the prisoner
20 shows that he or she has suffered a physical injury as a result of the same incident
21 that caused the mental or emotional injury.

22 **SECTION 680.** 938.21 (5) (b) of the statutes is amended to read:

23 938.21 (5) (b) An order relating to a juvenile held in custody outside of his or
24 her home shall also describe any efforts that were made to permit the juvenile to
25 remain at home and the services that are needed to ensure the juvenile's well-being,

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1 to enable the juvenile to return safely to his or her home and to involve the parents
2 in planning for the juvenile.

3 **SECTION 681.** 938.235 (8) of the statutes is renumbered 938.235 (8) (a) and
4 amended to read:

5 938.235 (8) (a) ~~On order of the court, the~~ A guardian ad litem appointed under
6 this chapter shall be ~~allowed reasonable compensation to be paid by the county of~~
7 ~~venue. If compensated at a rate that the court determines is reasonable, except that,~~
8 ~~if the court orders a county to pay the compensation of the guardian ad litem, the~~
9 ~~amount ordered may not exceed the compensation paid to private attorneys payable~~
10 ~~to a private attorney~~ under s. 977.08 (4m) (b).

11 **SECTION 682.** 938.235 (8) (b), (c), (d) and (e) of the statutes are created to read:

12 938.235 (8) (b) The court may order either or both of the parents of a juvenile
13 for whom a guardian ad litem is appointed under this chapter to pay all or any part
14 of the compensation of the guardian ad litem. In addition, upon motion by the
15 guardian ad litem, the court may order either or both of the parents of the juvenile
16 to pay the fee for an expert witness used by the guardian ad litem, if the guardian
17 ad litem shows that the use of the expert is necessary to assist the guardian ad litem
18 in performing his or her functions or duties under this chapter. If one or both parents
19 are indigent or if the court determines that it would be unfair to a parent to require
20 him or her to pay, the court may order the county of venue to pay the compensation
21 and fees, in whole or in part. If the court orders the county of venue to pay because
22 a parent is indigent, the court may also order either or both of the parents to
23 reimburse the county, in whole or in part, for the payment.

24 (c) At any time before the final order in a proceeding in which a guardian ad
25 litem is appointed for a juvenile under this chapter, the court may order a parent of

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1 the juvenile to place payments in an escrow account in an amount estimated to be
2 sufficient to pay any compensation and fees payable under par. (b).

3 (d) If the court orders a parent to reimburse a county under par. (b), the court
4 may order a separate judgment for the amount of the reimbursement in favor of the
5 county and against the parent who is responsible for the reimbursement.

6 (e) The court may enforce its orders under this subsection by means of its
7 contempt powers.

8 **SECTION 683.** 938.27 (3) (a) 1m. of the statutes is created to read:

9 938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent
10 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
11 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
12 treatment foster parent or other physical custodian to make a written or oral
13 statement during the hearing, or to submit a written statement prior to the hearing,
14 relevant to the issues to be determined at the hearing. A foster parent, treatment
15 foster parent or other physical custodian described in s. 48.62 (2) who receives a
16 notice of a hearing under subd. 1. and an opportunity to be heard under this
17 subdivision does not become a party to the proceeding on which the hearing is held
18 solely on the basis of receiving that notice and opportunity to be heard.

19 **SECTION 684.** 938.27 (3) (a) 2. of the statutes is amended to read:

20 938.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent,
21 treatment foster parent or other physical custodian described in s. 48.62 (2) does not
22 deprive the court of jurisdiction in the action or proceeding. If a foster parent,
23 treatment foster parent or other physical custodian described in s. 48.62 (2) is not
24 given notice of a hearing under subd. 1. and if the court is required under this chapter
25 to permit that person to make a written or oral statement at the hearing or to submit

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1 ~~a written statement prior to the hearing and that person does not make or submit~~
2 ~~such statement, that person may request a rehearing on the matter during the~~
3 ~~pendency of an order resulting from the hearing. If the request is made, the court~~
4 ~~shall order a rehearing.~~

5 **SECTION 685.** 938.27 (6) of the statutes is amended to read:

6 938.27 (6) When a proceeding is initiated under s. 938.14, all interested parties
7 shall receive notice and appropriate summons shall be issued in a manner specified
8 by the court, consistent with applicable governing statutes. In addition, if the
9 juvenile who is the subject of the proceeding is in the care of a foster parent,
10 treatment foster parent or other physical custodian described in s. 48.62 (2), the court
11 shall give the foster parent, treatment foster parent or other physical custodian
12 notice and an opportunity to be heard as provided in sub. (3) (a).

13 **SECTION 686.** 938.296 (6) of the statutes is amended to read:

14 938.296 (6) The court may order the county to pay for the cost of a test or series
15 of tests ordered under sub. (4). This subsection does not prevent recovery of
16 reasonable contribution toward the cost of that test or series of tests from the parent
17 or guardian of the juvenile as the court may order based on the ability of the parent
18 or guardian to pay. This subsection is subject to s. 46.03 301.03 (18).

19 **SECTION 687.** 938.30 (6) of the statutes, as affected by 1997 Wisconsin Acts 27
20 and 35, is repealed and recreated to read:

21 938.30 (6) If a petition is not contested, the court shall set a date for the
22 dispositional hearing which allows reasonable time for the parties to prepare but is
23 no more than 10 days from the plea hearing for a juvenile who is held in secure
24 custody and no more than 30 days from the plea hearing for a juvenile who is not held
25 in secure custody. If it appears to the court that disposition of the case may include

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1 placement of the juvenile outside the juvenile's home, the court shall order the
2 juvenile's parent to provide a statement of income, assets, debts and living expenses
3 to the court or the designated agency under s. 938.33 (1) at least 5 days before the
4 scheduled date of the dispositional hearing or as otherwise ordered by the court. The
5 clerk of court shall provide, without charge, to any parent ordered to provide a
6 statement of income, assets, debts and living expenses a document setting forth the
7 percentage standard established by the department of workforce development under
8 s. 49.22 (9) and listing the factors that a court may consider under s. 301.12 (14) (c).
9 If all parties consent the court may proceed immediately with the dispositional
10 hearing. If a citation is not contested, the court may proceed immediately to enter
11 a dispositional order.

12 **SECTION 688.** 938.31 (7) of the statutes, as affected by 1997 Wisconsin Acts 27
13 and 35, is repealed and recreated to read:

14 938.31 (7) At the close of the fact-finding hearing, the court shall set a date for
15 the dispositional hearing which allows a reasonable time for the parties to prepare
16 but is no more than 10 days after the fact-finding hearing for a juvenile in secure
17 custody and no more than 30 days after the fact-finding hearing for a juvenile not
18 held in secure custody. If it appears to the court that disposition of the case may
19 include placement of the juvenile outside the juvenile's home, the court shall order
20 the juvenile's parent to provide a statement of income, assets, debts and living
21 expenses to the court or the designated agency under s. 938.33 (1) at least 5 days
22 before the scheduled date of the dispositional hearing or as otherwise ordered by the
23 court. The clerk of court shall provide, without charge, to any parent ordered to
24 provide a statement of income, assets, debts and living expenses a document setting
25 forth the percentage standard established by the department of workforce

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1 development under s. 49.22 (9) and listing the factors that a court may consider
2 under s. 301.12 (14) (c). If all parties consent, the court may immediately proceed
3 with a dispositional hearing.

4 **SECTION 689.** 938.33 (4m) (intro.) of the statutes is amended to read:

5 938.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In
6 making a recommendation for an amount of child support under sub. (3) or (4), the
7 agency shall consider the factors that the court considers under s. 46.10 301.12 (14)
8 (c) for deviation from the percentage standard. At or before the dispositional hearing
9 under s. 938.335, the agency shall provide the juvenile's parent with all of the
10 following:

11 **SECTION 690.** 938.33 (4m) (b) of the statutes is amended to read:

12 938.33 (4m) (b) A written explanation of how the parent may request that the
13 court modify the amount of child support under s. 46.10 301.12 (14) (c).

14 **SECTION 691.** 938.355 (2) (b) 6. of the statutes is amended to read:

15 938.355 (2) (b) 6. If the juvenile is placed outside the home and if sub. (2d) does
16 not apply, the court's finding as to whether a county department which provides
17 social services or the agency primarily responsible for ~~the provision of~~ providing
18 services under a court order has made reasonable efforts to prevent the removal of
19 the juvenile from the home, while assuring that the juvenile's health and safety are
20 the paramount concerns, or, if applicable, that the court's finding as to whether the
21 agency primarily responsible for ~~the provision of~~ providing services under a court
22 order has made reasonable efforts to make it possible for the juvenile to return safely
23 to his or her home.

24 **SECTION 692.** 938.355 (2b) of the statutes is created to read:

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1 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
2 department that provides social services or the agency primarily responsible for
3 providing services to a juvenile under a court order may, at the same time as the
4 county department or agency is making the reasonable efforts required under sub.
5 (2) (b) 6., work with the department of health and family services, a county
6 department under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s.
7 48.61 (5) in making reasonable efforts to place the juvenile for adoption, with a
8 guardian or in some other alternative permanent placement.

9 **SECTION 693.** 938.355 (2c) (a) (intro.) of the statutes is amended to read:

10 938.355 (2c) (a) (intro.) When a court makes a finding under sub. (2) (b) 6. as
11 to whether a county department which provides social services or the agency
12 primarily responsible for providing services to the juvenile under a court order has
13 made reasonable efforts to prevent the removal of the juvenile from his or her home,
14 while assuring that the juvenile's health and safety are the paramount concerns, the
15 court's consideration of reasonable efforts shall include, but not be limited to,
16 whether:

17 **SECTION 694.** 938.355 (2c) (a) 1. of the statutes is amended to read:

18 938.355 (2c) (a) 1. A comprehensive assessment of the family's situation was
19 completed, including a determination of the likelihood of protecting the juvenile's
20 health, safety and welfare effectively in the home.

21 **SECTION 695.** 938.355 (2c) (b) of the statutes is amended to read:

22 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
23 the agency primarily responsible for providing services to the juvenile under a court
24 order has made reasonable efforts to make it possible for the juvenile to return safely
25 to his or her home, the court's consideration of reasonable efforts shall include, but

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1 not be limited to, the considerations listed under par. (a) 1. to 5. and whether
2 visitation schedules between the juvenile and his or her parents were implemented,
3 unless visitation was denied or limited by the court.

4 **SECTION 696.** 938.355 (2d) of the statutes is created to read:

5 938.355 (2d) REASONABLE EFFORTS NOT REQUIRED. (a) In this subsection:

6 1. "Aggravated circumstances" include abandonment in violation of s. 948.20
7 or in violation of the law of any other state or federal law if that violation would be
8 a violation of s. 948.20 if committed in this state, torture, chronic abuse and sexual
9 abuse.

10 2. "Sexual abuse" means a violation of s. 940.225, 944.30, 948.02, 948.025,
11 948.05, 948.055, 948.06, 948.09 or 948.10 or a violation of the law of any other state
12 or federal law if that violation would be a violation of s. 940.225, 944.30, 948.02,
13 948.025, 948.05, 948.055, 948.06, 948.09 or 948.10 if committed in this state.

14 (b) Notwithstanding sub. (2) (b) 6., the court need not include in a dispositional
15 order a finding as to whether a county department which provides social services or
16 the agency primarily responsible for providing services under a court order has made
17 reasonable efforts with respect to a parent of a juvenile to prevent the removal of the
18 juvenile from the home, while assuring that the juvenile's health and safety are the
19 paramount concerns, or, if applicable, a finding as to whether the agency primarily
20 responsible for providing services under a court order has made reasonable efforts
21 with respect to a parent of a juvenile to make it possible for the juvenile to return
22 safely to his or her home, if the court finds, as evidenced by a final judgment of
23 conviction, any of the following:

24 1. That the parent has subjected the juvenile to aggravated circumstances.

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1 2. That the parent has committed, has aided or abetted the commission of, or
2 has solicited, conspired or attempted to commit, a violation of s. 940.01, 940.02,
3 940.03 or 940.05 or a violation of the law of any other state or federal law, if that
4 violation would be a violation of s. 940.01, 940.02, 940.03 or 940.05 if committed in
5 this state, and that the victim of that violation is a child of the parent.

6 3. That the parent has committed a violation of s. 940.19 (2), (3), (4) or (5),
7 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2) (a) or (3) (a) or a violation
8 of the law of any other state or federal law, if that violation would be a violation of
9 s. 940.19 (2), (3), (4) or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025 or 948.03 (2)
10 (a) or (3) (a) if committed in this state, and that the violation resulted in great bodily
11 harm, as defined in s. 938.22 (14), or in substantial bodily harm, as defined in s.
12 938.22 (38), to the juvenile or another child of the parent.

13 4. That the parental rights of the parent to another child have been
14 involuntarily terminated.

15 (c) If the court makes a finding specified in par. (b) 1., 2., 3., or 4., the court shall
16 hold a hearing within 30 days after the date of that finding to determine the
17 permanency plan for the juvenile. If a hearing is held under this paragraph, the
18 agency responsible for preparing the permanency plan shall file the permanency
19 plan with the court not less than 5 days before the date of the hearing.

20 **SECTION 697.** 938.357 (2r) of the statutes, as created by 1997 Wisconsin Act
21 (Assembly Bill 266), is amended to read:

22 938.357 (2r) If a hearing is held under sub. (1) or (2m) and the change in
23 placement would remove a juvenile from a foster home, treatment foster home or
24 other placement with a physical custodian described in s. 48.62 (2), the court shall
25 ~~permit~~ give the foster parent, treatment foster parent or other physical custodian

ASSEMBLY BILL 768**SECTION 697**

1 described in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the
2 foster parent, treatment foster parent or other physical custodian to make a written
3 or oral statement during the hearing or to submit a written statement prior to the
4 hearing relating to the juvenile and the requested change in placement. Any written
5 or oral statement made under this subsection shall be made under oath or
6 affirmation. A foster parent, treatment foster parent or other physical custodian
7 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) or (2m) and
8 an opportunity to be heard under this subsection does not become a party to the
9 proceeding on which the hearing is held solely on the basis of receiving that notice
10 and opportunity to be heard.

11 **SECTION 698.** 938.357 (5m) of the statutes, as affected by 1997 Wisconsin Acts
12 27 and 35, is amended to read:

13 938.357 (5m) If a proposed change in placement changes a juvenile's placement
14 from a placement in the juvenile's home to a placement outside the juvenile's home,
15 the court shall order the juvenile's parent to provide a statement of income, assets,
16 debts and living expenses to the court or the person or agency primarily responsible
17 for implementing the dispositional order by a date specified by the court. The clerk
18 of court shall provide, without charge, to any parent ordered to provide a statement
19 of income, assets, debts and living expenses a document setting forth the percentage
20 standard established by the department of workforce development under s. 49.22 (9)
21 and listing the factors that a court may consider under s. 46.10 301.12 (14) (c). If the
22 juvenile is placed outside the juvenile's home, the court shall determine the liability
23 of the parent in the manner provided in s. 46.10 301.12 (14).

24 **SECTION 699.** 938.36 (1) (a) of the statutes, as affected by 1997 Wisconsin Act
25 27, is amended to read:

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1 938.36 (1) (a) If legal custody is transferred from the parent or guardian or the
2 court otherwise designates an alternative placement for the juvenile by a disposition
3 made under s. 938.183, 938.34 or 938.345 or by a change in placement under s.
4 938.357, the duty of the parent or guardian to provide support shall continue even
5 though the legal custodian or the placement designee may provide the support. A
6 copy of the order transferring custody or designating alternative placement for the
7 juvenile shall be submitted to the agency or person receiving custody or placement
8 and the agency or person may apply to the court for an order to compel the parent
9 or guardian to provide the support. Support payments for residential services, when
10 purchased or otherwise funded or provided by the department of corrections, or a
11 county department under s. 46.215, 46.22, or 46.23, 51.42 or 51.437, shall be
12 determined under s. ~~46.10~~ 301.12 (14). Support payments for residential services,
13 when purchased or otherwise funded by the department of health and family
14 services, or a county department under s. 51.42 or 51.437, shall be determined under
15 s. 46.10 (14).

16 **SECTION 700.** 938.36 (2) of the statutes is amended to read:

17 938.36 (2) If a juvenile whose legal custody has not been taken from a parent
18 or guardian is given educational and social services, or medical, psychological or
19 psychiatric treatment by order of the court, the cost thereof, if ordered by the court,
20 shall be a charge upon the county. This section does not prevent recovery of
21 reasonable contribution toward the costs from the parent or guardian of the juvenile
22 as the court may order based on the ability of the parent or guardian to pay. This
23 subsection is subject to s. ~~46.03~~ 301.03 (18).

24 **SECTION 701.** 938.363 (1m) of the statutes, as affected by 1997 Wisconsin Acts
25 35 and (Assembly Bill 266), is amended to read:

ASSEMBLY BILL 768**SECTION 701**

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

14 **SECTION 702.** 938.365 (1) of the statutes is amended to read:

15 938.365 (1) In this section, “2 or more years” means a period of time that begins
16 ~~with the first placement of the juvenile~~ a juvenile is considered to have been placed
17 ~~outside of his or her home pursuant to an order under this section or s. 938.345,~~
18 ~~938.357 or 938.363 and includes any period of time in which the juvenile returned~~
19 ~~home, unless the periods of time at home account for the majority of the time since~~
20 ~~the first placement on the date on which the juvenile was first placed outside of his~~
21 ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~
22 ~~or on the date that is 60 days after the date on which the juvenile was removed from~~
23 ~~his or her home, whichever is earlier.~~

24 **SECTION 703.** 938.365 (2g) (b) 2. of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 703**

1 938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement
2 and of any progress the juvenile has made, suggestions for amendment of the
3 permanency plan, a description of efforts to return the juvenile safely to his or her
4 home, including efforts of the parents to remedy factors which contributed to the
5 juvenile's placement and, if continued placement outside of the juvenile's home is
6 recommended, an explanation of why returning the juvenile to his or her home is not
7 safe or feasible.

8 **SECTION 704.** 938.365 (2g) (b) 3. of the statutes is amended to read:

9 938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home
10 for ~~2 or more years~~ 15 of the most recent 22 months, a statement of whether or not
11 a recommendation has been made to terminate the parental rights of the parents of
12 the juvenile. If a recommendation for a termination of parental rights has been
13 made, the statement shall indicate the date on which the recommendation was made,
14 any previous progress made to accomplish the termination of parental rights, any
15 barriers to the termination of parental rights, specific steps to overcome the barriers
16 and when the steps will be completed, reasons why adoption would be in the best
17 interest of the juvenile and whether or not the juvenile should be registered with the
18 adoption information exchange. If a recommendation for termination of parental
19 rights has not been made, the statement shall include an explanation of the reasons
20 why a recommendation for termination of parental rights has not been made. If the
21 lack of appropriate adoptive resources is the primary reason for not recommending
22 a termination of parental rights, the agency shall recommend that the juvenile be
23 registered with the adoption information exchange or report the reason why
24 registering the juvenile is contrary to the best interest of the juvenile.

25 **SECTION 705.** 938.365 (2m) (a) of the statutes is amended to read:

ASSEMBLY BILL 768**SECTION 705**

1 938.365 (2m) (a) Any party may present evidence relevant to the issue of
2 extension. The court shall make findings of fact and conclusions of law based on the
3 evidence, including. Subject to s. 938.355 (2d), the findings of fact shall include a
4 finding as to whether reasonable efforts were made by the agency primarily
5 responsible for providing services to the juvenile to make it possible for the juvenile
6 to return safely to his or her home. An order shall be issued under s. 938.355.

7 **SECTION 706.** 938.365 (2m) (ag) of the statutes, as affected by 1997 Wisconsin
8 Act (Assembly Bill 266), is amended to read:

9 938.365 (2m) (ag) In addition to any evidence presented under par. (a), the
10 court shall ~~permit~~ give a foster parent, treatment foster parent or other physical
11 custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the
12 hearing by permitting the foster parent, treatment foster parent or other physical
13 custodian to make a written or oral statement during the hearing, or to submit a
14 written statement prior to the hearing, relevant to the issue of extension. Any
15 written or oral statement made under this paragraph shall be made under oath or
16 affirmation. A foster parent, treatment foster parent or other physical custodian
17 described in s. 48.62 (2) who receives notice of a hearing under sub. (2) and an
18 opportunity to be heard under this paragraph does not become a party to the
19 proceeding on which the hearing is held solely on the basis of receiving that notice
20 and opportunity to be heard.

21 **SECTION 707.** 938.38 (3) (intro.) of the statutes is amended to read:

22 938.38 (3) TIME. (intro.) ~~The~~ Subject to s. 938.355 (2d) (c), the agency shall file
23 the permanency plan with the court within 60 days after the date on which the
24 juvenile was first held in physical custody or placed outside of his or her home under
25 a court order, except under either of the following conditions:

ASSEMBLY BILL 768**SECTION 708**

1 **SECTION 708.** 938.38 (4) (a) of the statutes is amended to read:

2 938.38 (4) (a) The services offered and any service provided in an effort to
3 prevent holding or placing the juvenile outside of his or her home, while assuring
4 that the health and safety of the juvenile are the paramount concerns, and to make
5 it possible for the juvenile to return safely home, except that the permanency plan
6 need not include a description of those services offered or provided with respect to
7 a parent of the juvenile if any of the circumstances specified in s. 938.355 (2d) (b) 1.,
8 2., 3. or 4. apply to that parent.

9 **SECTION 709.** 938.38 (4) (bm) of the statutes, as affected by 1997 Wisconsin Act
10 35, is amended to read:

11 938.38 (4) (bm) The availability of a safe and appropriate placement with a
12 relative of the juvenile and, if a decision is made not to place the juvenile with an
13 available relative, why placement with the relative is not safe or appropriate.

14 **SECTION 710.** 938.38 (4) (e) of the statutes is amended to read:

15 938.38 (4) (e) The safety and appropriateness of the placement and of the
16 services provided to meet the needs of the juvenile and family, including a discussion
17 of services that have been investigated and considered and are not available or likely
18 to become available within a reasonable time to meet the needs of the juvenile or, if
19 available, why such services are not safe or appropriate.

20 **SECTION 711.** 938.38 (4) (f) 1. of the statutes is amended to read:

21 938.38 (4) (f) 1. Ensure proper care and treatment of the juvenile and promote
22 safety and stability in the placement.

23 **SECTION 712.** 938.38 (4) (f) 3. of the statutes is amended to read:

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1 938.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
2 return of the juvenile to his or her home, or, if appropriate, obtain an alternative
3 permanent placement for the juvenile.

4 **SECTION 713.** 938.38 (4) (fm) of the statutes is created to read:

5 938.38 (4) (fm) If the permanency plan calls for placing the juvenile for
6 adoption, with a guardian or in some other alternative permanent placement, the
7 efforts made to place the juvenile for adoption, with a guardian or in some other
8 alternative permanent placement.

9 **SECTION 714.** 938.38 (4) (g) of the statutes is amended to read:

10 938.38 (4) (g) The conditions, if any, upon which the juvenile will be returned
11 safely to his or her home, including any changes required in the parents' conduct, the
12 juvenile's conduct or the nature of the home.

13 **SECTION 715.** 938.38 (5) (b) of the statutes is amended to read:

14 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
15 the juvenile if he or she is 10 years of age or older and the juvenile's foster parent,
16 the juvenile's treatment foster parent or the operator of the facility in which the
17 juvenile is living of the date, time and place of the review, of the issues to be
18 determined as part of the review, of the fact that they may submit have an
19 opportunity to be heard at the review by submitting written comments not less than
20 10 working days before the review ~~and of the fact that they may participate in or by~~
21 participating at the review. The court or agency shall notify the person representing
22 the interests of the public, the juvenile's counsel and the juvenile's guardian ad litem
23 of the date of the review, of the issues to be determined as part of the review and of
24 the fact that they may submit written comments not less than 10 working days before
25 the review. The notices under this paragraph shall be provided in writing not less

ASSEMBLY BILL 768**SECTION 715**

1 than 30 days before the review and copies of the notices shall be filed in the juvenile's
2 case record.

3 **SECTION 716.** 938.38 (5) (c) 1. of the statutes is amended to read:

4 938.38 (5) (c) 1. The continuing necessity for and the safety and
5 appropriateness of the placement.

6 **SECTION 717.** 938.38 (5) (c) 4. of the statutes is amended to read:

7 938.38 (5) (c) 4. The progress toward eliminating the causes for the juvenile's
8 placement outside of his or her home and toward returning the juvenile safely to his
9 or her home or obtaining a permanent placement for the juvenile.

10 **SECTION 718.** 938.38 (5) (c) 5. of the statutes is amended to read:

11 938.38 (5) (c) 5. The date by which it is likely that the juvenile will be returned
12 to his or her home, or placed for adoption, placed under legal guardianship or
13 otherwise permanently placed with a guardian or in some other alternative
14 permanent placement.

15 **SECTION 719.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

16 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her home
17 for 2 years or more, as described in s. 938.365 (1), for 15 of the most recent 22 months,
18 the appropriateness of the permanency plan and the circumstances which prevent
19 the juvenile from any of the following:

20 **SECTION 720.** 938.38 (5) (c) 6. a. of the statutes is amended to read:

21 938.38 (5) (c) 6. a. Being returned safely to his or her home.

22 **SECTION 721.** 938.38 (5) (c) 7. of the statutes is amended to read:

23 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to make
24 it possible for the juvenile to return safely to his or her home, except that the court
25 or panel need not determine whether those reasonable efforts were made with

ASSEMBLY BILL 768**SECTION 721**

1 respect to a parent of the juvenile if any of the circumstances specified in s. 938.355
2 (2d) (b) 1., 2., 3. or 4. apply to that parent.

3 **SECTION 722.** 938.38 (6) (c) of the statutes is amended to read:

4 938.38 (6) (c) Standards for reasonable efforts to prevent placement of
5 juveniles outside of their homes, while assuring that their health and safety are the
6 paramount concerns, and to make it possible for juveniles to return safely to their
7 homes if they have been placed outside of their homes.

8 **SECTION 723.** 1997 Wisconsin Act 27, section 9132 (1xyg) is amended to read:

9 [1997 Wisconsin Act 27] Section 9132 (1xyg) STUDY OF STATE CENTERS FOR THE
10 DEVELOPMENTALLY DISABLED. The department of health and family services shall
11 conduct a study on the future of the state centers for the developmentally disabled
12 and, by ~~September 1, 1998~~ March 1, 1999, shall submit a report containing the
13 department's findings and conclusions in the manner provided under section 13.172
14 (2) of the statutes and to the governor.

15 **SECTION 724.** 1997 Wisconsin Act 27, section 9137 (4eq) (a) is amended to read:

16 [1997 Wisconsin Act 27] Section 9137 (4eq) (a) During the 1997-99 fiscal
17 biennium, from the appropriation under section 20.370 (2) (da) of the statutes, as
18 created by this act, the department of natural resources shall make a payment to
19 each person who received a waste tire reimbursement grant under sections NR
20 555.08 to 555.12, Wisconsin Administrative Code, for waste tires used during 1995
21 if the grant was prorated. The payment may not exceed the amount by which the
22 grant was reduced because it was prorated. The total amount of the payments under
23 this paragraph may not exceed ~~\$1,135,700~~ \$1,186,200.

24 **SECTION 725.** 1997 Wisconsin Act 27, section 9143 (2e) is repealed.

ASSEMBLY BILL 768**SECTION 726**

1 **SECTION 726.** 1997 Wisconsin Act 27, section 9256 (3x) (d) 2. b. is amended to
2 read:

3 [1997 Wisconsin Act 27] Section 9256 (3x) (d) 2. b. The difference between
4 \$175,000,000 \$111,000,000 and the amount transferred to the property tax relief
5 fund under paragraph (c) 2.

6 **SECTION 727.** 1997 Wisconsin Act 27, section 9256 (3x) (e) 2. b. is amended to
7 read:

8 [1997 Wisconsin Act 27] Section 9256 (3x) (e) 2. b. The difference between
9 \$175,000,000 \$111,000,000 and the amounts transferred to the property tax relief
10 fund under paragraphs (c) 2. and (d) 2.

11 **SECTION 9109. Nonstatutory provisions; circuit courts.**

12 (1) TERMINATION OF PARENTAL RIGHTS.

13 (a) *Continuing need of protection or services.*

14 1. Notwithstanding section 48.415 (2) (b) 2. and (c) of the statutes, as affected
15 by this act, no person may file a petition under section 48.42 (1) of the statutes for
16 termination of parental rights on the grounds specified in section 48.415 (2) (b) 2. and
17 (c) of the statutes, as affected by this act, unless the parent against whom the petition
18 is filed has received the notice under section 48.356 (2) or 938.356 (2) of the statutes
19 of the grounds for termination of parental rights under section 48.415 (2) (b) 2. and
20 (c) of the statutes, as affected by this act, and 6 months or longer have elapsed since
21 the date of that notice.

22 2. Subdivision 1. does not preclude a person from filing a petition under section
23 48.42 (1) of the statutes for termination of parental rights over a child on the grounds
24 specified in section 48.415 (2) (b) 2. and (c), 1995 stats., against a parent who has
25 received notice under section 48.356 (2) or 938.356 (2) of the statutes of the grounds

ASSEMBLY BILL 768**SECTION 9109**

1 for termination of parental rights under section 48.415 (2) (b) 2. and (c), 1995 stats.,
2 if 6 months or longer have elapsed since the date of that notice.

3 (b) *Children currently in out-of-home care.* In each county, the agency, as
4 defined in section 48.40 (1) of the statutes, or the district attorney, corporation
5 counsel or other appropriate official designated under section 48.09 of the statutes,
6 whoever is responsible for prosecuting termination of parental rights petitions in
7 that county, shall implement section 48.417 of the statutes, as created by this act,
8 with respect to children in the county who, on November 17, 1997, are in the status
9 described in section 48.417 (1) (a) of the statutes, as created by this act, according to
10 the following time schedule:

11 1. By July 1, 1999, the agency, district attorney, corporation counsel or other
12 appropriate official shall file or join in a termination of parental rights petition as
13 required under section 48.417 (1) (intro.) of the statutes, as created by this act, with
14 respect to not less than 33% of those children, giving priority to children whose
15 permanency plan under section 48.38 or 938.38 of the statutes calls for adoption and
16 to the children who have been in out-of-home care for the longest period of time.

17 2. By January 1, 2000, the agency, district attorney, corporation counsel or
18 other appropriate official shall file or join in a termination of parental rights petition
19 as required under section 48.417 (1) (intro.) of the statutes, as created by this act,
20 with respect to not less than 67% of those children.

21 3. By July 1, 2000, the agency, district attorney, corporation counsel or other
22 appropriate official shall file or join in a termination of parental rights petition as
23 required under section 48.417 (1) (intro.) of the statutes, as created by this act, with
24 respect to all of those children.

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1 (c) *Commission of serious felony against the person's child.* Notwithstanding
2 section 48.415 (9m) (b) of the statutes, as affected by this act, no person may file a
3 petition under section 48.42 (1) of the statutes for termination of parental rights
4 under section 48.415 (9m) (b) of the statutes, as affected by this act, based on a
5 finding made before the effective date of this paragraph that a parent has committed
6 a violation of section 940.19 (2), (3), (4) or (5) of the statutes or of the law of any other
7 state or federal law that would be a violation of section 940.19 (2), (3), (4) or (5) of the
8 statutes if committed in this state.

9 **SECTION 9110. Nonstatutory provisions; commerce.**

10 (1) GRANT FOR DISTANCE EDUCATION CENTER.

11 (a) In this subsection:

12 1. "Consortium" means an association of a business and a higher educational
13 institution.

14 2. "Department" means the department of commerce.

15 3. "Secretary" means the secretary of commerce.

16 (b) The department may make a grant of not more than \$500,000 from the
17 appropriation under section 20.143 (1) (c) of the statutes, as affected by this act, to
18 a consortium for the purpose of establishing a distance education center for
19 instruction in technology and engineering if all of the following apply:

20 1. The consortium is located in Eau Claire County.

21 2. The consortium submits a plan to the department detailing the proposed use
22 of the grant and the secretary approves the plan.

23 3. The consortium enters into a written agreement with the department that
24 specifies the conditions for use of the grant proceeds, including reporting and
25 auditing requirements.

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1 4. The consortium agrees in writing to submit to the department the report
2 required under paragraph (c) by the time required under paragraph (c).

3 (c) If a consortium receives a grant under this subsection, it shall submit to the
4 department, within 6 months after spending the full amount of the grant, a report
5 detailing how the grant proceeds were used.

6 (d) The department may not pay grant proceeds under this subsection after
7 June 30, 1999.

SECTION 9111. Nonstatutory provisions; corrections.

8 (1) COMPUTER RECYCLING INMATE EMPLOYMENT PROGRAM. The authorized FTE
9 positions for the department of corrections are increased by 8.0 PR positions on July
10 1, 1998, to be funded from the appropriation under section 20.410 (1) (kx) of the
11 statutes for the purpose of refurbishing and recycling used computers.
12

SECTION 9120. Nonstatutory provisions; governor.

13 (1) CHILD'S FIRST BOOK INITIATIVE. From the appropriation under section 20.525
14 (1) (a) of the statutes, the governor may expend not more than \$45,000 in fiscal year
15 1998-99 for a child's first book initiative. The governor may contract with a state
16 agency, as defined in section 20.001 of the statutes, to administer the initiative. The
17 state agency contracted with shall acquire children's books and send those books to
18 the parents of newborn children to encourage those parents to read to their children
19 and thereby stimulate the intellectual development of those children.
20

SECTION 9122. Nonstatutory provisions; health and family services.

21 (1) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM. The department of health
22 and family services shall apply to the federal government to establish a medicare
23 rural hospital flexibility program, as authorized under 42 USC 1395i-4 (b).
24

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1 (2) TRANSFER OF FOOD SERVICE OPERATIONS OF THE SOUTHERN WISCONSIN CENTER
2 FOR THE DEVELOPMENTALLY DISABLED.

3 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and
4 liabilities of the department of health and family services primarily related to the
5 food service unit at the Southern Wisconsin Center for the Developmentally
6 Disabled, except the building housing the food service unit, shall become the assets
7 and liabilities of the department of corrections. The department of health and family
8 services and the department of corrections shall jointly determine these assets and
9 liabilities and shall jointly develop and implement a plan for the orderly transfer
10 thereof. In the event of any disagreement between the department of health and
11 family services and the department of corrections, the secretary of administration
12 shall decide the question.

13 (b) *Employe transfers.* On the effective date of this paragraph, 51.0 FTE PR
14 positions in the department of health and family services that are primarily related
15 to the functions of the food services unit at the Southern Wisconsin Center for the
16 Developmentally Disabled and the incumbent employes holding these positions are
17 transferred to the department of corrections. The departments of health and family
18 services and corrections shall jointly determine the employes to be transferred under
19 this paragraph and shall jointly develop and implement a plan for the orderly
20 transfer thereof. In the event of any disagreement between the departments, the
21 secretary of administration shall decide the question.

22 (c) *Employe status.* Employes transferred under paragraph (b) have all the
23 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
24 statutes in the department of corrections that they enjoyed in the department of
25 health and family services immediately before the transfer. Notwithstanding

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1 section 230.28 (4) of the statutes, no employe so transferred who has attained
2 permanent status in class is required to serve a probationary period.

3 (d) *Tangible personal property.* On the effective date of this paragraph, all
4 tangible personal property, including records, of the department of health and family
5 services primarily related to the functions of the food service unit at Southern
6 Wisconsin Center for the Developmentally Disabled are transferred to the
7 department of corrections. The department of health and family services and the
8 department of corrections shall jointly identify the tangible personal property,
9 including records, and shall jointly develop and implement a plan for the orderly
10 transfer thereof. In the event of any disagreement between the departments, the
11 secretary of administration shall decide the question.

12 (e) *Pending matters.* On the effective date of this paragraph, any matter
13 pending with the department of health and family services that is primarily related
14 to the functions of the food service unit at the Southern Wisconsin Center for the
15 Developmentally Disabled is transferred to the department of corrections. All
16 materials submitted to or actions taken by the department of health and family
17 services with respect to the pending matter are considered as having been submitted
18 to or taken by the department of corrections.

19 (f) *Contracts.* On the effective date of this paragraph, all contracts entered into
20 by the department of health and family services primarily related to the functions
21 of the food service unit at the Southern Wisconsin Center for the Developmentally
22 Disabled, which are in effect on the effective date of this paragraph, remain in effect
23 and are transferred to the department of corrections. The department of health and
24 family services and the department of corrections shall jointly identify these
25 contracts and shall jointly develop and implement a plan for the orderly transfer

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1 thereof. In the event of any disagreement between the departments, the secretary
2 of administration shall decide the question. The department of corrections shall
3 carry out any such contractual obligations until modified or rescinded by the
4 department of corrections to the extent allowed under the contract.

5 (g) *Rules and orders.* All rules promulgated by the department of health and
6 family services that are in effect on the effective date of this paragraph and that are
7 primarily related to the functions of the food service unit at Southern Wisconsin
8 Center for the Developmentally Disabled remain in effect until their specified
9 expiration date or until amended or repealed by the department of corrections. All
10 orders issued by the department of health and family services that are in effect on
11 the effective date of this paragraph and that are primarily related to the functions
12 of the food service unit at the Southern Wisconsin Center for the Developmentally
13 Disabled remain in effect until their specific expiration date or until modified or
14 rescinded by the department of corrections.

15 (3) FAMILY CARE.

16 (a) By July 31, 1998, the department of health and family services shall submit
17 final drafting instructions to the legislative reference bureau for proposed legislation
18 to initiate establishing, on July 1, 2000, a new system under which long-term care
19 is provided to elderly and adult disabled individuals. The drafting instructions for
20 the system shall be for services to these individuals that include all of the following:

21 1. The establishment of a single consumer entry point for long-term care
22 services for a county or tribal area, to provide information on aging, disability and
23 services for long-term care and to perform functional and financial screening for and
24 collect information about individuals.

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1 2. A needs-oriented, individualized long-term care benefit that covers a full
2 array of services and support items.

3 3. Simplified and uniform eligibility for a long-term care, publicly funded
4 subsidy, based on functional ability and ability to pay.

5 4. A care management organization that provides services that are tailored to
6 individual needs and preferences in a cost-effective manner, including the option for
7 the consumer or the consumer's family to direct services.

8 5. Combined federal, state and local funding, within the limits of federal law,
9 that is designated for each consumer and applies regardless of change of the
10 consumer's service setting or his or her residence within the state.

11 6. Prepaid funding to counties or other entities for care management and
12 delivery of services, based on average per person costs for consumers at various
13 disability levels.

14 7. Coordination of long-term care with primary and acute health care services.

15 8. Meaningful involvement of consumers, family members and guardians in
16 the design, implementation and ongoing policy direction of the long-term care
17 system.

18 9. The right of a county or tribe to opt or decline the option to be the single entry
19 point for long-term care services or a care management organization for the area of
20 the county's or tribe's jurisdiction, if the county or tribe meets established
21 performance standards.

22 (b) The department of health and family services shall in an expeditious
23 manner, request any waivers of federal laws that would be necessary to effectively
24 implement, on July 1, 2000, the long-term care system described in paragraph (a).

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1 (c) In preparing drafting instructions for proposed legislation, as specified in
2 paragraph (a), the department of health and family services shall take into
3 consideration the recommendations of a steering committee that is appointed by the
4 secretary of health and family services. The steering committee shall include
5 long-term care consumers, family members of elderly and disabled adult individuals
6 and leaders from state governmental, advocacy and long-term care service provider
7 organizations.

8 (4) PILOT PROJECT FOR COUNTY OR TRIBAL MANAGEMENT OF LONG-TERM CARE
9 PROGRAMS. From the appropriation under section 20.435 (6) (a) of the statutes, the
10 department of health and family services shall contract in fiscal year 1998-99 with
11 counties or tribes under a pilot project to demonstrate the ability of counties or tribes
12 to manage all long-term care programs under a long-term care management
13 organization.

SECTION 9134. Nonstatutory provisions; Medical College of Wisconsin.

14 (1) FAMILY PRACTICE RESIDENCY PROGRAM. Of the moneys appropriated to the
15 Medical College of Wisconsin, Inc., under section 20.250 (1) (b) of the statutes,
16 \$181,900 in fiscal year 1998-99 may be expended only to fund 2 additional family
17 practice physicians for the family practice residency program. The 2 family practice
18 physicians shall be allocated to maximize the number of family practice residents in
19 the program.
20

SECTION 9136. Nonstatutory provisions; natural resources.

21 (1) SNOWMOBILE TRAIL USE STICKERS.

22 (a) Beginning on May 1, 1998, and ending on April 30, 1999, the procedures and
23 fees specified in paragraphs (b) to (g) shall be used for the issuance of snowmobile
24

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1 trail use stickers in lieu of the procedure to be established under section 350.12 (3j)
2 (e) of the statutes, as created in this act.

3 (b) The department of natural resources shall issue snowmobile trail use
4 stickers.

5 (c) The clerk of each county shall also issue snowmobile trail use stickers. The
6 department of natural resources shall provide each county clerk with forms for
7 issuing these stickers. The county clerk shall only use these forms and shall retain
8 a record of each sticker issued in the county clerk's office. The department of natural
9 resources or its wardens may examine these records at any time.

10 (d) The department of natural resources and each county clerk shall collect an
11 issuing fee of 75 cents for each snowmobile trail use sticker issued. The county clerk
12 may keep the issuing fee to compensate the clerk for the clerk's services in issuing
13 the sticker.

14 (e) The department of natural resources and each county clerk may appoint
15 persons who are not employes of the department or the county to issue snowmobile
16 trail use stickers. The appointee may retain 50 cents of each issuing fee collected to
17 compensate the appointee for the appointee's services in issuing the sticker. The
18 appointee shall remit the balance of the issuing fee not retained together with the
19 fee collected for the sticker to the department of natural resources or the appointing
20 county clerk, whichever is applicable. An appointing county clerk may retain the
21 balance of the issuing fee not retained by the appointee.

22 (f) Each county clerk shall establish a procedure under which the clerk deposits
23 the fees collected for snowmobile trail use stickers, other than issuing fees that are
24 being retained, with the county treasurer within one week after the county clerk or
25 the clerk's appointees receive the fees. Upon written order of the county clerk, the

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1 county treasurer shall remit to the department of natural resources by the 20th of
2 each month for the preceding month the collected fees together with a statement
3 showing the total amount remitted and the number of stickers issued.

4 (g) The department of natural resources may establish additional procedures
5 for issuing snowmobile trail use stickers under this subsection. Notwithstanding
6 section 227.10 (1) of the statutes, these procedures need not be promulgated as rules
7 under chapter 227 of the statutes.

8 (2) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. The department of
9 natural resources shall set aside in fiscal year 1997-98, from the appropriation
10 under section 20.370 (5) (cq) of the statutes, as affected by this act, \$75,000 for the
11 Southeastern Wisconsin Fox River commission. The commission may use these
12 funds for its activities authorized under subchapter VI of chapter 33 of the statutes
13 and for providing matching funding for any grants that the commission may be able
14 to obtain. This subsection does not apply after June 30, 2000.

15 **SECTION 9142. Nonstatutory provisions; revenue.**

16 (1) TAX AMNESTY.

17 (a) *Program established.* The department of revenue shall establish a tax
18 amnesty program that shall apply to all taxes administered by the department under
19 chapters 71, 72, 78 and 139 of the statutes and subchapter III of chapter 77 of the
20 statutes. Amnesty is available only with respect to the tax obligations under
21 paragraph (b). The amnesty program shall be in effect from June 15, 1998, to August
22 14, 1998.

23 (b) *Eligible obligations; payment; limit.*

24 1. For a taxpayer who has an existing tax delinquency on the records of the
25 department as of October 1, 1997, the department shall accept as full payment of the

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1 delinquent amount a certified check, cashier's check, money order or cash in the
2 amount of 80% of the balance due, including any delinquent tax collection fee that
3 is due, as of June 15, 1998. Payments shall be applied first against the fee due, then
4 against the penalty due, then against the interest due and then against the tax due.
5 The delinquent tax collection fee shall be paid in full. No amnesty is available on a
6 tax delinquency based upon an estimated or default assessment, determination, or
7 notice of amount due unless all tax returns corresponding with the assessment,
8 determination, or notice of amount due are filed with the department during the
9 amnesty period. The maximum reduction available under this subdivision is
10 \$10,000.

11 2. For a taxpayer who has a tax liability that is neither reported no established,
12 the department shall accept the filing of returns, together with payment of all taxes
13 due, with interest, on those returns if payment is made by certified check, cashier's
14 check, money order or cash. On those returns the department shall not impose civil
15 penalties and late filing fees or seek criminal prosecution and the department shall
16 reduce applicable delinquent interest due to the rate of 1% per month or part of a
17 month. If the department determines that additional taxes are due on those returns,
18 penalties and appropriate interest may be imposed on those additional amounts.

19 3. For the taxpayer who has a tax liability not delinquent on the records of the
20 department as of October 1, 1997, but based upon an assessment, determination, or
21 notice of amount due issued by the department before or during the amnesty period,
22 the department shall waive civil penalties, except as provided in paragraph (d), and
23 late filing fees and reduce applicable delinquent interest due to the rate of 1% per
24 month or part of a month if an application for amnesty is submitted during the
25 amnesty period and payment is made by certified check, cashier's check, money order

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1 or cash. Amnesty is not available under this subdivision for an assessment,
2 determination, or notice of amount due under review by the appellate bureau of the
3 department, the Wisconsin tax appeals commission or any court unless that appeal
4 is withdrawn by the taxpayer. No amnesty is available for amounts that are assessed
5 as the result of a field audit under section 71.74 (2) or 77.59 (2) of the statutes.

6 (c) *Ineligible taxpayers and obligations.* The amnesty program is not available
7 if any of the following conditions applies:

8 1. The person requesting amnesty has been notified by the date of application
9 for amnesty that he or she is a party to any criminal investigation or any pending
10 criminal litigation relating to any tax administered by the department.

11 2. The amounts for which amnesty is requested are collected or subject to
12 litigation as of the date of application for amnesty as a result of any civil collection
13 action initiated by the department under authority of section 71.91 of the statutes
14 or any other state law pertaining to creditor enforcement proceedings.

15 3. The amount for which amnesty is requested is, on the date of application for
16 amnesty, a delinquent nonresident account assigned to a collection agency under
17 section 73.03 (28) of the statutes and is the subject of a civil collection proceeding
18 before any court.

19 4. The taxpayer is notified during the amnesty period of an adverse
20 determination of his or her appeal of a tax liability by the Wisconsin tax appeals
21 commission or any court during the amnesty period.

22 5. The person has filed for relief under the U.S. Bankruptcy Code.

23 (d) *Nonwaiver.* Any penalty assessed under section 71.66 (1) (e), 71.83 (1) (b)
24 1., 2. and 4. and (2) (a) 5., 77.60 (5), 78.22 (6), 139.25 (2) or (5) or 139.44 (2) of the

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1 statutes or assessed for the underpayment of taxes may not be waived under
2 paragraph (b) 2. or 3.

3 (e) *Finality; full payment.* All amounts paid under amnesty are final and may
4 not be refunded. Amnesty is available for a taxpayer only if the full amount due as
5 provided by the amnesty program is paid for all of his or her tax obligations as set
6 forth in paragraph (b) within 45 days after notification by the department and all
7 required tax returns are filed.

8 (f) *Application.* For amnesty to apply, a properly completed application for
9 amnesty under this subsection shall be made upon forms and under instructions
10 issued by the department and the applicant must pay \$200 or the actual amount due,
11 whichever is less, by certified check, cashier's check, money order or cash. The
12 department of revenue shall credit the payment against the applicant's liabilities
13 and shall retain the payment whether or not the applicant is granted amnesty.

14 (g) *Proceeds.* Of the collections under paragraph (b), 5% shall be credited to the
15 appropriation account under section 20.566 (3) (j) of the statutes and the remainder
16 shall be deposited in the general fund.

17 (h) *Collection fee.* The department of revenue shall assess a fee equal to 5% of
18 the person's delinquent balance of tax, penalty and interest, computed as of August
19 15, 1998, to any person who qualified for amnesty under paragraph (b) 1. but did not
20 resolve his or her account. That assessment may be made upon completion of the
21 amnesty application period for taxpayers who are eligible for amnesty but do not
22 apply for it and on the day after the due date for taxpayers who apply but do not pay
23 in full. The proceeds of this fee shall be deposited in the appropriation account under
24 section 20.566 (1) (hq) of the statutes.

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1 (2) POSITION AUTHORIZATION. The authorized FTE positions for the department
2 of revenue are increased by 1.0 PR position on July 1, 1998, to be funded from the
3 appropriation under section 20.566 (1) (gp) of the statutes, for the purpose of
4 administering the tax under subchapter XIII of chapter 77 of the statutes.

SECTION 9145. Nonstatutory provisions; supreme court.

5 (1) STATE BAR MEMBERSHIP; FAILURE TO PAY TAXES OR PROVIDE SOCIAL SECURITY
6 NUMBER. The supreme court is requested to promulgate rules under section 751.15
7 of the statutes so that those rules are effective beginning on January 1, 1999.

SECTION 9201. Appropriation changes; administration.

8 (1) PARI-MUTUEL WAGERING; GENERAL PROGRAM OPERATIONS. In the schedule under
9 section 20.005 (3) of the statutes for the appropriation to the department of
10 administration under section 20.505 (8) (g) of the statutes, as affected by the acts of
11 1997, the dollar amount is increased by \$14,000 for fiscal year 1997-98 and the dollar
12 amount is increased by \$14,000 for fiscal year 1998-99 to increase funding for the
13 purpose for which the appropriation is made.

14 (2) INDIAN GAMING; GENERAL PROGRAM OPERATIONS. In the schedule under section
15 20.005 (3) of the statutes for the appropriation to the department of administration
16 under section 20.505 (8) (h) of the statutes, as affected by the acts of 1997, the dollar
17 amount is increased by \$50,000 for fiscal year 1997-98 and the dollar amount is
18 increased by \$50,000 for fiscal year 1998-99 to increase funding for the purpose for
19 which the appropriation is made.

SECTION 9210. Appropriation changes; commerce.

20 (1) DEVELOPMENT FUND APPROPRIATION. In the schedule under section 20.005 (3)
21 of the statutes for the appropriation to the department of commerce under section
22 20.143 (1) (c) of the statutes, as affected by the acts of 1997, the dollar amount is
23
24
25

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1 increased by \$1,750,000 for fiscal year 1997-98 and the dollar amount is increased
2 by \$1,250,000 for fiscal year 1998-99 to increase funding for the grant program
3 under section 560.145 of the statutes, as created by this act, the loan program under
4 s. 560.147 of the statutes, as created by this act, and the grant under SECTION 9110
5 (1) of this act.

6 (2) **RURAL ECONOMIC DEVELOPMENT PROGRAM.** In the schedule under section
7 20.005 (3) of the statutes for the appropriation to the department of commerce under
8 section 20.143 (1) (er) of the statutes, as affected by the acts of 1997, the dollar
9 amount is increased by \$250,000 for fiscal year 1997-98 and the dollar amount is
10 increased by \$250,000 for fiscal year 1998-99 to increase funding for the purposes
11 for which the appropriation is made.

12 **SECTION 9211. Appropriation changes; corrections.**

13 (1) **TRANSFER OF FOOD SERVICE OPERATIONS OF THE SOUTHERN WISCONSIN CENTER**
14 **FOR THE DEVELOPMENTALLY DISABLED.** In the schedule under section 20.005 (3) of the
15 statutes for the appropriation to the department of corrections under section 20.410
16 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased
17 by \$117,300 for fiscal year 1997-98 and the dollar amount is increased by \$645,700
18 for fiscal year 1998-99 to increase funding for the Racine Youthful Offender
19 Correctional Facility to purchase food from food service operations.

20 (2) **TRANSFER OF FOOD SERVICE OPERATIONS OF THE SOUTHERN WISCONSIN CENTER**
21 **FOR THE DEVELOPMENTALLY DISABLED.** In the schedule under section 20.005 (3) of the
22 statutes for the appropriation to the department of corrections under section 20.410
23 (1) (gi) of the statutes, as affected by the acts of 1997, the dollar amount is increased
24 by \$2,711,800 for fiscal year 1998-99 to increase the authorized FTE positions for the

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1 department by 51.0 PR positions on July 1, 1998, to perform food service operation
2 services.

3 (3) PRISON CONTRACT MANAGEMENT SUBUNIT. In the schedule under section
4 20.005 (3) of the statutes for the appropriation to the department of corrections under
5 section 20.410 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount
6 is increased by \$76,600 for fiscal year 1997-98 and the dollar amount is increased
7 by \$209,700 for fiscal year 1998-99 to increase the authorized FTE positions by 5.0
8 GPR positions for the purpose of performing services related to prison contracts.

9 (4) STAFFING FOR A MAXIMUM SECURITY CORRECTIONAL INSTITUTION. In the schedule
10 under section 20.005 (3) of the statutes for the appropriation to the department of
11 corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1997,
12 the dollar amount is increased by \$71,500 for fiscal year 1997-98 and the dollar
13 amount is increased by \$2,655,200 for fiscal year 1998-99 to increase the authorized
14 FTE positions by 2.0 GPR positions on the effective date of this subsection and 33.0
15 GPR positions on July 1, 1998, for the purpose of starting up and staffing the
16 maximum security correctional institution specified in section 301.16 (1n) of the
17 statutes.

18 (5) STAFFING FOR FOX LAKE CORRECTIONAL INSTITUTION. In the schedule under
19 section 20.005 (3) of the statutes for the appropriation to the department of
20 corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 1997,
21 the dollar amount is increased by \$434,900 for fiscal year 1998-99 to increase the
22 authorized FTE positions by 21.04 GPR positions on July 1, 1998, for the purpose of
23 staffing at Fox Lake correctional institution.

24 (6) GENERAL PROGRAM OPERATIONS; GREEN BAY CORRECTIONAL INSTITUTION. In the
25 schedule under section 20.005 (3) of the statutes for the appropriation to the

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1 department of corrections under section 20.410 (1) (a) of the statutes, as affected by
2 the acts of 1997, the dollar amount is increased by \$248,700 for fiscal year 1998-99
3 to increase the authorized FTE positions for the department by 12.28 GPR positions
4 for the purpose of providing staffing in the Green Bay Correctional Institution.

5 (7) ENERGY COSTS; GREEN BAY CORRECTIONAL INSTITUTION. In the schedule under
6 section 20.005 (3) of the statutes for the appropriation to the department of
7 corrections under section 20.410 (1) (f) of the statutes, as affected by the acts of 1997,
8 the dollar amount is increased by \$3,300 for fiscal year 1998-99 to increase funding
9 for the purpose for which the appropriation is made.

10 (8) INSTITUTIONAL REPAIR AND MAINTENANCE; GREEN BAY CORRECTIONAL
11 INSTITUTION. In the schedule under section 20.005 (3) of the statutes for the
12 appropriation to the department of corrections under section 20.410 (1) (aa) of the
13 statutes, as affected by the acts of 1997, the dollar amount is increased by \$5,900 for
14 fiscal year 1998-99 to increase funding for the purpose for which the appropriation
15 is made.

16 (9) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of
17 the statutes for the appropriation to the department of corrections under section
18 20.410 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is
19 increased by \$641,000 for fiscal year 1997-98 and the dollar amount is increased by
20 \$1,337,500 for fiscal year 1998-99 to increase funding for the purpose for which the
21 appropriation is made.

22 (10) FIELD SUPERVISION. In the schedule under section 20.005 (3) of the statutes
23 for the appropriation to the department of corrections under section 20.410 (1) (b) of
24 the statutes, as affected by the acts of 1997, the dollar amount is increased by \$72,700

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1 for fiscal year 1997-98 and the dollar amount is increased by \$151,600 for fiscal year
2 1998-99 to increase funding for the purpose for which the appropriation is made.

3 (11) ENERGY COSTS. In the schedule under section 20.005 (3) of the statutes for
4 the appropriation to the department of corrections under section 20.410 (1) (f) of the
5 statutes, as affected by the acts of 1997, the dollar amount is increased by \$429,900
6 for fiscal year 1997-98 and the dollar amount is increased by \$491,700 for fiscal year
7 1998-99 to increase funding for the purpose for which the appropriation is made.

8 **SECTION 9215. Appropriation changes; employe trust funds.**

9 (1) GENERAL PROGRAM OPERATIONS. In the schedule under section 20.005 (3) of
10 the statutes for the appropriation to the department of employe trust funds under
11 section 20.515 (1) (w) of the statutes, as affected by the acts of 1997, the dollar amount
12 is increased by \$90,400 for fiscal year 1997-98 and the dollar amount is increased
13 by \$90,400 for fiscal year 1998-99 to increase funding for the purpose for which the
14 appropriation is made.

15 **SECTION 9218. Appropriation changes; ethics board.**

16 (1) EXECUTIVE DIRECTOR POSITION SALARY AND FRINGE BENEFIT COSTS. In the
17 schedule under section 20.005 (3) of the statutes for the appropriation to the ethics
18 board under section 20.521 (1) (a) of the statutes, as affected by the acts of 1997, the
19 dollar amount is increased by \$10,000 for fiscal year 1998-99 to increase funding for
20 salary and fringe benefit costs of the executive director's position.

21 **SECTION 9222. Appropriation changes; health and family services.**

22 (1) MEDICAL ASSISTANCE; SUPPLEMENTAL SECURITY INCOME. In the schedule under
23 section 20.005 (3) of the statutes for the appropriation to the department of health
24 and family services under section 20.435 (5) (b) of the statutes, as affected by the acts

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1 of 1997, the dollar amount is decreased by \$25,000 for fiscal year 1998-99 to decrease
2 funding for the purpose for which the appropriation is made.

3 (2) SUPPLEMENTAL SECURITY INCOME PILOT PROGRAM. In the schedule under
4 section 20.005 (3) of the statutes for the appropriation to the department of health
5 and family services under section 20.435 (6) (a) of the statutes, as affected by the acts
6 of 1997, the dollar amount is increased by \$25,000 for fiscal year 1998-99 to increase
7 funding for general program operations of the pilot program under section 49.46 (1m)
8 of the statutes, as created by this act.

9 (3) SUBSTANCE ABUSE PREVENTION AND TREATMENT FUNDING FOR MILWAUKEE
10 COUNTY. There is transferred from the appropriation to the department of health and
11 family services under section 20.435 (7) (md) of the statutes, as affected by the acts
12 of 1997, to the appropriation to that department under section 20.435 (7) (o) of the
13 statutes, as affected by the acts of 1997, \$791,500 in fiscal year 1997-98 and
14 \$1,583,000 in fiscal year 1998-99 to provide federal substance abuse prevention and
15 treatment moneys received under 42 USC 300x-21 to 300x-35 to Milwaukee County.

16 (4) TRANSFER OF FOOD SERVICE OPERATIONS OF THE SOUTHERN WISCONSIN CENTER
17 FOR THE DEVELOPMENTALLY DISABLED. In the schedule under section 20.005 (3) of the
18 statutes for the appropriation to the department of health and family services under
19 section 20.435 (2) (gk) of the statutes, as affected by the acts of 1997, the dollar
20 amount is decreased by \$812,400 for fiscal year 1998-99 to decrease the authorized
21 FTE positions for the department by 51.0 PR positions on July 1, 1998, for
22 performance of food service operation services.

23 (5) SUPPLEMENT TO COMMUNITY OPTIONS PROGRAM. In the schedule under section
24 20.005 (3) of the statutes for the appropriation to the department of health and family
25 services under section 20.435 (7) (bd) of the statutes, as affected by the acts of 1997,

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1 the dollar amount is increased by \$1,901,700 for fiscal year 1998-99 to increase
2 funding for assessments, case plans and services under section 46.27 (7) of the
3 statutes.

4 (6) SUPPLEMENT TO COMMUNITY OPTIONS PROGRAM SERVICES UNDER FEDERAL
5 WAIVER. In the schedule under section 20.005 (3) of the statutes for the appropriation
6 to the department of health and family services under section 20.435 (7) (bd) of the
7 statutes, as affected by the acts of 1997, the dollar amount is increased by \$2,064,700
8 for fiscal year 1998-99 to increase funding for assessments, case plans and services
9 under section 46.27 (11) of the statutes.

10 (7) COMMUNITY OPTIONS PROGRAM QUALITY ASSURANCE FUNDING. In the schedule
11 under section 20.005 (3) of the statutes for the appropriation to the department of
12 health and family services under section 20.435 (6) (a) of the statutes, as affected by
13 the acts of 1997, the dollar amount is increased by \$33,600 for fiscal year 1998-99
14 to increase funding for federally required quality assurance activities that are
15 related to services provided under section 46.27 (11) of the statutes.

16 (8) PILOT PROJECT FOR COUNTY OR TRIBAL MANAGEMENT OF LONG-TERM CARE
17 PROGRAMS. In the schedule under section 20.005 (3) of the statutes for the
18 appropriation to the department of health and family services under section 20.435
19 (6) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased
20 by \$500,000 for fiscal year 1998-99 to provide funding for a pilot project to
21 demonstrate the ability of counties or tribes to manage all long-term care programs
22 under a long-term care management organization.

23 **SECTION 9234. Appropriation changes; Medical College of Wisconsin.**

24 (1) FAMILY PRACTICE RESIDENCY PROGRAM. In the schedule under section 20.005
25 (3) of the statutes for the appropriation to the Medical College of Wisconsin, Inc.,

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1 under section 20.250 (1) (b) of the statutes, as affected by the acts of 1997, the dollar
2 amount is increased by \$181,900 for fiscal year 1998-99 to increase funding for the
3 purpose for which the appropriation is made.

4 **SECTION 9235. Appropriation changes; military affairs.**

5 (1) BADGER CHALLENGE PROGRAM. In the schedule under section 20.005 (3) of the
6 statutes for the appropriation to the department of military affairs under section
7 20.465 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is
8 decreased by \$330,000 for fiscal year 1998-99 to transfer funding for the Badger
9 challenge program to the national guard youth programs.

10 **SECTION 9236. Appropriation changes; natural resources.**

11 (1) NONINDUSTRIAL PRIVATE FOREST LANDS. In the schedule under section 20.005
12 (3) of the statutes for the appropriation to the department of natural resources under
13 section 20.370 (1) (mu) of the statutes, as affected by the acts of 1997, the dollar
14 amount is increased by \$100,000 for fiscal year 1997-98 and the dollar amount is
15 increased by \$100,000 for fiscal year 1998-99 to provide funding for the
16 implementation of the program to award grants for management plans for
17 nonindustrial private forest lands.

18 (2) COUNTY FOREST ADMINISTRATORS. In the schedule under section 20.005 (3) of
19 the statutes for the appropriation to the department of natural resources under
20 section 20.370 (5) (bw) of the statutes, as affected by the acts of 1997, the dollar
21 amount is increased by \$13,500 for fiscal year 1997-98 and the dollar amount is
22 increased by \$30,000 for fiscal year 1998-99 to provide funding for salaries of county
23 forest administrators and assistant county forest administrators.

24 (3) SNOWMOBILE TRAIL USE STICKERS. In the schedule under section 20.005 (3)
25 of the statutes for the appropriation to the department of natural resources under

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1 section 20.370 (9) (mu) of the statutes, as affected by the acts of 1997, the dollar
2 amount is increased by \$85,000 for fiscal year 1998-99 to increase the authorized
3 FTE positions for the department of natural resources by 1.0 SEG position to develop
4 and administer the procedures for issuing snowmobile trail use stickers.

5 (4) COMPUTER RECYCLING. In the schedule under section 20.005 (3) of the
6 statutes for the appropriation to the department of natural resources under section
7 20.370 (6) (br) of the statutes, as affected by the acts of 1997, the dollar amount is
8 increased by \$500,000 for fiscal year 1998-99 for the grant required under section
9 287.24 (2) of the statutes, as affected by this act.

10 **SECTION 9238. Appropriation changes; public defender board.**

11 (1) ADMINISTRATION COSTS. In the schedule under section 20.005 (3) of the
12 statutes for the appropriation to the public defender board under section 20.550 (1)
13 (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by
14 \$2,400 for fiscal year 1997-98 and the dollar amount is increased by \$4,400 for fiscal
15 year 1998-99 to increase funding for the purposes for which the appropriation is
16 made.

17 (2) APPELLATE REPRESENTATION. In the schedule under section 20.005 (3) of the
18 statutes for the appropriation to the public defender board under section 20.550 (1)
19 (b) of the statutes, as affected by the acts of 1997, the dollar amount is increased by
20 \$60,700 for fiscal year 1997-98 and the dollar amount is increased by \$111,300 for
21 fiscal year 1998-99 to increase funding for the purposes for which the appropriation
22 is made.

23 (3) TRIAL REPRESENTATION. In the schedule under section 20.005 (3) of the
24 statutes for the appropriation to the public defender board under section 20.550 (1)
25 (c) of the statutes, as affected by the acts of 1997, the dollar amount is increased by

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1 \$610,200 for fiscal year 1997-98 and the dollar amount is increased by \$1,118,200
2 for fiscal year 1998-99 to increase funding for the purposes for which the
3 appropriation is made.

4 (4) PRIVATE BAR ADMINISTRATIVE COSTS. In the schedule under section 20.005 (3)
5 of the statutes for the appropriation to the public defender board under section
6 20.550 (1) (e) of the statutes, as affected by the acts of 1997, the dollar amount is
7 increased by \$3,000 for fiscal year 1997-98 and the dollar amount is increased by
8 \$5,500 for fiscal year 1998-99 to increase funding for the purposes for which the
9 appropriation is made.

10 (5) PRIVATE BAR COSTS. In the schedule under section 20.005 (3) of the statutes
11 for the appropriation to the public defender board under section 20.550 (1) (d) of the
12 statutes, as affected by the acts of 1997, the dollar amount is increased by \$816,900
13 for fiscal year 1997-98 and the dollar amount is increased by \$987,600 for fiscal year
14 1998-99 to increase funding for the purposes for which the appropriation is made.

15 **SECTION 9242. Appropriation changes; revenue.**

16 (1) TAX AMNESTY. In the schedule under section 20.005 (3) of the statutes for the
17 appropriation to the department of revenue under section 20.566 (1) (a) of the
18 statutes, as affected by the acts of 1997, the dollar amount is increased by \$819,900
19 for fiscal year 1997-98 and the dollar amount is increased by \$1,138,400 for fiscal
20 year 1998-99 to increase funding for administration of a tax amnesty program.

21 (2) BUSINESS TAX REGISTRATION. In the schedule under section 20.005 (3) of the
22 statutes for the appropriation to the department of revenue under section 20.566 (1)
23 (gb) of the statutes, as affected by the acts of 1997, the dollar amount is increased by
24 \$503,700 for fiscal year 1997-98 and the dollar amount is increased by \$308,100 for

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1 fiscal year 1998-99 to increase funding for the purpose for which the appropriation
2 is made.

3 (3) GENERAL PROGRAM OPERATIONS, COLLECTION OF TAXES. In the schedule under
4 section 20.005 (3) of the statutes for the appropriation to the department of revenue
5 under section 20.566 (1) (a) of the statutes, as affected by the acts of 1997, the dollar
6 amount is increased by \$219,700 for fiscal year 1998-99 to increase funding for
7 limited term employes.

8 (4) ENDANGERED RESOURCES. In the schedule under section 20.005 (3) of the
9 statutes for the appropriation to the department of revenue under section 20.566 (1)
10 (hp) of the statutes, as affected by the acts of 1997, the dollar amount is increased
11 by \$2,900 for fiscal year 1998-99 to increase funding for limited term employes.

12 (5) COUNTY SALES AND USE TAXES. In the schedule under section 20.005 (3) of the
13 statutes for the appropriation to the department of revenue under section 20.566 (1)
14 (g) of the statutes, as affected by the acts of 1997, the dollar amount is increased by
15 \$6,500 for fiscal year 1998-99 to increase funding for limited term employes.

16 (6) DEBT COLLECTION. In the schedule under section 20.005 (3) of the statutes
17 for the appropriation to the department of revenue under section 20.566 (1) (h) of the
18 statutes, as affected by the acts of 1997, the dollar amount is increased by \$4,400 for
19 fiscal year 1998-99 to increase funding for limited term employes.

20 (7) RECYCLING SURCHARGE. In the schedule under section 20.005 (3) of the
21 statutes for the appropriation to the department of revenue under section 20.566 (1)
22 (q) of the statutes, as affected by the acts of 1997, the dollar amount is increased by
23 \$19,300 for fiscal year 1998-99 to increase funding for limited term employes.

24 (8) DRY CLEANER FEES. In the schedule under section 20.005 (3) of the statutes
25 for the appropriation to the department of revenue under section 20.566 (1) (r) of the

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1 statutes, as affected by the acts of 1997, the dollar amount is increased by \$1,300 for
2 fiscal year 1998-99 to increase funding for limited term employees.

3 (9) GENERAL PROGRAM OPERATIONS, STATE AND LOCAL FINANCE. In the schedule
4 under section 20.005 (3) of the statutes for the appropriation to the department of
5 revenue under section 20.566 (2) (a) of the statutes, as affected by the acts of 1997,
6 the dollar amount is increased by \$3,600 for fiscal year 1998-99 to increase funding
7 for limited term employees.

8 (10) GENERAL PROGRAM OPERATIONS, ADMINISTRATIVE SERVICES AND SPACE RENTAL.
9 In the schedule under section 20.005 (3) of the statutes for the appropriation to the
10 department of revenue under section 20.566 (3) (a) of the statutes, as affected by the
11 acts of 1997, the dollar amount is increased by \$104,100 for fiscal year 1998-99 to
12 increase funding for limited term employees.

13 (11) EDUCATION TAX DEDUCTIONS AND CREDIT. In the schedule under section
14 20.005 (3) of the statutes for the appropriation to the department of revenue under
15 section 20.566 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount
16 is increased by \$300,000 for fiscal year 1998-99 to increase funding for the
17 administration of the education tax deductions and credit under sections 71.05 (6)
18 (b) 27. and 28. and 71.07 (8m) of the statutes.

19 (12) TRANSFER TO COMPUTER ESCROW FUND. On or before June 30, 1999, there is
20 transferred \$64,000,000 from the general fund to the computer escrow fund under
21 section 25.32 of the statutes, as created by this act.

22 **SECTION 9247. Appropriation changes; tourism.**

23 (1) TOURISM MARKETING AND PROMOTION. In the schedule under section 20.005
24 (3) of the statutes for the appropriation to the department of tourism under section
25 20.380 (1) (b) of the statutes, as affected by the acts of 1997, the dollar amount is

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1 increased by \$1,500,000 for fiscal year 1998-99 to increase funding for tourism
2 marketing and promotion.

3 **SECTION 9252. Appropriation changes; University of Wisconsin**
4 **System.**

5 (1) FAMILY PRACTICE RESIDENCY PROGRAM. In the schedule under section 20.005
6 (3) of the statutes for the appropriation to the board of regents of the University of
7 Wisconsin System under section 20.285 (1) (fc) of the statutes, as affected by the acts
8 of 1997, the dollar amount is decreased by \$181,900 for fiscal year 1998-99 to
9 decrease funding for the purpose for which the appropriation is made.

10 (2) SOLID WASTE RESEARCH AND EXPERIMENTS. In the schedule under section
11 20.005 (3) of the statutes for the appropriation to the board of regents of the
12 University of Wisconsin System under section 20.285 (1) (tm) of the statutes, as
13 affected by the acts of 1997, the dollar amount is increased by \$8,100 for fiscal year
14 1997-98 and the dollar amount is increased by \$13,100 for fiscal year 1998-99 to
15 increase funding for the purposes for which the appropriation is made.

16 **SECTION 9253. Appropriation changes; veterans affairs.**

17 (1) VETERANS MUSEUM OPERATIONS. In the schedule under section 20.005 (3) of
18 the statutes for the appropriation to the department of veterans affairs under section
19 20.485 (2) (c) of the statutes, as affected by the acts of 1997, the dollar amount is
20 decreased by \$21,000 for fiscal year 1997-98 and the dollar amount is decreased by
21 \$21,000 for fiscal year 1998-99 to decrease the authorized FTE positions for the
22 department by 0.35 GPR position.

23 (2) VETERANS MUSEUM OPERATIONS. In the schedule under section 20.005 (3) of
24 the statutes for the appropriation to the department of veterans affairs under section
25 20.485 (2) (wd) of the statutes, as affected by the acts of 1997, the dollar amount is

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1 increased by \$21,000 for fiscal year 1997-98 and the dollar amount is increased by
2 \$21,000 for fiscal year 1998-99 to increase the authorized FTE positions for the
3 department by 0.35 SEG position.

4 **SECTION 9301. Initial applicability; administration.**

5 (1) COLLEGE TUITION PREPAYMENT PROGRAM. The treatment of section 16.24 (3)
6 (a) (intro.), 1., 2., 3. and 4., (c) and (d), (4), (5) (a), (6) (a) (intro.), (7) (f) and (7m) of the
7 statutes, the renumbering and amendment of section 16.24 (7) (a) to (e) and (12) (b)
8 of the statutes and the creation of section 16.24 (7) (a) (intro.) and (12) (b) 2. of the
9 statutes first apply to contracts entered into under section 16.24 of the statutes, as
10 affected by this act, on the effective date of this subsection.

11 **SECTION 9304. Initial applicability; agriculture, trade and consumer**
12 **protection.**

13 (1) LICENSE DENIAL BASED ON TAX DELINQUENCY. The treatment of sections 93.06
14 (8), 93.13, 95.72 (2) (c) 5. and 99.02 (1) of the statutes (with respect to information
15 required on applications and with respect to the denial of applications) first applies
16 to applications for initial or renewal licenses, registrations or registration
17 certificates that are received on the effective date of this subsection.

18 **SECTION 9309. Initial applicability; circuit courts.**

19 (1) TERMINATION OF PARENTAL RIGHTS.

20 (a) *Abandonment.* The treatment of section 48.415 (1) (a) (intro.), 1., 1m., 1r.
21 and 2. of the statutes first applies to petitions for termination of parental rights
22 under section 48.42 (1) of the statutes filed on the effective date of this paragraph.

23 (b) *Continuing need of protection or services.* Subject to SECTION 9109 (1) (a) of
24 this act, the treatment of section 48.415 (2) (b) 1. and 2. and (c) of the statutes first

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1 applies to court orders required to contain the notice under section 48.356 (2) or
2 938.356 (2) of the statutes entered on the effective date of this paragraph.

3 (c) *Commission of serious felony against the person's child.* Subject to SECTION
4 9109 (1) (c) of this act, the treatment of section 48.415 (9m) (b) of the statutes first
5 applies to petitions for termination of parental rights under section 48.42 (1) of the
6 statutes filed on the effective date of this paragraph.

7 (2) SAFETY OF CHILDREN.

8 (a) *Juvenile court orders.* The treatment of sections 48.21 (5) (b), 48.355 (2) (b)
9 6., (2c) (a) (intro.) and 1. and (b) and (2d), 48.365 (2m) (a), 48.43 (1) (d), 938.21 (5) (b),
10 938.355 (2) (b) 6., (2c) (a) (intro.) and 1. and (b) and (2d) and 938.365 (2m) (a) of the
11 statutes first applies to juvenile court orders entered on the effective date of this
12 paragraph.

13 (b) *Juvenile court reports and permanency plans.* The treatment of sections
14 48.365 (1) and (2g) (b) 2. and 3., 48.38 (4) (a), (bm), (e), (f) 1. and 3., (fm) and (g), 48.425
15 (1) (c) and (d), 938.365 (1) and (2g) (b) 2. and 3. and 938.38 (4) (a), (bm), (e), (f) 1. and
16 3., (fm) and (g) of the statutes first applies to reports and permanency plans filed on
17 the effective date of this paragraph.

18 (c) *Permanency plan reviews.* The treatment of sections 48.38 (5) (b) and (c) 1.,
19 4., 5., 6. (intro.), a., b. and c. and 7. and 938.38 (5) (b) and (c) 1., 4., 5., 6. (intro.) and
20 a. and 7. of the statutes first applies to permanency plan reviews conducted on the
21 effective date of this paragraph.

22 (d) *Petitions filed.* The treatment of section 48.977 (2) (f) of the statutes first
23 applies to petitions filed on the effective date of this paragraph.

24 (e) *Juvenile court hearings.* The treatment of sections 48.27 (3) (a) 1m. and 2.
25 and (6), 48.357 (2r), 48.363 (1m), 48.365 (2m) (ag), 48.42 (2g) (am) and (b), 48.427

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1 (1m), 938.27 (3) (a) 1m. and 2. and (6), 938.357 (2r), 938.363 (1m) and 938.365 (2m)
2 (ag) first applies to hearings held on the effective date of this paragraph.

3 (3) PARENTAL LIABILITY FOR GUARDIAN AD LITEM FEES. The treatment of sections
4 48.235 (8), 55.06 (6) and (9) (b), 880.33 (2) (a) 3. and 880.331 (8) of the statutes, the
5 renumbering and amendment of section 938.235 (8) of the statutes and the creation
6 of section 938.235 (8) (b), (c), (d) and (e) of the statutes first apply to services provided
7 by a guardian ad litem on the effective date of this subsection.

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

9 (1) LICENSE DENIALS FOR TAX DELINQUENCY. The treatment of section 101.02 (20)
10 (b) and (c) of the statutes first applies to applications for licenses or license renewals
11 that are received on the effective date of this subsection.

12 **SECTION 9315. Initial applicability; employe trust funds.**

13 (1) BENEFITS PAYABLE AND CONTRIBUTIONS PERMITTED UNDER THE WISCONSIN
14 RETIREMENT SYSTEM. The treatment of sections 40.25 (6) (a) 5. and (7) (g), 40.31 (1)
15 and (2) and 40.32 (1) and (3) of the statutes first applies to individuals who are
16 participating employes in the Wisconsin retirement system on the effective date of
17 this subsection.

18 **SECTION 9316. Initial applicability; employment relations commission.**

19 (1) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (fm) and
20 (nc) 1. b. and 1. c. of the statutes first applies to petitions for arbitration filed under
21 section 111.70 (4) (cm) 6. of the statutes relating to proposed collective bargaining
22 agreements that apply to the period beginning on July 1, 1999.

23 **SECTION 9318. Initial applicability; ethics board.**

24 (1) DISCLOSURE OF SOCIAL SECURITY NUMBERS; NONISSUANCE OF LICENSES AND
25 REGISTRATIONS. The treatment of sections 13.63 (1) and 13.64 (1) (a) (with respect to

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1 information required on applications, refusal to issue licenses and refusal to accept
2 registration statements) of the statutes and the treatment of section 19.55 (2) (d) of
3 the statutes first apply with respect to applications for licensure under section 13.63
4 of the statutes and registration statements filed under section 13.64 of the statutes
5 on the effective date of this subsection.

SECTION 9319. Initial applicability; financial institutions.

6 (1) LICENSES AND LIABILITY FOR DELINQUENT TAXES.

7 (a) *Licensed lenders.* The treatment of section 138.09 (3) (a) and (am) of the
8 statutes, the renumbering of section 138.09 (1m) of the statutes and the creation of
9 section 138.09 (1m) (b) of the statutes first apply to applications for the issuance of
10 a license received on the effective date of this paragraph.

11 (b) *Insurance premium finance companies.* The treatment of section 138.12 (3)
12 (d), (4) (a) and (b) 4. and 5. and (5) (am) of the statutes (with respect to information
13 required on applications and with respect to the denial of applications) first applies
14 to applications for the issuance or renewal of a license received on the effective date
15 of this paragraph.

16 (c) *Sellers of checks.* The treatment of sections 217.05 (intro.) and 217.06 (4)
17 and (5) of the statutes, the renumbering of section 217.05 (1) to (4) of the statutes and
18 the creation of section 217.05 (1m) of the statutes first apply to applications for the
19 issuance of a license received on the effective date of this paragraph.

20 (d) *Certain licenses related to motor vehicles.* The treatment of section 218.01
21 (2) (ig) and (3) (am) of the statutes (with respect to information required on
22 applications and with respect to the denial of applications) first applies to
23 applications for the issuance of a license received on the effective date of this
24 paragraph.
25

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1 (e) *Adjustment service companies.* The treatment of section 218.02 (3) (d) and
2 (9) (a) of the statutes, the renumbering and amendment of section 218.02 (2) (a) of
3 the statutes and the creation of section 218.02 (2) (a) 1. a. and b. and 2. of the statutes
4 (with respect to information required on applications and with respect to the denial
5 of applications) first apply to applications for the issuance of a license received on the
6 effective date of this paragraph.

7 (f) *Collection agencies, collectors and solicitors.* The treatment of section 218.04
8 (4) (a) and (am) of the statutes, the renumbering and amendment of section 218.04
9 (3) (a) of the statutes and the creation of section 218.04 (3) (a) 1. a. and b. and 2. of
10 the statutes (with respect to information required on applications and with respect
11 to the denial of applications) first apply to applications for the issuance or renewal
12 of a license received on the effective date of this paragraph.

13 (g) *Community currency exchanges.* The treatment of section 218.05 (3) (am),
14 (4) (c) and (11) of the statutes (with respect to information required on applications
15 and with respect to the denial of applications) first applies to applications for the
16 issuance or renewal of a license received on the effective date of this paragraph.

17 (h) *Mortgage bankers, loan originators and loan solicitors.* The treatment of
18 section 224.72 (2) (c), (5) (a) and (b) 1. and 2. and (7m) of the statutes first applies to
19 applications for registration or registration renewal received on the effective date of
20 this paragraph.

21 (i) *Broker-dealers, agents and investment advisers.* The treatment of sections
22 551.32 (1) (bm) and 551.34 (1m) of the statutes (with respect to information required
23 on applications and with respect to the denial of applications) first applies to
24 applications for the issuance or renewal of a license received on the effective date of
25 this paragraph.

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2 (1) KINSHIP CARE ELIGIBILITY CRITERIA. The treatment of section 48.57 (3m) (am)
3 2. of the statutes first applies to applications for kinship care payments under section
4 48.57 (3m) (am) (intro.) of the statutes received by a county department of human
5 services or social services or, in a county having a population of 500,000 or more, by
6 the department of health and family services on the effective date of this subsection.

7 (2) LICENSE, CERTIFICATION, REGISTRATION OR APPROVAL DENIAL, NONRENEWAL OR
8 REVOCATION BASED ON TAX DELINQUENCY. The treatment of sections 49.45 (2) (a) 11. and
9 12. and (am), 50.35, 50.49 (6) (a) and (b) and (10), 50.498, 51.032, 51.038, 51.04, 51.42
10 (7) (b) 11. (intro.), 51.421 (3) (a), 51.45 (8) (a), (e) and (f), 146.40 (3), (3m), (4d) and
11 (4m), 250.05 (5), (6), (8) and (8m), 254.115, 254.176 (1), (3) (intro.) and (5) and 254.20
12 (2) (d), (4) and (7) of the statutes (with respect to information required on applications
13 and with respect to the denial of applications) first applies to applications for initial
14 or renewal licenses, certifications, registrations or approvals that are received on the
15 effective date of this subsection.

16 (3) LIABILITY FOR DELINQUENT TAXES. The treatment of section 343.305 (6) (e) of
17 the statutes (with respect to information required on applications and with respect
18 to the denial of applications) first applies to permit and laboratory approval
19 applications that are received by the department of health and family services on the
20 effective date of this subsection.

21 (4) LICENSE APPLICATIONS; LIABILITY FOR DELINQUENT TAXES. The treatment of
22 sections 48.66 (1), 48.69, 48.715 (7), 48.72 and 301.46 (4) (a) 5. of the statutes (with
23 respect to denial of or refusal to continue a license) first applies to license
24 applications received by the department of health and family services on the effective
25 date of this subsection.

ASSEMBLY BILL 768**SECTION 9322**

1 (5) SOCIAL SECURITY NUMBERS ON LICENSE APPLICATIONS. The treatment of section
2 48.66 (2) and (2m) of the statutes (with respect to information required on
3 applications and with respect to the denial of applications) first applies to license
4 applications received by the department of health and family services on the effective
5 date of this subsection.

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

7 (1) SOCIAL SECURITY AND FEDERAL EMPLOYER IDENTIFICATION NUMBERS ON CERTAIN
8 LICENSE APPLICATIONS OR RENEWALS.

9 (a) *Application for agent's license.* The treatment of sections 628.04 (1) (intro)
10 and (2), 628.09 (1) and 628.095 (1) and (2) of the statutes first applies to license
11 applications that are received on the effective date of this paragraph.

12 (b) *Renewal of agent's license.* The treatment of sections 628.095 (3) and 628.10
13 (2) (d) of the statutes first applies to annual fees under section 601.31 (1) (m) of the
14 statutes that are payable on the effective date of this paragraph.

15 (c) *Application for viatical settlement provider's or broker's license.* The
16 treatment of section 632.68 (2) (b) (intro.) and 2. and (4) (b) of the statutes first
17 applies to license applications that are received on the effective date of this
18 paragraph.

19 (d) *Renewal of viatical settlement provider's or broker's license.* The treatment
20 of section 632.68 (2) (e) and (4) (c) of the statutes first applies to license renewals that
21 occur on the effective date of this paragraph.

22 (e) *Application for administrator's license.* The treatment of section 633.14 (1)
23 (d) and (2) (d) of the statutes first applies to license applications that are received on
24 the effective date of this paragraph.

ASSEMBLY BILL 768**SECTION 9327**

1 (f) *Renewal of administrator's license.* The treatment of section 633.15 (1m) of
2 the statutes first applies to license renewals that occur on the effective date of this
3 paragraph.

4 (2) **REFUSAL TO ISSUE OR RENEW CERTAIN LICENSES FOR LIABILITY FOR DELINQUENT**
5 **TAXES.**

6 (a) *Issuance of agent's license and extension of temporary license.* The treatment
7 of sections 628.09 (4) and 628.097 of the statutes first applies to license applications
8 and applications for extensions of temporary licenses that are received on the
9 effective date of this paragraph.

10 (b) *Issuance of viatical settlement provider's or broker's license.* The treatment
11 of section 632.68 (2) (bm), (c) and (cm) and (4) (bm) of the statutes first applies to
12 license applications that are received on the effective date of this paragraph.

13 (c) *Issuance of administrator's license.* The treatment of section 633.14 (2m)
14 of the statutes first applies to license applications that are received on the effective
15 date of this paragraph.

16 (d) *Renewal of viatical settlement provider's or broker's license.* The
17 renumbering and amendment of section 632.68 (3) and (5) of the statutes (with
18 respect to renewing a license), the amendment of section 632.68 (3) (title) and (5)
19 (title) of the statutes (with respect to renewing a license) and the creation of section
20 632.68 (3) (b) and (5) (b) of the statutes (with respect to renewing a license) first apply
21 to license renewals that occur on the effective date of this paragraph.

22 (e) *Renewal of administrator's license.* The treatment of section 633.15 (2) (c)
23 of the statutes (with respect to renewing a license) first applies to license renewals
24 that occur on the effective date of this paragraph.

25 **SECTION 9336. Initial applicability; natural resources.**

ASSEMBLY BILL 768**SECTION 9336**

1 (1) APPROVAL DENIALS BASED ON TAX DELINQUENCY. The treatment of sections
2 29.09 (11m), 29.134 (3), 29.135 (3), 29.33 (2) (d), 29.521 (2) (a) and (c) 1., 29.544 (3),
3 29.574 (3), 29.575 (3) and 29.578 (4), (5) and (14) (am) and (b) (intro.) of the statutes
4 (with respect to information required on applications and with respect to denial of
5 applications) first applies to applications for issuing or renewing approvals that are
6 received on the effective date of this subsection and (with respect to denial of or
7 refusal to renew an approval for failure to comply with a subpoena or warrant) first
8 applies to failures to comply with subpoenas or warrants that are issued on the
9 effective date of this subsection.

10 (2) LICENSE DENIAL BASED ON TAX DELINQUENCY. The treatment of sections 281.48
11 (3) (a) and (5) (b), 293.45 (1) and 299.07 of the statutes (with respect to information
12 required on applications and with respect to the denial of applications) first applies
13 to applications for initial or renewal licenses, registrations or certifications that are
14 received on the effective date of this subsection.

SECTION 9339. Initial applicability; public instruction.

15 (1) LICENSE DENIAL FOR TAX DELINQUENCY. The treatment of section 118.19 (1m)
16 of the statutes first applies to applications for licenses or permits, for license or
17 permit renewals or for revalidations that are received on the effective date of this
18 subsection.
19

SECTION 9341. Initial applicability; regulation and licensing.

20 (1) LIABILITY FOR DELINQUENT TAXES. The treatment of sections 440.01 (2) (cm),
21 440.03 (7) and (12), 440.08 (2) (c), (2g), (2r) and (4) (b), 440.12, 452.12 (6) (e) (intro.)
22 and 452.18 of the statutes (with respect to information required on applications and
23 with respect to the denial of applications) first applies to applications for initial
24

ASSEMBLY BILL 768**SECTION 9341**

1 credentials and renewals of credentials that are received on the effective date of this
2 subsection.

3 **SECTION 9342. Initial applicability; revenue.**

4 (1) PENALTY FOR LATE PAYMENTS. The treatment of section 71.83 (3) of the
5 statutes first applies to amounts due on January 1, 1999.

6 (2) ASSESSORS' CERTIFICATION; LIABILITY FOR DELINQUENT TAXES. The treatment of
7 section 73.09 (6m) and (7m) of the statutes (with respect to information required on
8 applications and with respect to the denial of applications) first applies to
9 applications for certificates or certificate renewals received on the effective date of
10 this subsection.

11 (3) EDUCATION TAX CREDIT; EDUCATION TAX DEDUCTION; HIGHER EDUCATION TAX
12 DEDUCTION. The treatment of sections 20.835 (2) (e), 71.05 (6) (b) 27. and 28., 71.07
13 (8m), 71.08 (1) (intro) and 71.10 (4) (i) of the statutes first applies to taxable years
14 beginning on January 1 of the year in which this subsection takes effect, except that
15 if this subsection takes effect on or after August 1 the treatment of sections 20.835
16 (2) (e), 71.05 (6) (b) 27. and 28., 71.07 (8m), 71.08 (1) (intro) and 71.10 (4) (i) of the
17 statutes first applies to taxable years beginning on January 1 of the year following
18 the year in which this subsection takes effect.

19 (4) DEPRECIATION DEDUCTIONS. The treatment of sections 71.01 (7r), 71.26 (3) (y),
20 71.365 (1m) and 71.45 (2) (a) 13. of the statutes first applies to property placed in
21 service in taxable years that begin on January 1, 1998.

22 (5) INTERNAL REVENUE CODE. The treatment of section 71.17 (6) of the statutes
23 first applies to taxable years beginning on January 1, 1998.

24 (6) QUALIFIED EDUCATION LOANS. The treatment of section 71.05 (6) (a) 12. of the
25 statutes first applies to payments made on January 1, 1998.

ASSEMBLY BILL 768**SECTION 9348****1 SECTION 9348. Initial applicability; transportation.**

2 (1) LIABILITY FOR DELINQUENT TAXES. The treatment of sections 218.11 (2) (ag),
3 (6g) and (7) (a) and (b), 218.12 (2) (a), (ag), (3g) and (5), 218.21 (2) (ag) and (am) and
4 (2m), 218.22 (3g) and (4) (a) and (b), 218.31 (1) (ag) and (am) and (1m), 218.32 (3g)
5 and (4) (a) and (b), 343.66 (6), 343.662, 343.672, 343.68 and 343.69 of the statutes
6 (with respect to information required on applications and with respect to the denial
7 of applications), the renumbering of sections 343.64 and 343.65 of the statutes (with
8 respect to information required on applications and with respect to the denial of
9 applications), the renumbering and amendment of sections 218.11 (2) (a), 343.61 (2)
10 and 343.62 (2) of the statutes (with respect to information required on applications
11 and with respect to the denial of applications) and the creation of sections 218.11 (2)
12 (a) 1. and 2., 343.61 (2) (a) 1. and 2. and (b), 343.62 (2) (b), 343.64 (2) and 343.65 (2)
13 of the statutes (with respect to information required on applications and with respect
14 to the denial of applications) first apply to applications that are received by the
15 department of transportation on the effective date of this subsection.

16 SECTION 9353. Initial applicability; veterans affairs.

17 (1) VETERANS HOME LOANS. The treatment of section 45.74 (7) of the statutes first
18 applies to applications received by the department of veterans affairs on the effective
19 date of this subsection.

20 SECTION 9356. Initial applicability; other.

21 (1) PRISONER LITIGATION. The treatment of sections 19.35 (3) (f) and (g), 301.048
22 (3) (d), 301.328, 302.11 (1), (1q), (2) (c) and (7) (b), 302.43, 303.07 (3), 304.06 (1) (b),
23 782.01 (1), 782.03, 782.035, 782.04 (intro.), (1), (2), (3), (3m), (4), (4m) and (5),
24 782.045, 782.195, 782.20, 782.205, 801.09 (2) (a), 802.05 (3), 802.06 (1), (1m) and (2)
25 (a) (intro.), 804.01 (1), 804.015, 804.05 (1), 804.06 (1) (a), 804.08 (1) (a), 804.09 (2),

ASSEMBLY BILL 768**SECTION 9356**

1 804.11 (1) (a), 806.025, 807.15, 808.04 (5), 809.103, 813.02 (1) (c), 813.40, 814.04 (1m),
2 814.24, 814.245 (3), 814.25, 814.29 (1) (a), (1m) and (3) (b), 893.16 (1), 893.735, 893.82
3 (3) and (3m), 895.45 and 895.76 of the statutes, the renumbering and amendment of
4 sections 782.02, 801.02 (7) and 807.04 of the statutes and the creation of sections
5 782.02 (1) (b) and (c), 782.04 (3m) and (4m), 801.02 (7) (a), (b) and (d) and 807.04 (2)
6 of the statutes first apply to civil actions, special proceedings, injunctions, petitions
7 for a writ of habeas corpus, petitions for a common law writ of certiorari, petitions
8 for a writ of error and appeals pending on the effective date of this subsection.

9 (2) **PERFORMANCE AND PAYMENT ASSURANCE FOR PUBLIC CONTRACTS.** The treatment
10 of sections 84.06 (2) (a) and 779.14 (1e) (title) and (b), (1m) (title), (a), (b) 1., 1m., 2.,
11 3., 4. and 5., (c), (d) and (e) (title), (2) (a) 2. and 3. and (am) 2. c. and (3) (title) of the
12 statutes first applies to contracts for a public improvement or public work entered
13 into, extended or renewed on the effective date of this subsection.

14 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
15 SECTIONS 9401 to 9456 of this act, this act takes effect on the day after publication.

16 **SECTION 9410. Effective dates; commerce.**

17 (1) **DEVELOPMENT FUND APPROPRIATION.** The repeal and recreation of section
18 20.143 (1) (c) of the statutes takes effect on June 30, 1999.

19 **SECTION 9411. Effective dates; corrections.**

20 (1) **ESTABLISHMENT AND COLLECTION OF FEES FOR JUVENILE CORRECTIONAL SERVICES.**
21 The repeal and recreation of section 49.855 (3) and (4m) (b) and (c) of the statutes
22 takes effect on the date stated in the notice published by the department of workforce
23 development in the Wisconsin Administrative Register under section 767.29 (1) (f)
24 of the statutes, as created by 1997 Wisconsin Act 27, or on October 1, 1999, whichever
25 is earlier.

ASSEMBLY BILL 768**SECTION 9422****1 SECTION 9422. Effective dates; health and family services.**

2 (1) DENTAL SERVICES. The treatment of section 250.10 of the statutes takes effect
3 retroactively to July 1, 1997.

4 (2) TRANSFER OF FOOD SERVICE OPERATIONS OF THE SOUTHERN WISCONSIN CENTER
5 FOR THE DEVELOPMENTALLY DISABLED. SECTION 9122 (2) of this act takes effect on July
6 1, 1998.

7 (3) CRIMINAL HISTORY AND ABUSE RECORD SEARCHES. The treatment of sections
8 48.685 (1) (a) and (b), (2) (a) (intro.), (ad), (am) (intro.) and 5., (b) 1. (intro.) and e. and
9 3., (bg) and (c), (3) (a) and (b), (3m), (5) (intro.), (a), (b) 6., (bm), (c), (d) and (e), (5c)
10 (a), (b) and (c), (5g), (5m), (6) (a) and (b), (7) (a) and (am) and (8), 48.75 (1m), 50.065
11 (1) (am), (b), (c) (intro.), 3., 5. and 6. and (cm), (2) (a) (intro.), (am) (intro.) and 5., (b)
12 1. (intro.) and e. and 3., (bg) and (c), (3) (a) and (b), (3m), (5) (intro.) and (f), (5m), (6)
13 (a) and (b) and (7) (a) and (am) and 146.40 (4r) (am) of the statutes and the
14 renumbering of section 48.685 (5) (b) of the statutes take effect on October 1, 1998,
15 or on the day after publication, whichever is later.

16 SECTION 9436. Effective dates; natural resources.

17 (1) SNOWMOBILE TRAIL USE STICKERS.

18 (a) The treatment of section 350.12 (3j) (b) and (3m) (a) of the statutes takes
19 effect on May 1, 1998.

20 (b) The treatment of section 350.12 (3j) (e) 1. and 2. of the statutes takes effect
21 on May 1, 1999.

22 (2) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. The repeal and recreation
23 of section 20.370 (5) (cq) of the statutes takes effect on July 1, 2000.

24 SECTION 9439. Effective dates; public instruction.

ASSEMBLY BILL 768**SECTION 9439**

1 (1) PUPIL ASSESSMENT. The treatment of section 118.30 (1g) (c) and (5) of the
2 statutes, the renumbering and amendment of section 118.30 (1m) (a) and (am) of the
3 statutes and the creation of section 118.30 (1m) (a) 2. and (am) 2. of the statutes take
4 effect on July 1, 2002.

SECTION 9442. Effective dates; revenue.

6 (1) ADULT ENTERTAINMENT TAX. The treatment of section 77.9972 (3) of the
7 statutes takes effect on July 31, 1998, or the day after publication, whichever is later.

8 (2) COMPUTER EXEMPTION. The treatment of sections 70.11 (39), 76.03 (1) and
9 76.81 of the statutes takes effect on January 1, 1999.

10 (3) ESCROW. The treatment of section 25.32 of the statutes takes effect on
11 January 1, 1999.

SECTION 9455. Effective dates; workforce development.

13 (1) ELECTRONIC BENEFITS TRANSFER. The treatment of section 20.445 (3) (pv) of
14 the statutes takes effect on April 1, 1999.

SECTION 9456. Effective dates; other.

16 (1) LICENSE DENIAL AND REVOCATION FOR TAX DELINQUENCIES. The treatment of
17 sections 13.63 (1), 13.64 (1) (a) and (2), 19.55 (2) (d), 29.09 (11m), 29.134 (3), 29.135
18 (3), 29.33 (2) (d), 29.521 (2) (a) and (c) 1., 29.544 (3), 29.573 (2), 29.574 (3), 29.575 (3)
19 and (4), 29.578 (4), (5), (11) and (14) (am) and (b) (intro.), 29.585 (1) and (3), 48.66 (1),
20 (2) and (2m), 48.69, 48.715 (7), 48.72, 49.45 (2) (a) 11. and 12. and (am), 50.35, 50.49
21 (6) (a) and (b) and (10), 50.498, 51.032, 51.038, 51.04, 51.42 (7) (b) 11. (intro.), 51.421
22 (3) (a), 51.45 (8) (a), (e) and (f), 71.78 (4) (o), 73.03 (28g), 73.0301, 73.09 (6m), (7) (e)
23 and (7m), 77.61 (5) (b) 10., 77.62 (1) (intro.), 78.70 (1) (intro.), 93.06 (8), 93.13, 95.72
24 (2) (c) 5., 99.02 (1), 101.02 (20), 115.31 (title) and (6m), 118.19 (1m), 127.17 (2) (a), (b),
25 (c) 1., (d) and (e) 1., 138.09 (3) (a) and (am), 138.12 (3) (d), (4) (a) and (b) 4. and 5. and

ASSEMBLY BILL 768**SECTION 9456**

1 (5) (am), 139.03 (2x) (c) and (4), 139.315 (3), 139.39 (6), 146.40 (3), (3m), (4d) and (4m),
2 217.06 (4) and (5), 217.09 (1m), (4) and (6), 218.01 (2) (ig) and (3) (am), 218.02 (3) (d)
3 and (9) (a), 218.04 (4) (a) and (am) and (5) (am) and (b), 218.05 (3) (am), (4) (c), (11)
4 and (12) (am), (b) and (e), 218.11 (2) (ag), (6g) and (7) (a) and (b), 218.12 (2) (a) and
5 (ag), (3g) and (5), 218.21 (2) (ag) and (am) and (2m), 218.22 (3g) and (4) (a) and (b),
6 218.31 (1) (ag) and (am) and (1m), 218.32 (3g) and (4) (a) and (b), 220.01 (1e), 224.72
7 (2) (c), (5) (a) and (b) 1. and 2. and (7m), 224.77 (6), 250.05 (5), (6), (8) and (8m),
8 254.115, 254.176 (1), (3) (intro.) and (5), 254.20 (2) (d), (4) and (7), 280.13 (4), 281.48
9 (3) (a) and (5) (b), 293.45 (1), 299.07, 301.46 (4) (a) 5., 343.305 (6) (e), 343.66 (6),
10 343.662, 343.672, 343.68, 343.69, 440.01 (2) (cm), 440.03 (7) and (12), 440.08 (2) (c),
11 (2g), (2r) and (4) (b), 440.12, 441.07 (2), 442.12 (7), 443.11 (6), 443.12 (4), 445.13 (2),
12 446.05 (2), 447.07 (5), 449.07 (3), 452.12 (6) (e) (intro.), 452.18, 455.09 (3), 456.11 (1)
13 and (2), 551.32 (1) (bm), 551.34 (1m), 628.04 (1) (intro.), 628.04 (2), 628.09 (1) and (4),
14 628.095, 628.097, 628.10 (2) (b), (c) and (d), 632.68 (2) (b) (intro.) and 2., (bc), (bm),
15 (c), (cm) and (e) and (4) (b), (bc), (bm) and (c), 633.14 (1) (d), (2) (d), (2c) and (2m),
16 633.15 (1m) and (2) (b) 1. (intro.) and (c) and 751.15 of the statutes, the repeal of
17 section 71.91 (8) (title) of the statutes, the renumbering of sections 138.09 (1m) and
18 (4), 217.05 (intro.) and (1) to (4), 218.02 (6), 343.64 and 343.65 of the statutes, the
19 renumbering and amendment of sections 71.91 (8), 218.02 (2) (a), 218.04 (3) (a),
20 218.11 (2) (a), 343.61 (2), 343.62 (2) and 632.68 (3) and (5) of the statutes, the
21 amendment of section 632.68 (3) (title) and (5) (title) of the statutes, the creation of
22 sections 138.09 (1m) (b) and (4) (b), 217.05 (1m), 218.02 (2) (a) 1. a. and b. and 2. and
23 (6) (b), 218.04 (3) (a) 1. a. and b. and 2., 218.11 (2) (a) 1. and 2., 343.61 (2) (a) 1. and
24 2. and (b), 343.62 (2) (b), 343.64 (2), 343.65 (2) and 632.68 (3) (b) and (5) (b) of the
25 statutes and SECTIONS 9145 (1), 9304 (1), 9310 (1), 9318 (1), 9319 (1), 9322 (2), (3), (4)

ASSEMBLY BILL 768**SECTION 9456**

1 and (5), 9327 (1) and (2), 9336 (1) and (2), 9339 (1), 9341 (1), 9342 (2) and 9348 (1)
2 of this act take effect on January 1, 1999.

3 (2) PRISONER LITIGATION. The treatment of sections 19.35 (3) (f) and (g), 301.048
4 (3) (d), 301.328, 302.11 (1), (1q), (2) (c) and (7) (b), 302.43, 303.07 (3), 304.06 (1) (b),
5 782.01 (1), 782.03, 782.035, 782.04 (intro.), (1), (2), (3), (3m), (4), (4m) and (5),
6 782.045, 782.195, 782.20, 782.205, 801.09 (2) (a), 802.05 (3), 802.06 (1), (1m) and (2)
7 (a) (intro.), 804.01 (1), 804.015, 804.05 (1), 804.06 (1) (a), 804.08 (1) (a), 804.09 (2),
8 804.11 (1) (a), 806.025, 807.15, 808.04 (5), 809.103, 813.02 (1) (c), 813.40, 814.04 (1m),
9 814.24, 814.245 (3), 814.25, 814.29 (1) (a), (1m) and (3) (b), 893.16 (1), 893.735, 893.82
10 (3) and (3m), 895.45 and 895.76 of the statutes, the renumbering and amendment of
11 sections 782.02, 801.02 (7) and 807.04 of the statutes and the creation of sections
12 782.02 (1) (b) and (c), 801.02 (7) (a), (b) and (d) and 807.04 (2) of the statutes take
13 effect on the first day of the 4th month beginning after publication.

14 (END)

ASSEMBLY BILL 768**APPENDIX TO LRB-4843/1**

Under section 20.004 (1), stats., the legislative reference bureau is required to print, as an appendix to this bill, a revised summary of all funds, incorporating the changes that would occur as a result of the bill's enactment. The revised summary of all funds was provided to the legislative reference bureau by the department of administration.

GENERAL FUND SUMMARY

	1997-98	1998-99
Opening Balance, July 1	\$ 331,145,100	\$ 270,734,600
Revenues and Transfers		
Estimated Taxes	\$ 9,357,432,000	\$ 9,730,050,000
Transfer from the Property Tax Relief Fund	257,755,900	-0-
Transfer from the Recycling Fund	3,850,000	-0-
Estimated Departmental Revenues	152,493,900	151,229,700
Total Available	<u>\$ 10,102,676,900</u>	<u>\$ 10,152,014,300</u>
Appropriations, Transfers and Reserves		
Gross Appropriations	\$ 9,785,072,100	\$ 9,963,878,800
Sum Sufficient Reestimates	-2,336,000	-29,669,800
Compensation Reserves	34,915,600	66,338,400
Transfer to the Property Tax Relief Fund	75,000,000	36,000,000
Transfer to the Computer Escrow Fund	-0-	64,000,000
Transfer to the Local Govt. Property Insurance Fund	2,217,200	2,108,600
Less Estimated Lapses	-62,926,600	-60,436,900
Total Expenditures	<u>\$ 9,831,942,300</u>	<u>\$ 10,042,219,100</u>
Balances		
Gross Balance	\$ 270,734,600	\$ 109,795,200
Less Required Statutory Balance	-98,176,500	-100,005,500
Net Balance, June 30	<u>\$ 172,558,100</u>	<u>\$ 9,789,700</u>

ASSEMBLY BILL 768**SUMMARY OF APPROPRIATIONS — ALL FUNDS**

	1997-98	1998-99
General Purpose Revenue	\$ 9,782,736,100	\$ 9,934,209,000
Federal Revenue		
Program Revenue	3,863,347,100	3,897,695,900
Segregated Revenue	455,769,300	409,212,600
Program Revenue		
State	1,775,832,600	1,809,298,800
Service	498,077,700	541,664,400
Segregated Revenue		
State	1,966,711,500	1,924,459,600
Local	66,012,200	60,799,700
Service	142,928,800	142,946,000
GRAND TOTAL	\$ 18,551,415,300	\$ 18,720,286,000

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

	1997-98	1998-99
General Purpose Revenue	\$ 34,915,600	\$ 66,338,400
Federal Revenue	9,183,500	18,154,200
Program Revenue	24,772,800	48,971,500
Segregated Revenue	5,768,000	11,402,400
TOTAL	\$ 74,639,900	\$ 144,866,500

ASSEMBLY BILL 768**LOTTERY FUND SUMMARY**

	1997-98	1998-99
Gross Revenue	\$ 446,980,000	\$ 487,080,000
Expenses		
Prizes	255,133,500	278,471,700
Administrative Expenses	59,462,800	63,227,600
	<u>\$ 314,596,300</u>	<u>\$ 341,699,300</u>
Net Proceeds	\$ 132,383,700	\$ 145,380,700
Total Available For Property Tax Relief		
Opening Balance	\$ 134,747,000	\$ 8,939,600
Net Proceeds	132,383,700	145,380,700
Interest Earnings	7,340,000	2,986,200
	<u>\$ 274,470,700</u>	<u>\$ 157,306,500</u>
Property Tax Relief	\$ 265,531,100	\$ 147,564,900
Gross Closing Balance	\$ 8,939,600	\$ 9,741,600
Reserve	\$ 8,939,600	\$ 9,741,600
Net Closing Balance	-0-	-0-